



# Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

**NINTH ASSEMBLY**

**8 MAY 2018**

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**Tuesday, 8 May 2018**

**MADAM SPEAKER** (Ms J Burch) took the chair at 10 am, made a formal recognition that the Assembly was meeting on the lands of the traditional custodians, and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

**Minister for Health and Wellbeing**  
**Motion of no confidence**

**MRS DUNNE** (Ginninderra) (10.01), by leave: I move:

That this Assembly:

(1) notes:

- (a) the failure of The Canberra Hospital to pass 37 standards in the accreditation audit, conducted by the Australian Council on Healthcare Standards in March 2018;
- (b) the claims, reported in the media, that, in preparation for the audit, situations had been contrived temporarily to appear to comply with accreditation standards;
- (c) the concerns of clinical staff at the Centenary Hospital for Women and Children about maternity services, including overcrowding, bullying, lack of resources, and poor management;
- (d) systemic bullying across the ACT health system;
- (e) the announcement that the Health Directorate would be split into two directorates;
- (f) the sudden departure of the former director-general following that announcement;
- (g) statistics revealing declining emergency department waiting times, despite the assurances of the Minister for Health and Wellbeing that they were improving;
- (h) statistics revealing worsening elective surgery waiting times, despite the assurances of the Minister for Health and Wellbeing that they were improving;
- (i) media reports that elective surgery waiting times do not include waiting times for patients to attend initial appointments with specialists;
- (j) significant delays to the introduction of prescription monitoring services;
- (k) significant delays to the delivery of the Surgical Procedures, Interventional Radiology and Emergency building; and
- (l) significant delays to the review of opioid guidelines, never adopting the ACT version, but finally, in 2018, adopting the national guidelines, which had been developed in 2014; and

(2) expresses a want of confidence in the Minister for Health and Wellbeing.

On 3 January this year the headline to an article in the *Canberra Times* called 2017 in health “a year of calamities”. It went on to suggest that in 2018:

The government will hope some big ticket items will put an at-times tumultuous year in health behind it.

What were these issues that caused last year to be so tumultuous and calamitous? They were things like poor maintenance of ageing infrastructure, the use of aluminium cladding when the government knew that it was dangerous, a fire that caused an emergency evacuation of the hospital, systemic failures in data management and integrity—failures that date back at least six years—and continuing disastrous waiting times in the emergency department and in elective surgery.

The article to which I refer reported that the opposition had accused the minister for health of “not being across her portfolio, citing a number of times when she claimed not to have been briefed on significant issues”. The minister responded by saying:

The very nature of health is that ... as minister I don't need to know everything that's happening ... I see my role as providing clear priorities for health that reflect what I strongly believe are the priorities of the community.

The minister concluded:

After a year I feel I am across the portfolio.

Madam Speaker, a year and a half into the job, is this Minister for Health and Wellbeing really across her portfolio? Nearly six months into 2018 we are seeing that the improvements the health minister promised in her ministerial statement earlier this year have not materialised.

For example, have we seen reduced waiting times and increased access to our emergency departments and elective surgery? Have we attracted the specialist health staff to our city that we need? Has 2018 seen a turnaround in the tumultuous and calamitous year that was 2017 in Health? The Liberal opposition contest that we have not. What we have is an ACT health system in crisis, perhaps even more than it was last year.

It is a crisis because this minister and this Labor-Greens coalition have allowed it to become so. This is evidenced most recently in the last three or four weeks. We have seen a failed accreditation; allegations of cheating in the accreditation process; maternity patients saying that they are lucky to have survived and have surviving babies; clinical staff having to deal with overcrowding and lack of resources; bullying and poor management; chronic shortages of specialists; emergency department and elective surgery waiting times continuing to worsen; interminable delays in important policy and infrastructure initiatives, including the sudden departure of the former Director-General of ACT Health; systematic bullying throughout the ACT health system; and hospital staff telling patients to complain to the minister if they are not happy.

The premature departure of the former Director-General of ACT Health has left many vulnerabilities in the agency, which has a top-down, process-driven bureaucracy that is being made worse by a recent announcement to create two directorates of Health—possibly three if you read the budget papers in a particular way—and a health system that is increasingly difficult to navigate and will become more so under these new arrangements.

All of these have contributed to a health system in crisis. This is what has brought us to move this motion today. The Liberal opposition have come to the conclusion that they no longer have confidence in the minister for health. The minister for health's responsibility in that case, if that lack of confidence is reflected across the chamber, is that she must resign. She is no longer fit to do the job of minister for health. It is her responsibility to resign and it is the responsibility of the Chief Minister to find someone who is able to do the job of providing to the people of Canberra and to the people who work in the health system good leadership that will turn around the chaos that we have seen over the last few years.

In relation to waiting times in the emergency department and for elective surgery, the minister has, on multiple occasions, told the Assembly that we are heading in the right direction. For instance, on 22 August 2017, in response to a question from Ms Lawder, Ms Fitzharris said:

Because, in the broad trajectory of waiting times, they are coming down.

On 15 August she said in a speech:

There is internal information directly sourced from the emergency department on a daily basis, and I am pleased to say the broad trend is that emergency department waiting times are coming down.

On 22 February, in an MPI on health, the minister said:

On the issue of waiting times in both elective surgery and emergency departments, it is clear that we are making improvements but we need to do better.

And in a ministerial statement that same week, on 15 February, the minister said, "We are heading in the right direction but as I said earlier we know we must do better."

In November 2017 in the annual reports inquiry, the minister made similar statements. There are at least half a dozen occasions when this minister has told the Assembly or a committee of the Assembly that elective surgery waiting times and waiting times for the emergency department are coming down, that they are going in the right direction.

But that is not the case. What we saw recently made available to the ABC under freedom of information puts a lie to the things that the minister said in this place. Either the minister misled the Assembly on those occasions that I have just outlined, and there are others, or the information that was given to the ABC under freedom of information was wrong. They cannot both be right.

The figures provided to the ABC under freedom of information show quite clearly that under this minister's tutelage elective surgery and emergency department waiting times have got worse. On at least half a dozen occasions the minister came into this place and said quite the opposite.

If there was nothing else in this motion, this minister should resign because she sequentially and serially misled this Assembly about elective surgery waiting times and emergency access waiting times. That is enough in itself to have this minister resign in shame. She has significantly and consistently misled this Assembly and under the Westminster principles of democracy, that is when a minister resigns.

The Canberra Liberals are calling for the resignation of this minister today, not just because of that but also because of the serial failures that have gone on in the health department. Under a Westminster system—we sit here in a Westminster parliament—the buck stops with the minister.

It is not the director-general. It is not some head of nursing. It is not the head of the Centenary Hospital for Women and Children. It is the minister for health who is responsible and who takes responsibility. When there are serial failings like the serial failings that we have seen in this health department, it is time for the minister to resign because she has failed in her mission.

When we look at the data, the data tells us that for the year to February 2018 44 per cent of presentations to the emergency department were seen on time. This is not a figure that is “heading in the right direction”. It is a figure heading in the wrong direction because we know that last year the equivalent measure was 61 per cent. We have fallen from 61 per cent to 44 per cent on the basis of the information provided under freedom of information by the Health Directorate to the ABC and published broadly over the last few weeks.

In relation to elective surgery waiting times, the same data showed for the same year to February 2017 that 102 patients were waiting for elective surgery for longer than the recommended time frames. But by February this year the figure was 278 who had waited longer than clinically advised.

This is hardly an indication of “heading in the right direction”. But the minister consistently said in this place on at least half a dozen occasions that we were “heading in the right direction”. Of course, she never gave us the figures to substantiate that, although they were called for on a number of occasions. But she consistently said time and again that we were “heading in the right direction”.

We also know that as at February 2017 there were just under 2,000 patients on the waiting list for elective surgery. For the year to February 2018 that figure has risen to more than 2,500 patients. Madam Speaker, that is not my impression of “heading in the right direction”. This is hardly an indication of any improvement in the health system at all. The minister has told this Assembly on multiple occasions that we are “heading in the right direction” but the government's own data tells us that she misled us.

The accreditation audit conducted in March 2018 has concluded that the Canberra Hospital failed to meet 37 standards. Two were rated as extreme risks relating to patient safety in mental health. Six related to high risks relating to governance, strategic planning, decision-making, non-compliance with policy and procedure, and low completion rates of surgical checklists and inpatient discharge summaries. Fifteen were rated as moderate and 14 were rated as low risk.

The two extreme risks relating to mental health are perhaps the underlying reason why Mr Rattenbury will not be supporting this motion today, I presume because they show his failures as the Minister for Mental Health as well. He also seems to be joined at the hip with the minister for health in all of the catastrophic announcements that have been made.

The six failures rated as high risk in the main go to the governance and management of ACT Health. The minister's answer on this is to split the directorate in two. We all come from a public service town. We all know that when a minister is in trouble, whether it is at the ACT level or the federal level, what we do is have a restructure.

Restructures are always expensive, and they will be on this occasion. Instead of one director-general, we will have two. We will have two corporate arrangements and we know that even the mere changing of the name of an organisation is a cost to the organisation. It is not fair to the health bureaucrats who are trying to do a good job in Canberra that they do not know what their futures will hold because no-one has actually worked out what this restructuring will look like.

We had an announcement that sounded like a thought bubble at the end of March but there has been very little work done publicly to assure people that this will be a success. We only have the minister's word for it. The minister has also given us her word for it that elective surgery waiting times are going in the right direction.

We have had 17 years of ACT Labor in the driver's seat of health and the health system has been run down. They have made a fine art of turning good waiting list figures into bad waiting list figures. This has been consistently the case. There were some improvements a few years ago after a range of blitzes in relation to elective surgery waiting lists, but overall we are worse off than we were when Labor came to power.

The issue of accreditation is a serious one. The report says that the failures boil down to a governance system with a "lack of clarity, role confusion, poorly defined accountability structures" that created higher risks for hospital staff and patients. The report recommends that the organisation review the current governance system to promote the integration of systems and provide clear lines of accountability and reporting.

Madam Speaker, I think that is what we thought we were having. For over a year we have had the minister talking about the system-wide hospital review, the creation of virtual centres of excellence et cetera and that that was going along on a particular path. Suddenly at the end of March, we had a quantum shift. We moved slightly to the

right or to the left—I am not quite sure which. We moved in a completely different direction because we are now going to have a complete restructure.

Maybe the government got wind of what the accreditation report would say and thought that it would get out in front of it. It is unclear what the reason is. But what we know is that this minister has failed to address the issues in Health. The real issues in Health are the impacts that they have on patients.

Over the last few weeks we have seen a litany of horrific stories coming out of the maternity section of the Centenary Hospital for Women and Children. There have been a number of stories in the paper of women who actually said that they feared for their own lives and/or the lives of the children who were being born to them.

I am a mother. I have given birth in Canberra hospitals five times. I had a dream run every time. Most people have a dream run. But the 10 per cent or less who have complicated pregnancies need to be assured that the services the hospital provides are timely and that they are the right services.

Mr Wall has just read to me a post today from a woman in Canberra Hospital who was supposed to have an induction last week because her baby was breeched. She has a back injury. The baby turned around and it was safe to deliver it normally. That induction was delayed for a variety of reasons. Today her baby has turned to breech again and that woman has to have an emergency caesarean birth.

These are the stories that are coming out time and time again. They show that this minister has failed the hospital staff and the people of Canberra. That is why she is no longer fit to be the minister. (*Time expired.*)

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (10.18): As foreshadowed during last month's sittings, I had intended to make a ministerial statement today to update the Assembly and the ACT community on how the government is strengthening the capacity of the ACT health system to deliver public health services to Canberrans and ensure they have access to the highest quality care to keep them as healthy and well as they can be. But instead I will include this update in my speech on the motion put forward by the opposition, also noting there is significant work to be done to also respond to their motion on the notice paper for tomorrow's debate. Nonetheless, I welcome this opportunity to outline what I and the government are doing to improve the health and wellbeing of our community and invest in a high quality, sustainable health system.

I will address a number of issues today, including those raised by the opposition. In outlining these issues and in recognising some recent challenges, the government, Minister Rattenbury as the Minister for Mental Health, with whom I work closely, and I remain steadfastly committed to delivering the government's health priorities. This includes, as I outlined in my ministerial statement earlier in the year, improving waiting times, completing and implementing the recommendations from the system-wide data review, clinical service planning to deliver truly territory-wide

health services and drive design of future health infrastructure, improving consultation and engagement, and a strong and continuing focus on prevention.

Since becoming the Minister for Health and Wellbeing I have had the opportunity to: understand more fully the challenges and opportunities facing the delivery of public health services, meet with a wide range of stakeholders and staff, reflect on the performance and sustainability of ACT Health, and explore a range of health system models in operation around Australia.

As has been well explored over a number of years, the ACT has a healthy community and a high quality health system that offers a broader range of health services than cities of a comparable size. However, the ACT has consistently struggled to achieve a number of the national performance targets. Although we have been making faster performance gains than any other jurisdictions in recent years, we need considerable change at the top to improve these performances. The ACT government has consistently made significant investment in health services, and this will continue. But more investment simply is not enough. What we currently have is not working as well as it should. Our community deserves better.

We need lasting and sustainable improvements in the delivery of health services, the most complex services provided by government. We need truly territory-wide health service delivery, not health delivery based on facilities, as it has been for too long in the ACT. We need to design health facilities based on truly territory-wide health services planning. We need to attract and retain the right people and offer them opportunities over the course of their careers. We need better data to inform clinical decision-making, drive performance improvement and improve transparency and accountability. We must improve the quality of healthcare services and we must improve our performance across the range of indicators. And we must continue to find smarter ways to invest, not only in acute care services but also in effective prevention.

We need our system to work smarter and live within our means, and we need simpler, clearer and more accountable governance arrangements to drive system improvement. These are not challenges entirely unique to the ACT, and in outlining this complexity and some of the challenges it is not to shirk responsibility but to highlight that the challenges that can only be dealt with by a high-functioning organisation with strong governance in place. These are not challenges that can be overcome overnight, nor are they insurmountable. Indeed every day across Canberra the health of our community is cared for with skill, dedication and compassion by ACT Health staff.

Last week I attended staff forums at ACT Health and, at those forums, I shared with staff my belief that in recent times the governance arrangements of ACT Health have let staff down. The challenges of governance have been borne out by the recent feedback from the accreditation survey and confirmed a range of views I have received and views I have formed in my first year in the role.

It is the case that the government commenced strategic reform in ACT Health in 2015. But it is fair to say that, while some achievements have certainly been made, it has not delivered the outcomes that the government sought. That must change, and the

decision to separate ACT Health is the most significant change in the ACT health system in many years.

I want to ensure that the ACT public health system is best positioned to plan for and deliver services to our community now and into the future. We know that clinically and medically Canberrans can expect to receive some of the best care in the country. However, the directorate as an organisation has expanded significantly in recent years and we have seen national reforms drive significant structural change in every jurisdiction. The ACT remains the only jurisdiction in Australia to still operate as one single organisation. With a new hospital opening soon, the time is right for the ACT to also make this change to benefit from structural, administrative, and governance change to ensure that as Canberra continues to grow we deliver quality services into the future.

While acknowledging that there are a variety of approaches across Australia depending on location and size, separating ACT Health into two distinct organisations—one focused on clinical and medical service delivery and the other on health system management strategic policy and planning support functions—will bring us in to line with other jurisdictions and modernise ACT Health's organisational and governance structure.

The healthcare environment has changed dramatically in the last 25 years and we must continue to adapt with it. While the opposition think we are still a small town managing a health system and servicing a small town population, in reality, the ACT's population has both grown and changed profile. The ACT serves as a vital regional health hub operating the only tertiary hospital between Sydney and Melbourne. People are living longer, often with more than one disease or chronic condition and, as a result, require more and increasingly complex care support services. There are more New South Wales residents also accessing our services, and many of these residents attend ACT health services not for routine health issues but for more complex health matters. Our partnerships with non-government providers have increased, as has our funding of community-based health services. We have responded to the ever-changing landscape of commonwealth health funding reform as the commonwealth continually seek for states and territories to do more with less.

Canberrans need a patient-centric health system that is guided by the principles of effectiveness, accountability, transparency, professionalism and administrative excellence. It was this combination of issues that led me to consider whether the overarching administrative and governance frameworks for the largest ACT directorate—a directorate that never stops, with the largest workforce and budget allocation in the ACT—was still the right structure. I concluded that it was not, and the separation of the Health Directorate into two distinct organisations will enable one to have a clear focus on effectiveness of clinical operations, enabling the Health Directorate to undertake core policy, strategy and system management functions.

I expect the transition will be seamless for Canberrans accessing our health services, and I would like to also assure the Assembly that ACT Health staff will have the opportunity to be involved in the development of the new organisations. This is the message I gave when I joined the new interim director-general at staff forums at

ACT Health last week—one at Canberra Hospital and one at ACT Health headquarters in Woden.

The organisational change is designed to bring greater efficiencies for clinical and medical staff, streamline service delivery and further reinforce the goals of the territory-wide health services framework. To achieve these, the interim director-general has commenced a body of work to further define the principles that will underpin the establishment of the two organisations, conduct research into options for the relationship between the governance of the new entities, and, most importantly, engage with staff, community partners and stakeholders throughout the process to ensure that we arrive at a model that will work on the ground for both staff and ACT health consumers.

We have the benefit of being the last jurisdiction in this country to undertake this change and, as such, we are able to draw on the best of what works and what does not around Australia. But, importantly, we will design a model in consultation with staff and stakeholders which works for our city and one that enables a clear focus on efficient and effective service delivery, builds a positive culture and drives service improvement. Indeed this is an exciting and important time for our health system.

It is also timely and prudent for ACT Health to pause to closely consider and re-evaluate some of its current strategic work. It is important that the heads of the two new organisations are involved in and can influence these considerations. Work is already underway to recruit the heads of both organisations. To allow the hospital's new chief executive to closely evaluate the organisation's structure and decide how best to move forward, the internal organisational realignment at Canberra Hospital and health services that was consulted with staff in late 2017 and early 2018 will be slowed until post 1 October, with an interim organisational structure being finalised with staff by late May.

Having met many ACT Health staff over the past two years, it was a privilege last week to share a couple of hours with hundreds more. It was a chance to outline the issues I have spoken about this morning and also to talk with them about accreditation. I was able to pass on the feedback I received from many in our community who expressed their gratitude and thanks in big and small ways for the ACT Health staff who care for them—whether that is from a one-off event or from what is sometimes years of treatment and support. I was also able to share with them my view expressed earlier that the governance of ACT Health has let them down in recent times, that the reforms underway since 2015 have not fully achieved what the government intended, and that while we have a number of challenges ahead I know they have enormous professional and personal commitment to delivering high quality health care for our community.

It is clear to me that ACT Health staff wish to be genuinely included in the decisions affecting their organisation. The next few months will include building trust through genuine engagement, and I have asked the interim director-general—who has an excellent track record on these issues—and ACT Health senior staff to ensure this occurs and is a foundation of both new organisations.

It is important to note that the government remains absolutely committed to the development of truly territory-wide services. To that end territory-wide health service planning and the development of specialty service plans and models of care will continue. But I have asked ACT Health to paint a better picture to staff and our community on the health needs of our community in the next decade and, after considerable feedback from staff and stakeholders over the past month, reconsider with staff the development of clinical centres.

I have also led a significant improvement in the partnership with Calvary Public Hospital, investing in the hospital as well as commencing negotiation on a modern new agreement with Calvary to ensure we have an integrated and truly territory-wide health system. This important work includes both Calvary Public Hospital and Clare Holland House.

As members know, the Australian Council on Healthcare Standards, ACHS, undertook an accreditation survey at ACT Health in late March. ACHS looked at a range of criteria under 10 national standards for this important survey. While ACT Health met many, it did not meet 33 of the core criteria. This was clearly a concerning and disappointing result for the government and ACT Health, and its staff.

Of the 33 core criteria not met, 17—or half—relate to governance. Reference is made to the model of ACT Health, noting the current model creates a significant degree of confusion and fails to provide clear accountability. I have spoken to matters of governance already, but I reiterate the significance of these findings and the decision by the government to address these very issues through the separation of ACT Health.

The remaining matters that are the focus of the “not met” report are the subject of significant attention at the highest levels of ACT Health. The full and final report is currently being finalised and, when completed, will be made available to all ACT Health staff. The interim director-general is chairing a national standards leadership committee and has met with the ACHS and the Australian Commission on Safety and Quality in Health Care, the body that establishes the standards. I am confident about the actions underway and the work being done across the organisation to address these important matters.

An accreditation coordination team has been established in ACT Health, and this team will be consulting with staff in the coming weeks. While there are a number of governance-related areas requiring improvement, there are also areas which are patient focused and require behavioural changes in the workplace. These relate specifically to a number of “not mets” in national standards (3), preventing and controlling healthcare-associated infections; (4), medication safety; (5) patient identification and procedure matching; and (6), clinical handover.

In order to address these, ACT Health staff must focus on compliance with the relevant standards and policies to ensure that the safest level of care is being provided to patients. This includes, for example, ensuring that ACT Health has 100 per cent compliance when it comes to completing electronic surgical safety checklists or ensuring the correct labelling of specimens. ACT Health senior staff will work with

staff to make the necessary improvements in these areas, whether it be through education programs, additional training or targeted communication.

When it comes to health infrastructure, the government remains committed to building what our growing community needs. In the 2017-18 budget we made a significant down payment on better health infrastructure now and into the future with funding for an expanded Centenary hospital, the SPIRE centre, a new north side hospital and community health facilities.

Since then the territory-wide health services framework has also been developed. It is essential that this service planning inform infrastructure planning to ensure we get the final designs right. This point has been made crystal clear to me, especially by clinicians. And for anyone following the journey of the Royal Adelaide Hospital, this provides a very salutary lesson to all governments regarding the need to properly inform infrastructure planning with good clinical planning. It is essential then that we focus effort now on service planning to inform the function and design of SPIRE and future north side facilities, as well as how we best plan the utilisation of our health facilities in the intervening period. (*Extension of time granted.*)

Over the past 11 months, since last year's budget, preliminary work on the design of SPIRE has begun and will continue. As members will appreciate, the final design requires detailed consideration, and that is well underway. The construction of SPIRE is scheduled to begin in 2020 but preliminary planning has indicated that it is unlikely to be completed in 2022-23 but rather in the following financial year, 2023-24. Current tender processes will give us greater certainty around time frames for completion.

As the minister, I am focused on ensuring we have high quality health infrastructure across the territory to meet growing demand. One very important point in all this is to understand the government's commitments to deliver the right care in the right place at the right time. Around the world, while we see a growing incidence of chronic conditions and more and more people living with more than one disease or chronic condition, we are also seeing a move away from all care concentrated in acute hospital settings.

This is for a number of reasons, including that care is often best delivered in subacute, community-based organisations or indeed at home. Also, as health literacy and self-care improve, people feel more empowered to care for themselves in settings that best enable them to continue their daily lives. As a visiting British expert from the NHS said to me just yesterday, "People should only be in hospital for things they need to be in hospital for." It may sound simple but it is a difficult solution for a complex health system. It is one we will continue to strive for while at the same time meeting today's, tomorrow's and the next decade's healthcare needs.

Demand for our health services is very clear when you consider the pressures on the Centenary Hospital for Women and Children. Centenary provides safe, high quality care and services for families in the ACT and surrounding region. Every day beautiful babies are born and cared for at Centenary and families should be able to have confidence that they will continue to get high quality care there.

I am happy to say that the majority of feedback I get about Centenary is how wonderful the staff are and how great the service was. It is an incredibly popular facility, with an increasing number of families choosing to birth at the hospital. I am very aware of the pressure this is placing on staff who do a wonderful job caring for families during one of the most significant times in their lives.

The recent anonymous letter from a staff member concerned me greatly and while a number of the issues raised were in relation to how busy it is at Centenary hospital, I am advised that other issues raised were not accurate, particularly regarding accreditation, and I know senior staff and doctors at Centenary have been eager to reassure the community that the hospital is safe and offers high quality care. Indeed the management team is committed to working through the issues staff may raise in a respectful and supportive way. Once the letter was received a number of staff forums were held to talk openly with staff about these issues because we know that all staff have the best interests of their patients at heart.

To be clear, Centenary currently uses a number of strategies to address high demand, including a maternity escalation policy so that patient urgency is managed, using the birth centre for patient overflow, extending the hours of the maternity assessment unit, rostering additional doctors and midwives and introducing assistants in midwifery to support the midwives providing maternity services, and a midwifery attraction and retention strategy to strengthen staffing numbers.

The recruitment of midwives and medical staff is an ongoing challenge that ACT Health has addressed with strategies to attract new staff and support existing staff so that they can continue to work at Centenary doing what they love. The graduate midwifery program recruited 15 new staff in 2018, a 50 per cent increase from the 2017 intake. The ACT government has also made a commitment to expand services at Centenary and planning and feasibility work is well underway. In addition planning for the \$70 million expansion has begun this financial year to enable Centenary to grow its footprint. In addition the ACT government has recently funded a \$2.6 million refurbishment of the maternity ward at Calvary Public Hospital so that women have a more comfortable place to birth and spend those precious first few hours and days with their baby.

Both Centenary hospital and Calvary Public Hospital offer different choices of birthing for pregnant women. Both offer high quality care by dedicated professionals. However, what we have seen in recent years is a steady increase at Centenary and a steady decline at Calvary. As health minister it is simply not tenable to have valuable health experience not being properly utilised at Calvary Public Hospital. This is exactly why we are investing in the maternity ward and look forward to that work being completed in July. Work is also underway to improve the way maternity services are offered right across our community and I expect further advice on that from ACT Health in the near future.

I want to address the issue of waiting times in emergency and elective surgery. Of course, ACT Health is committed to bringing down wait times and this has been a challenge for some time in the ACT. Canberra Hospital is one of the top 10 busiest

emergency departments in Australia. It is a major tertiary centre for the ACT and surrounding New South Wales region, which means we treat many urgent and complex cases.

The ACT government has made investments in the ED in recent times but, as demand continues to grow at unprecedented rates and patients present with higher acuities or, in other words, more patients are more unwell, this is not having the performance effect we might have expected. There is more work to be done to improve flows within the emergency department at Canberra Hospital and flows and procedures throughout the wider hospital. This work is underway and is part of a good process of continuous improvement. In part this is due not only to increased presentations but, as I mentioned, to increased acuity.

Work is also underway in the emergency department to ensure that we meet our targets for seeing the most urgent cases, which Canberra Hospital does meet. It is also true that we have made some of the highest gains in the country on our emergency department figures. For example, we have improved from 51 per cent of patients seen on time in 2012-13 to 62 per cent of patients being seen on time in 2016-17. The performance of both ACT hospitals is comparable to peer group hospitals in other jurisdictions.

The emergency department care report from the AIHW for 2016-17 found that 71 per cent of ED presentations at Canberra Hospital had a length of stay of less than four hours compared with 68 per cent nationally within the principal referral and women's and children's hospital peer group. At Calvary 76 per cent of presentations had a stay of four hours or less against a national rate of 70 per cent within the public hospital acute system.

For elective surgery ACT Health is committed to minimising the number of people waiting beyond clinically recommended time frames for surgeries. There have been improvements, and the ACT is heading in the right direction when it comes to elective surgery waiting lists. But again, we need to continue to improve this performance. That is why early this year, in the 2017-18 budget review, \$6.4 million was allocated to ensure more patients receive their elective surgery this financial year. This work is well underway and we expect a better result at the end of the current financial year.

We need to ensure that more surgeries can be delivered at public cost in both the public and private systems by increasing the allocation of operating sessions to those specialties with high demand such as paediatric and general surgery, orthopaedic surgery, urology and gynaecology.

When it comes to going on a waiting list to see a specialist, I think it is important to acknowledge that not all people on a waitlist will require surgery because surgery is simply not the solution in all cases. Non-surgical treatment may include medication, physical therapy and a range of other options provided by a multidisciplinary health team.

More and better data will soon start to be provided to ACT Health staff and clinicians as well as to the broader ACT community as a result of the ACT Health system-wide

data review. The review has been completed and I look forward to speaking further to this later this week. As I have indicated previously, I commissioned this review and as part of it wanted to ensure clinicians helped stakeholders and the Canberra community have access to meaningful data.

Following a final round of consultation with staff, which begins very soon, the final report will be tabled and public consultation will commence in the second half of this year. I look forward to the ACT leading the country on the provision of data to the ACT community. We have been looking closely at what South Australia do, in particular, and hope to learn from their good work.

Of course, allegations of bullying within any workplace and certainly in ACT Health worry me greatly. As minister, I am committed to ensuring ACT Health and our public health services have a respectful, supportive and inclusive approach that values all employees and ensures there are avenues for staff to be able to raise issues when they arise. As a major employer with over 7,000 employees ACT Health has a zero tolerance for inappropriate behaviour in the workplace. Let me be clear: there is no place for bullying and harassment or any other form of inappropriate behaviour in our hospitals and health facilities.

ACT Health takes allegations seriously and actively works to prevent and manage any behaviours in the workplace that are inappropriate. This includes fostering a culture of reporting and making sure we have well-established supports in place to respond to staff when concerns are raised and working with staff, managers, staff representatives, medical colleges and tertiary institutions to ensure these important issues are tackled head-on.

Of course, healthy workplace cultures are everyone's responsibility and I have asked the interim director-general to have this at the forefront of his discussions with staff and to demonstrate this with senior staff and clinical leaders in the organisation and to lead by example. And I am confident that this will be a feature of the new organisations.

On the issue of prescription monitoring that is raised in the motion, I am pleased to say that this will be introduced on Thursday, as stated in the last sitting period. This delay was to allow the government to ensure the legislation was up to date and effective and to determine if a national scheme was imminent, given that on the Friday after the last sitting week we had a meeting of health ministers to discuss this very issue.

I am pleased to say that the ACT is actually leading the country, along with Tasmania, on this issue and we are moving much faster than many jurisdictions. I would request the opposition, if they are really concerned with action on this issue, to work closely with the federal government about getting a national scheme up and running as soon as possible. But I do look forward to introducing this legislation later in the week. It is important legislation.

On the opioid guidelines issue, it was the case that this review had languished for too long. As soon as I was made aware of the issue I asked ACT Health to bring forward

the review of the ACT's opioid maintenance treatment guidelines and ensured there was extensive consultation with stakeholders. The review and subsequent adoption of the national guidelines for medication-assisted treatment of opioid dependence is one of the ways the government is strengthening alcohol and other drug policies and services.

The national guidelines will be supported by updated, controlled medicines-prescribing standards for clinicians and have an ACT-specific document called "Opioid maintenance treatment in the ACT: local policies and procedures". This new document ensures that the adoption of the national guidelines supports the continued delivery of this service in the ACT and provides comprehensive ACT-specific advice for clinicians and consumers. Following the completion of the review, it did take some time for the final guidelines to be completed but this time was very well spent in detailed and thorough consultation.

In conclusion, I am under no illusions about the challenges that ACT Health is facing. After over just a year in the role I am more determined than ever to address these issues and work with our 7,000-plus workforce and dedicated stakeholders and the Canberra community to do everything I can to make our health system the best it can be. Of course, this will not be easy. It is not something that one person alone can fix. Many people have an important role to play. As minister I do take responsibility for the strategic direction and performance of ACT Health to deliver for our community. Indeed there is no responsibility I take more seriously. As such, I am committed to seeing this through and will not be supporting Mrs Dunne's motion today.

I also know this is not something we can address overnight but my number one priority is to improve the health performance of ACT Health one step at a time. In the immediate term we must meet accreditation in July and this is something ACT Health is urgently focused on. We are finalising further investment in the ACT budget next month. We have a clear plan in place to design and consult on the best structure for the two new organisations and we are about to take the first steps to embed quality data within the organisation through the outcomes of the system-wide data review.

While it is vital we meet these challenges, I want to make it clear that ACT Health continues to deliver high quality health services to our community. From the Canberra Region Cancer Centre to our walk-in centres and hospitals, we have dedicated staff who come to work every day, 365 days a year, to help people, and that will always be the case.

I welcome today's opportunity to outline how the government is positioning its public health system to better deliver high quality, patient-centred care to our community. I have outlined some recent challenges and the steps put in place to address these issues. I have outlined the government's commitment to continue to pursue our priorities and modernise our health services. I have outlined the steps being taken to address accreditation and to genuinely consult and engage staff. I look forward to keeping the Assembly updated on this important work.

**MR COE** (Yerrabi—Leader of the Opposition) (10.47): The opposition does not have confidence that Minister Fitzharris can fulfil her ministerial duty of managing

ACT Health. Quite frankly, this Assembly owes it to the doctors, nurses, midwives, patients and staff at the hospital to get a minister who is going to do a good job. The failures are having a devastating impact on the health and lives of Canberrans. Of course, there are particularly severe consequences when problems arise in the health system. But the minister continually dismisses and downplays issues whenever anybody, including health professionals, raises concerns.

The blame for these issues does not fall on public servants; it should not fall on doctors, nurses or midwives; it should not fall on health providers. The buck must stop with the minister. Our health professionals should be praised for their commitment to patient care, despite the minister's lack of leadership, commitment and serial mismanagement.

As the motion demonstrates, the minister has failed on many fronts. It seems that every day there is a new story in the media about how lives are being put at risk as a result of a lack of leadership and incompetence. Doctors, nurses, midwives, patients and staff are being let down by this government and they are being let down by this minister. These people all have a commitment to Canberra. The staff at the hospital are in the business of saving lives, but they are not empowered to do so to their capacity. Especially given the misallocation of resources and the trying circumstances in which they have to operate, they are doing an exceptional job at doing what they do best: delivering health care.

I did not think I would ever say this in the Assembly, but I think we would all prefer that Katy Gallagher was back as the minister for health. Despite all the problems back then, at least she was competent, at least she was across her brief, and at least she answered questions. That is a stark difference to what we have today with Minister Fitzharris.

The AMA's 2018 public hospital report card showed that only 50 per cent of triage category 3 emergency department patients in ACT public hospitals were seen within the recommended waiting time in 2016-17. Only 50 per cent within the recommended waiting time! This recommended waiting time is not just an arbitrary figure; it is not just plucked as a random number. It is a number that has been chosen by clinicians as the safe level. When you have only 50 per cent of people being seen within that designated time, it shows there are real problems with this government's management.

On the Canberra Hospital's triage scale, category 3 is reserved for patients identified as requiring urgent medical attention. Yet only half the people actually received that urgent medical attention within the recommended time. This is a bad reflection on Australia, it is a bad reflection on the national capital, and it is a terrible reflection on the minister for health. Figures obtained by the ABC under FOI revealed that only 34 per cent of category 3 patients were seen on time in the year to February 2018. In February, only 23 per cent of patients in this category were seen on time. Nationally, 66 per cent of category 3 patients are seen on time.

In 2001 the Labor Party inherited healthy public hospitals that performed well, but successive Labor governments have failed to deliver reliable health services. The

figures obtained by the media show that performance on all indicators has worsened in the time that Minister Fitzharris has been responsible as the minister for health.

If those figures are not bad enough, the *Canberra Times* revealed that the health scandal extends to hidden waiting lists, with people waiting significantly longer than the national average to be seen. The minister, on behalf of the Labor-Greens government, has deceived Canberrans by not explaining the full extent of the problem within ACT Health.

This is a government that is letting down doctors, nurses, midwives, patients and all the staff within the Health Directorate. There are serious questions surrounding how many other datasets have been manipulated or hidden to avoid showing the full extent of problems within Minister Fitzharris's portfolio.

When patients finally do receive care, they are treated in facilities that can place them at extreme risk. Just last year it was revealed that there were 147 extreme and high risks identified in the Canberra Hospital infrastructure, including the main switchboard, where a fire broke out.

The recent assessment of the Canberra Hospital by the Council on Healthcare Standards is in contrast to what the minister has been telling the public. Not only has she been misleading the Assembly, but in doing so she has been misleading Canberrans. The survey highlighted many policy gaps, a fragmented system and a lack of direction, creating a high risk for the organisation. All of this is after 17 years of Labor. It is usual, after two or three years of a new government, to blame the previous lot, but after 17 years who have they got to blame other than themselves?

This comes on top of allegations that staff were coached for the accreditation, and that efforts were made to hide and manipulate conditions to pass the audit. This is scandalous stuff. Everyone in Canberra is being let down by this government.

In addition to this, staff are being put in ethically compromising situations to cover up the minister's inadequacies. If staff did speak out, who could they turn to? Senior nurses and midwives at the Centenary Hospital for Women and Children wrote a letter to the minister saying that mothers' and babies' lives are being put at risk by chronic overcrowding within the maternity unit. How did the minister respond? Instead of addressing the issue head-on, she simply encouraged women to have their babies at Calvary hospital, refusing to address the core problem. The minister's solution is simply to redirect traffic, rather than making a commitment to improve services. But quite frankly, even if she did make a commitment to improve services, I do not think her commitment means much.

The motion moved by Mrs Dunne seeks to note a dozen items. Which one of those is false? Which one of those is not real? Which one of those is not the truth? Each of those is a scandal in isolation, let alone as a collective. As a collective, they show that there is a systemic problem in ACT Health and there are serious problems with the leadership of ACT Health. That, of course, goes to the competence and commitment of Minister Fitzharris.

As I said before, I never thought that we would actually be wanting Katy Gallagher to return to the health portfolio in the ACT, but at least she was competent and answered questions. That is much more than can be said about Minister Fitzharris.

It is a tragedy that we have to raise this no confidence motion today, but we owe it to the doctors, the nurses, the midwives, the other staff and the patients of Canberra to have a health service that is befitting of the national capital. For that reason, we call upon the government to get a health minister who is going to do a better job.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism and Major Events) (10.57): Obviously, the government will not be supporting Mrs Dunne's motion today. We support the work that Minister Fitzharris is undertaking to address the issues facing our growing health system and the growing health service needs in our community.

As our city grows, it is vital that our health system remains contemporary to meet the needs of our growing community. The health system, like every health system in this country, has faced recent challenges, including strong population growth, increased demand for health services, more people with chronic conditions and, of course, the experience felt by every state and territory in this country: the massive cut in federal funding delivered by the federal Liberal government in their budget of 2014.

Between the 2011 and 2016 census counts, the ACT's population expanded by more than 11 per cent. This represented the fastest rate of growth in the country. We also have more New South Wales residents accessing our health services. For example, the number of patients presenting to the Canberra Hospital and health services emergency department increased from 77,747 in the 2015-16 fiscal year to 85,093 just one year later. That is a near 9½ per cent increase.

In a comprehensive response to this motion this morning, the health minister has acknowledged the recent governance challenges for ACT Health but, importantly, outlined a series of actions being taken by the government to address them.

Significantly, ACT Health will be separated into two organisations from 1 October 2018, focusing on the delivery of quality health services for our fast-growing community and focusing on strategic policy and planning stewardship of the health system. An interim director-general, Michael De'Ath, has been appointed. As the minister outlined, Mr De'Ath and Minister Fitzharris recently hosted a series of staff forums to explain this action, to work with staff, and to provide opportunity for detailed discussion and questions. ACT Health is currently focused on the reaccreditation process for Canberra Hospital.

Perhaps instead of criticising the work of Health staff in the directorate and across the hospital service, who we know come to work every day to do an outstanding job to provide care and support to vulnerable Canberrans needing to access health services, those opposite could focus on the proactive steps that ACT Health are taking to ensure that accreditation is achieved.

In my role, I am privileged to meet and speak with many Canberrans. I think it is fair to observe—I think even those opposite would agree—that the overwhelming majority of people in Canberra have very positive things to say about their experience with our public health system and its wonderful health professionals and other staff. We on this side of the chamber know that all staff at ACT Health come to work every day to do a great job and to serve our community. We add our thanks to the skilled, dedicated and professional staff in the public health system for the job that they do.

Minister Fitzharris has spoken at length in response to the points raised by Mrs Dunne. To this, I would add, in the context of the forthcoming budget, that the government is committed to continuing our investment in health services. We will continue to invest in our community and in growing services for our growing city. Most recently, in the budget update, we invested more in front-line services. We remain committed to the efficient delivery of high quality public health services as our city's population grows.

I wish to commend the minister for her continued drive and for her investment in and passion for delivering a more contemporary health system that meets head-on the challenges that we face to ensure that we truly have a territory-wide health system that improves access for our fast-growing community. The minister and the government will continue to focus on improving our health system for the benefit of all in the community. We will not be supporting Mrs Dunne's motion today.

**MR RATTENBURY** (Kurrajong—Minister for Climate Change and Sustainability, Minister for Justice, Consumer Affairs and Road Safety, Minister for Corrections and Minister for Mental Health) (11.02): The ACT Greens will not be supporting Mrs Dunne's motion today. I believe the health minister has in some detail provided some of the reasons why the points set out in Mrs Dunne's motion are not a fair or accurate account of the situation at ACT Health. Obviously, I have my own particular perspective on that as well as the Minister for Mental Health. I think overall health care in the ACT is extremely high quality, and you hear that regularly from people who use the system and who are both very grateful for and very impressed by the care they receive within ACT Health services. But there are also a range of areas that need improvement. I think the minister has been very frank about that this morning. Certainly, I have been frank about that in areas for which I hold responsibility and which I have spoken about on previous occasions.

The recent accreditation report has particularly highlighted some of the areas under that accreditation scheme that need work. It is worth reflecting on a report like that. It is an audit, and I do not think any one of us has ever seen an audit that has not come out without recommendations. That report has 209 criteria, and 33 of them were not met. Some of those are very serious—I am particularly concerned about the ones identified in the mental health space—and there is work to be done. But what that shows is that a large number of the criteria were met, and were met as a result of the work that has been done by the staff on the floor in the health system, by those who work in policy areas, in corporate areas and in IT, that support the work that happens at the front line. I think it underlines the fact that overall a lot of good work is done in ACT Health. But, as the minister acknowledged, there are areas that need improvement.

Governance has been spoken about, and that plays into the issues that have been raised in the mental health space. There is now substantial work underway to ensure that in the 90 days available to it ACT Health addresses those concerns that have been raised and the problems that have been identified in the accreditation process and addresses them sustainably so that change continues to roll out across our health system over an extended period of time and really reinforces that improved practice.

Certainly, in the mental health space I know we have extremely dedicated staff. They turn up to work every day committed to doing the best possible job they can. I know this happens right across Health, but I have a particular focus in that area. In the mental health space we are a leading jurisdiction on account of a number of indicators which are very important. That does not mean we should stand still and it does not mean there are not areas we need to continue to improve. I will give a statement shortly that goes to some of those issues and the work that is being done in ACT Health. Overall I think Health is working extremely hard, but there are areas we need to focus on.

I have already spoken about governance. We need to keep updating our infrastructure. The new University of Canberra hospital will open quite shortly and that will provide a fantastic new facility on the north side of Canberra that really adds to the spectrum of services available in ACT Health and brings new skills, new planning and new opportunities to our health system in the ACT.

I think today's motion is one you would expect from Mrs Dunne. I do not think it is a fair or accurate account of the situation at ACT Health, and I do not think it reflects on the work I know the minister is putting in to address some of the areas that are challenging.

Health is a challenging portfolio. It is made up of human beings, and in human systems there are times when things need to be lifted up, to be fixed up, to be reinvigorated or to be reformed. In those areas I know the minister has a focus, and in the capacity that I have as the Minister for Mental Health I will be working with her on some of those issues. I look forward to seeing through the budget new resources provided for ACT Health and, through a series of other projects that are currently being developed and worked on, a continuous improvement in the services provided by ACT Health.

**MS LAWDER** (Brindabella) (11.07): Recently we have seen headlines like “My baby nearly died: mothers’ ‘traumatic’ Canberra Hospital births”. We have read:

When they turned around and told Brooke they couldn't break her waters because they didn't have staff they just said, if you've got an issue, complain to the minister.

Well, what we have seen recently, minister, is quite a number of complaints. Patients and staff, despite the bullying culture and personal risk, have complained, and the complaints are all there for us to see. Minister Fitzharris is letting the people of Canberra down. On her watch we have a litany of disasters and neglect in our health

system. These are listed here in Mrs Dunne's motion. I am only going to speak to a couple of these items today because, quite frankly, 10 minutes is not enough to cover them all.

Firstly, we have the failure of the Canberra Hospital to pass a reasonable number of standards in the accreditation audit conducted by the Australian Council on Healthcare Standards in March this year. Failing to meet accreditation is not recommendations of an audit; it is a fail in an exam when you know you have to get 100 per cent to pass, and it means that the health of Canberrans is at risk.

The accreditation report is not—I repeat not—a failure of the skill and dedication of our nurses, doctors, midwives and other health staff at the hospital. These staff treat patients with care, compassion, respect and professionalism every day. The report is actually a vindication of their skill in providing care despite the systemic issues in our hospital. They are not being supported by clear and competent leadership. I, like many other Canberrans—in fact, I would say most Canberrans—have the highest regard for the skilled and compassionate staff in our hospital. But the AMA president has recently said that hospital staff were frustrated that good clinical care was hampered by poor governance and management issues. He said there was a sense that good patient care but bad systems were in place so the good work of clinicians would be overshadowed.

It is important to understand that the Australian Council on Healthcare Standards accreditation report found that it was the current hospital systems that are fragmented. They lack consistency and clear direction across the organisation for the staff and service delivery. The issue is not the staff, but the failure of the systems and tools the staff have at their disposal and the rules and processes that they have to follow. It is highly concerning that some of these failures put patients at extreme risk. This leads to the singular conclusion that there has been a failure of leadership and governance at the Canberra Hospital, and we must now fix this long list of issues by July in order to keep the national accreditation.

Ms Fitzharris has also said it is clear there are governance issues within ACT Health that need to be addressed. So where are those governance issues landing if not firmly at the feet of the minister for health? The minister for health has told us this morning that she has been the minister for a year. Actually, it is far longer than that. It is 18 months since the election, and she was an assistant minister for about a year before then. Mr Coe referred to the fact that often you will blame a previous government for issues. Ms Fitzharris seems to be blaming previous ministers, even though she was one of those herself at the time.

The second point in Mrs Dunne's motion is the claims reported in the media that in preparation for the audit, situations were contrived temporarily to appear to comply with accreditation standards. How can we have faith in our system when it is reported that things are concocted or temporarily changed to make it look like they are one way and then reverted to the other way after the inspection or the audit has taken place? It is a bit like cheating in your exam when you are trying to get 100 per cent, but we still failed to pass.

Thirdly, there are the concerns of clinical staff at the Centenary Hospital for Women and Children about maternity services, including overcrowding, bullying, lack of resources, and poor management. According to patients and midwives, the Centenary Hospital for Women and Children has overcrowding, bullying, lack of resources and poor management. The staff themselves claim lives are being put at risk by chronic understaffing, delaying of procedures and under-resourcing. Mothers have told of their horror birth stories, often stemming from long delays to access their induction or other procedures. But according to the minister, they have got it wrong. She knows best. She knows we do not have problems, apparently. While she admits there are some governance issues within ACT Health that need to be addressed, when it comes to the management of the Centenary Hospital for Women and Children, apparently there is nothing to see.

That brings us to the next point about bullying. No wonder we have heard over and over again about a systemic culture of bullying in the hospital. It seems to me to be coming from the top, with this minister refusing to believe that there are issues, denying her own professional staff when they say there are problems. It is coming from the top and trickling down. No wonder it has been so intractable and difficult to change.

We have the announcement that the Health Directorate will be split into two directorates. That is a good way of avoiding criticism: "We're going to split the department into two parts, and everything will be fine once we do that." That does not make any sense whatsoever. You have to actually address the issues, not make administrative changes in the hope that smoke and mirrors will make people think everything is okay and something is being fixed. We have seen these types of tricks before in various public service changes.

The minister might be in denial, but the issues of poor leadership at ACT Health are all too apparent to the casual observer. The minister is taking advice from the senior bureaucrats. What they actually need to do is take note of the advice, of the concerns, of the complaints of our professional, caring and committed staff who are putting up with unreasonable daily pressures trying to deliver the best possible health outcomes while the hospital is lacking leadership from the top.

The minister is saying she denied there are ongoing tensions between midwives and management at Centenary Hospital for Women and Children. Really? You can deny there are ongoing tensions? And today the minister is quoted as saying this action by the Canberra Liberals is nothing more than a cheap stunt. "My baby nearly died." Is that a cheap stunt? "Concerned about my health and my baby's health." A cheap stunt? Really? How is that supporting our nurses, doctors, midwives, and other staff and patients with their enormous personal and professional commitment to the job? We must listen to these people at the front line, at the coalface, if you like.

The Greens have said they will not be supporting this motion today. Once again, they are actually part of the government. They are no longer an independent voice in this chamber. They are pretending to be a crossbench to those in the public but refusing to act as one in the chamber. Their vote today will indicate whether they believe the

hospital system is in crisis or not, and clearly they do not believe reports like, “My baby nearly died.” (*Extension of time granted.*)

The minister covers a myriad of city services from mowing and car parks to dangerous dogs. She has responsibilities for what is being called the largest infrastructure project our city has ever seen. She has a crucial job trying to provide leadership to our health service. It is not fair on the people of Canberra that she is not able to dedicate the time to our health system while she is flitting from one hard-hat photo opportunity to another and leaving our hospital system in crisis.

It is not enough, Minister Fitzharris, to paint a better picture for staff and patients. What is actually needed is systemic change to support our hardworking health staff. It is not good enough to deny, to dismiss, to disclaim what is being said by our health staff. I call on the Assembly to support our community. Whether you feel you are supporting Mrs Dunne’s motion or not, support our community, support our doctors, midwives, nurses and other health professionals to take action today in supporting this motion of no confidence against the health minister.

**MRS DUNNE** (Ginninderra) (11.18), in reply: To conclude, I go back to where I left off. Today we saw not the minister responding to the motion but the minister going about her work of delivering a ministerial statement. She admitted it: “I was going to deliver a ministerial statement, and you got in the way of it, so I will deliver a ministerial statement.” She spoke for upwards of 20 minutes about all the things that reinforce what is in this motion. She went through this motion item by item, (a) to (l), and addressed the issues.

Everything that Mr Coe said is correct. There is nothing in this motion which is incorrect. There is nothing in this motion that can be gainsaid or denied by the government. This list of failings of this minister are enough for her to go. Her 20-plus minutes of saying, “I am working on this; I am working on that; we are doing the other thing,” only reinforces the extent to which she has lost the plot.

ACT Health is in crisis. And, like a fish, it rots from the head down. The crisis has been caused by this minister and her failings. Her 20-plus-minute pseudo ministerial statement today only reinforces the reasons why the Canberra Liberals have brought forward this motion today. To reflect on the words of Ms Lawder: this Assembly owes it to the people of Canberra and the region, and the health workers of Canberra to remove this minister today. These people deserve better. They pay for better and they should be getting better.

The minister’s response today is absolutely and utterly classically the minister’s response. Her approach is to parrot what the bureaucrats say to her. She has been, as I have consistently said, the minister for plausible deniability—“I was not briefed. I did not know,” et cetera. And here we have it today: a twenty-plus-minute ministerial statement that confirms everything that the opposition said in their motion and highlights exactly the extent of her failings.

How many ministerial statements have we listened to from this minister since October 2016? I have lost count. It is always, “We are going to do better in the future.” Why

should we believe this minister when she misleads the Assembly? That is enough to sack a minister in the first place. She has consistently misled the Assembly and she has not come in to this place and corrected it. That is a sackable offence in any parliament. In addition to that, we have had ministerial statement after ministerial statement of this minister coming in to this place and saying, “Things are bad in Health and I’m committed to making them better.” We have listened to her for 18 months.

As Ms Lawder has rightly said, the previous year she was the assistant minister. She was the minister for health in waiting because Simon Corbell was not going to continue in the parliament. And we all knew that. But she keeps saying, “I did not know anything about this while I was an assistant minister.” Either she was doing a very bad job or she has misled the Assembly.

Minister Fitzharris does nothing more than parrot what bureaucrats say to her. Does she listen to the clinical staff and the patients? No. Her response to the stories that came out about the maternity services at the Centenary Hospital for Women and Children is to say, “I am assured that that is not what is happening.” Late last year I raised these very same issues when midwives and others were saying on social media, “Ladies, do not go into labour today, cross your legs, because every available space in the women and children’s hospital is being used.” I asked questions about that. The minister came in and, in writing, responded to me saying that that did not happen. I cannot believe it. I cannot believe—

**Mr Rattenbury:** Believe the patients.

**MRS DUNNE:** I cannot believe the minister when the patients, the people who have contact in there, are saying, “Do not come in today—cross your legs—because the place is so overcrowded.” I do not blame Minister Fitzharris for the fact that the women’s and children’s hospital is overcrowded. I blame Minister Gallagher, who, when they built the women’s and children’s hospital, built it to replace the facilities that they had at the time.

Many years have passed. During the election campaign, when my colleague Mr Hanson spoke so eloquently about the need for new infrastructure, this minister and her predecessor said, “No, no, no—there is nothing to see. We do not have to improve the infrastructure. No, no, no—we do not have to improve the infrastructure.” They said it over and over again. Only when it became electorally unpalatable for them to continue to say it did they say, “Oh yeah, maybe Jeremy Hanson’s right, but we do not have to do it quite as quickly as he said.”

Mr Hanson has been proved absolutely correct about the failure of and the need for infrastructure. A number of times in the past few days I have been asked what I would do differently. The answer is that the Canberra Liberals would have started the building project that we needed a few years ago. It would already be underway. We would have a clear end point. We would be able to say when these facilities would be available.

Minister Fitzharris's response to the failure of the women's and children's hospital is to spend a small amount of money creating net three new beds at Calvary hospital and to encourage people to go to Calvary. As Minister Coe has said, "directing traffic". We have to remember that the amount of money that is being spent at Calvary will give us net three new beds, despite the fact that the Chief Minister says the population is growing. It grew by 11 per cent between one census and the other. The number of people using our health system from out of the ACT is growing.

These are things that we can anticipate, except this government has failed to do it. This minister is the person responsible at the moment. She has singularly demonstrated today her failure by delivering yet another lengthy ministerial statement that confirms everything that is in this motion and saying that we have lots to do to improve. We certainly do have lots to do to improve. And this minister is not the person to do it.

Let us go back. This minister has misled the Assembly. She told us, on at least four occasions—she told us again today—that elective surgery and emergency department waiting times were on the up. Let me repeat the items I referred to in my previous comments. In February 2018 44 per cent of presentations to the emergency department were seen on time. That compares to 61 per cent at this time last year. In February 2017 102 patients were on the elective surgery list waiting for longer than recommended time frames. This year that has blown out to 278. That is a clear indication that this minister has misled the Assembly.

We turn to the Greens—the people who are here to keep us honest; the people who have said, "We won't support frivolous wants of confidence. We'll only approve it when there is proven and demonstrable failings on someone's part." We have seen today—if Mr Rattenbury and Ms Le Couteur care to open their ears—enough evidence to sack this minister. She has simply—persistently and continuously, even to this very day in her comments—misled the Assembly about elective surgery waiting times and emergency waiting times. That is enough under a Westminster system. But no. This Greens coalition is not going to break up over this.

The Greens have said that they will not be supporting the motion. We know therefore that it is destined to fail. It shows that the Greens in this place, just as they are nationally, are green in name only. They are no more than a branch of the Labor Party. They kowtow to this Labor Party and they kowtow to Labor Party policies. They vote with the Labor Party as the Labor Party directs. They are no longer a crossbench.

Ms Le Couteur is little more than a government backbencher who enjoys unjustified privileges not afforded to her Labor backbench colleagues. It is clear that this motion will fail. (*Extension of time granted.*) It is clear that this motion will fail because the Greens are too afraid to show some courage. Mr Rattenbury is obviously conflicted. His comments today were short and lukewarm. Although he has obvious concerns about the minister, he will be supporting the Labor Party today because he wants to maintain his privileged position.

Minister Rattenbury came into this place in 2008 with one ambition—a publicly stated ambition—to become a minister. He will not pass that up for anything. He is putting at risk the people of the ACT, through their health system, because he refuses to pass up the opportunity of being a minister. They do not want to risk being relegated to the crossbench and sitting by themselves, thinking about the things that Greens find important, such as bees. Once again the Greens will put their personal ambitions above the needs of the people of Canberra, to the frustration of the people of Canberra.

The Minister for Health and Wellbeing will survive this motion today—not that she deserves to—because of the alliances in this place. As I said before, we had really spirited defences from the Chief Minister. If I were under pressure and my leader spoke in such spirited defence of me, I would be having a quiet word with him about where his priorities lay. Minister Fitzharris needs to feel very uncomfortable if that is as good as her leader can do when she is under such pressure.

Before I conclude I make it perfectly clear, as I think I have and as clearly as Mr Coe and Ms Lawder have: this is not a criticism of the hospital. This is not a criticism of the health services provided by doctors, nurses, allied health people, wardsmen, administrators and the like who run the hospital; this is a criticism of the minister. It is about the minister. I will not allow her to deflect this and say, “This is the Canberra Liberals criticising the nurses.” It is not. We support nurses, we support doctors and we support allied health staff, who are trying to do their best in a system that is mired in bad data, failing standards and maladministration. It is a hospital literally falling apart at the seams—physically falling apart at the seams—that has been presided over by this government for 17 years.

There is no-one to blame about the state of the health system in the ACT. There is no-one to blame when people tell the *Canberra Times* that they feared for the safety and the survival of their children during the birthing process in a First World country, in the national capital of a First World country, in a teaching hospital in a First World country. There is no-one to blame but the minister responsible.

The minister is responsible. Today she will survive not on merit—not because she is doing a good job; not because she can deliver a 20-plus-minute ministerial statement on how terrible things are, saying “Gee, I’m going to get on and make it better”, which she has been doing for 18 months—but because the Greens in this place care more about their own position than they do about the people of the ACT.

Minister Fitzharris should resign. Minister Fitzharris does not deserve the confidence of this Assembly. Minister Fitzharris, as the minister for health, has failed the people of the ACT. She has failed them comprehensively and serially over 18 months as the lead minister and previously as an assistant minister. She has failed and she will not get any better.

This will not be the end of it. We will not suddenly open the *Canberra Times* tomorrow or in a month’s time and see great headlines saying how fantastic our health service is. This will not be the turning point. This will not be the occasion when Meegan Fitzharris decides to become a better health minister because of this. This is

just another occasion when the Canberra Liberals will be bringing to the Assembly the things which are patently clear to the people of the ACT.

This is not a cheap stunt. To rephrase Christine Keeler, “She would say that, wouldn’t she?” Of course, you would say that it is a cheap stunt. It is the only way that the minister for health can deflect the fact that she has failed. She took 20-plus minutes to demonstrate exactly why everything in this motion that I move today is correct. It is correct. She knows that it is correct. She knows that she is a failure. The Greens know that she is a failure. But the Greens will join together and close ranks so that Shane Rattenbury can continue to be a minister and Caroline Le Couteur can get more privileges as a backbencher than anyone else in this place.

Question put:

That the motion be agreed to.

The Assembly voted—

Ayes 9

Noes 12

Miss C Burch	Mr Milligan	Mr Barr	Ms Orr
Mr Coe	Mr Parton	Ms J Burch	Mr Pettersson
Mrs Dunne	Mr Wall	Ms Cheyne	Mr Ramsay
Mr Hanson		Ms Cody	Mr Rattenbury
Mrs Kikkert		Ms Fitzharris	Mr Steel
Ms Lawder		Ms Le Couteur	Ms Stephen-Smith

Question resolved in the negative.

## Petitions

*The following petitions were lodged for presentation:*

### **Safe and inclusive schools initiative—petition 25-17**

By **Ms Orr**, from 1,483 residents:

#### **To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory**

The following residents of the ACT draw to the attention of the Assembly that students present to all schools, government and non-government, with a range of personal characteristics, including diversity in gender identity and presentation, sexual orientation and intersex status.

As an inclusive community, Canberrans overwhelmingly support schools respecting, welcoming and celebrating diversity and encouraging children to be themselves.

When this does not occur, children can face bullying and discrimination that damages mental health, lowers academic achievement, lowers rates of school attendance and increases rates of self-harm and suicide.

Your petitioners, therefore, request the Assembly to support the Government's efforts to ensure all children are safe and supported at any school, and support the ACT Safe and Inclusive Schools initiative being available to all ACT schools.

*Pursuant to standing order 99A, the petition, having more than 500 signatories, was referred to the Standing Committee on Education, Employment and Youth Affairs.*

### **Bridge paths—petition 2-18**

*By Ms Le Couteur, from 9 residents:*

#### **To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory**

The following residents of the ACT draw to the attention of the Assembly that the walk around Lake Burley Griffin is becoming increasingly popular and congested. The most popular route for tourists, walkers, joggers, families and dogs is between the two bridges and this route has now become dangerous. It is the preferred route used by unregistered bicycle riders who are able to legally reach speeds of 50km an hour. With urban infill generally, but particularly in Campbell and Kingston Foreshores, this congestion will only increase.

Pedal Power has long been advocating for separation on the lake path. Pedal Power sees this as a practical solution to avoiding harm to people walking and cycling. We, the undersigned, would like to add our voices to that of Pedal Power.

To facilitate the safety of all groups, the signatories to this petition ask that a transport bike lane be created to separate the more leisurely groups from those who undertake the route at a much higher speed.

Your petitioners, therefore, request the Assembly to call on the ACT Government to:

- work with the National Capital Planning Authority on a works program to define a two-way dedicated bike path both sides of Lake Burley Griffin between Commonwealth Avenue and Kings Avenue bridges;
- erect signs to define the speed limit of bikes using the shared path to 10km an hour;
- erect signs on both bridges instructing bike riders to dismount and walk across the narrow path across the bridges.

### **Proposed Kingston nursing home—petition 9-18**

*By Miss C Burch, from 162 residents:*

#### **To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory**

This petition of certain residents of the ACT draws the attention of the Assembly to the fact that the proposed development of a large hospital-like nursing home on the corner of Wentworth Avenue and Gosse Street, Kingston, will cause

irreversible damage to the residential amenity of Gosse Street. The proposed development will route noisy 24/7 traffic onto Gosse Street, with secondary effects on traffic flow on the main arterial, Wentworth Avenue. The enormous, ugly building will dominate the street, Telopea Park and the arts precinct opposite. Residents have offered constructive suggestions to the developer on how to make the proposal better for residents of Gosse Street and for residents of the aged care facility, which have not been accepted.

Your petitioners, therefore, request that the Assembly, the Environment, Planning and Sustainable Development Directorate and Chief Minister, Treasury and Economic Development Directorate do not approve any development application for the site until representatives of St Basil's Homes:

1. Meet with residents of Gosse Street and the broader community to discuss ways to improve the development application, in at least two public meetings;
2. Conduct a site visit, alongside representatives of Gosse Street residents; and
3. Agree to specific actions to address community grievances with the proposal.

Your petitioners further request that no development application for the site be approved until the Standing Committee on Planning and Urban Renewal's inquiry into engagement with development application processes in the ACT has had an opportunity to consider this case and deliver its final report.

*The Clerk having announced that the terms of the petitions would be recorded in Hansard and referred to the appropriate ministers for response pursuant to standing order 100, the petitions were received.*

## **Ministerial responses**

The following responses to petitions have been lodged:

### **Car park closure in O'Malley—petition 3-18**

By **Mr Gentleman**, Minister for Planning and Land Management, dated 12 April 2018, in response to a petition lodged by Mr Hanson on 14 February 2018 concerning the closure of a public car park in O'Malley.

*The response read as follows:*

Dear Mr Duncan

Thank you for your letter of 14 February 2018 regarding petition No 3-18 lodged by Mr Hanson MLA on behalf of certain Australian Capital Territory residents.

I understand the petition brings to the attention of the Assembly the ACT Surveyor-General's notice that the public car park adjacent to blocks 23 and 24 of section 31 O'Malley is to be closed and in relation to portions of land proposed to form block 25 which was to be sold under the Indicative Land Release Program.

The petition notes three key items and I note the following in relation to those items.

**1. Extend the closing date for submissions related to the closure of the car park on Pindari Street**

On 5 January 2018, the ACT Surveyor General publicly notified the intention to close the car park on Pindari Crescent following an application from the Suburban Land Agency. A website link to the notice was emailed to those who had previously registered for project updates.

The period for making public comment on this proposal was 10 days longer than the statutory requirement, closing 14 February 2018, to allow for more detailed community consideration of the proposal. Environment Planning and Sustainable Development Directorate (EPSDD) is now undertaking further investigation and analysis particularly in relation to matters raised by the community, and the sale is on hold while this occurs. The community will be able to make further comment for consideration by EPSDD during this period of investigation and analysis.

**2. Withdraw Block 25, Section 31 O'Malley from sale on the Indicative Land Release Program**

The Government has placed the release of Block 25, Section 31 O'Malley on hold to undertake further investigation into the issues raised by the community, particularly in relation to the potential traffic and parking impacts. The project website has been updated to reflect this development.

EPSDD will provide the community the opportunity to provide input and to comment on draft reports.

**3. The Environment Planning and Sustainable Development Directorate undertake consultation and provide justification for sale of this site as a community facility.**

The ACT Government views community engagement as an important step towards ensuring that the Government's initiatives and decisions are supported by the best possible evidence and align with community expectations.

A key principle of community engagement is that the Government should make sure that the community has an opportunity to be involved in the Government's decision making. The Government's approach to releasing O'Malley has been consistent with this principle.

Accordingly I can advise that the Government has responded to the community by putting the proposed release on hold to undertake further investigation into the issues raised, particularly in relation to the potential parking impacts. The Environment, Planning and Sustainable Development Directorate will undertake that the community has an opportunity to provide input into further investigations and to comment on draft reports.

I also note, the EPSDD has also made efforts to communicate and engage with the local community on the proposed release of the site including:

- May 2017 - publication of the *Indicative Land Release Program 2017-18 to 2020-21*, which outlined the proposed O'Malley release;

- 18 September 2017 - a letter to surrounding residents notifying them of site investigations and the proposed release;
- 6 November 2017 - a further letter to surrounding residents establishing a mailing list and providing contact details for a project officer and an offer to respond to any questions;
- five project update emails between November 2017 and January 2018;
- 18 December 2017 - an invitation session held, with the date suggested by the residents;
- 5 January 2018 to 14 February 2018 - the Surveyor-General notified an intention to close the car park as part of amalgamating the site into a single block, with a request for public comment (the public comment period was 10 days longer than the statutory requirements to allow for community consideration of the proposal); and
- 7 February 2018 - a presentation at the Woden Valley Community Council meeting.

It is worth noting that Block 23, Section 31 O'Malley has been zoned for use by community facilities (CFZ) within the ACT Territory Plan since the early planning of O'Malley, with the adjacent car park also established to support the use. Following community concerns raised in 2012, the Territory Plan Variation 302 added restrictions to the O'Malley Precinct Code which prohibits the development of residential aged care and supportive housing on the site.

The decision to include the site in the *Indicative Land Release Program 2017-18 to 2020-21* follows analysis of community needs and demand for community facilities in the area, particularly as the O'Malley area has developed from initial plans. The further decision to amalgamate the blocks and the car park servicing it, into one block is to provide the opportunity for the site to be looked at holistically.

In terms of the need for preserving the trees, I note that the Environment, Planning and Sustainable Development Directorate has made an existing tree investigation for the site publicly available on the planning website: <https://www.planning.act.gov.au/omalley>.

This tree investigation indicates that there are a number of healthy trees which have the potential to make a contribution to the landscape. The retention of trees on-site will form part of any Development Application process for the site, and this will be subject to independent statutory review by the Conservator of Flora and Fauna. This is part of the overall framework that provides a mechanism for balancing development with environmental values.

I note the community interest in this proposal and I hope that this information provides the community some certainty that the Government is listening and seeking to investigate and address their concerns.

### **Downer community centre—petitions 1-18 and 5-18**

By **Mr Barr**, Treasurer, dated 4 May 2018, in response to petitions lodged by Ms Le Couteur on 22 February 2018 concerning the Downer community centre lease arrangements.

*The response read as follows:*

Dear Mr Duncan

Thank you for your letter of 22 February 2018 regarding petition Nos 1-18 and 5-18, lodged by Ms Le Couteur MLA about lease arrangements on behalf of the Downer Community Centre.

The ACT Government has completed a review of stand-alone community halls across the Territory and have not made any changes to the current arrangements. Licence agreements will continue under a subsidised (no rent) arrangement. The tenant is required to pay the first \$500 plus GST in maintenance costs and all outgoings. The tenant retains the revenue from the casual hall hire and ACT Property Group (ACTPG) will continue to pay for capital works.

ACTPG recently met with representatives of the Downer Community Centre and were pleased to see that the property was well maintained and achieving high community use. It was good to hear of the care and dedication that the Downer Community Association Inc has contributed to the hall. The ACTPG have since formally offered the Association a licence renewal based on the above terms and this offer has been accepted.

Providing direct compensation to the Downer community for the sale of the primary school site and community zoned land is not possible in this situation. The Government funded the school from revenue collected from the Territory as a whole, and as such it would be inequitable for revenue from the sale to go back to only the Downer community rather than being used for the benefit of all Canberrans. Furthermore, the Downer community has benefited from the sale of the school site through the ongoing provision of services and a range of Government funded initiatives in recent Budgets.

Thank you for raising this matter with me. I trust this information is of assistance.

### **Safe and inclusive schools initiative—petition 25-17**

**MS ORR** (Yerrabi) (11.39), by leave: The ACT safe and inclusive schools petition calls on the Assembly to support the government's efforts to ensure all children are safe and supported at any school and support the ACT's safe and inclusive schools initiative being available to all ACT schools. It is clear the Canberra community supports the ACT Labor government's commitment to ensuring all young people are safe and included in their school. Over 1,400 Canberrans showed their support for this petition, and I am proud to have been the sponsoring member. All of my Labor and Greens colleagues in this place have stood up time and time again for the rights of LGBTIQ Canberrans, and it is vital we continue to do so, especially for younger Canberrans.

We know the Canberra Liberals are some of the most conservative Liberals in the country; we only have to look to their outcry over the number of motions we have moved in this Assembly that support LGBTIQ people to know that. The petition highlights the fact that as an inclusive community Canberrans overwhelmingly support schools respecting, welcoming and celebrating diversity and encouraging

children to be themselves. Creating safe and inclusive schools is about ensuring students, families and teachers are supported and provided with access to resources that create inclusive education environments.

I thank everyone who signed this petition and, in particular, those who have continued to support young LGBTIQ people in our city. The ACT Barr government has always supported young LGBTIQ people and we always will. Over 1,400 petitioners have requested the Assembly support safe and inclusive schools in the ACT, so I encourage all members to do so.

**MS LE COUTEUR** (Murrumbidgee) (11.41), by leave: As Ms Orr said, the Greens, of course, fully support this petition, and I am really heartened that it was supported so well by members of our community—nearly 1,500 people signed it, which is great. I believe all ACT schools need to respect and understand the diversity of needs and experiences of children and young people who are entrusted into their care. Support for students who experience diversity in gender identity and presentation, sexual orientation and intersex status is crucial to promote their social, economic, educational and emotional wellbeing and development.

All children should be treated equally, but in some circumstances to achieve equal and fair outcomes different steps need to be taken. We do not all travel on the same path. The safe and inclusive schools program is a great example of how to engage children and young people about gender and sexuality and identity issues in a safe and inclusive way. The ACT Greens encourage all schools to adopt it as a means to support those students who identify as LGBTIQ or who may do so in the future.

Not only does it demonstrate acceptance of difference for those who are directly affected but it also fosters tolerance and compassion in the school community more broadly. We know gender and sexual identity can be particularly challenging issues for families and peer groups, so it is especially important that there are other avenues available for students to seek and, importantly, receive support.

From a developmental perspective, identity issues are common amongst all adolescents. In an ideal world we would be no more afraid or hesitant to discuss LGBTIQ identity than other forms of development that occur throughout childhood and young adulthood.

It is great to see that a program developed locally by the long-established Sexual Health and Family Planning ACT has been adopted to roll out more broadly in our local schools. With the recent comments by members of the federal government lending support to the utterly discredited practice of so-called gay conversion therapy, I think it is excellent timing to support and acknowledge the safe schools program as it provides an important, non-judgemental educational opportunity to dispel harmful myths and fear of people who identify as LGBTIQ.

Importantly, I support these efforts to ensure that children and young people who identify as LGBTIQ or who have friends or family members who identify as such are not discriminated against and are valued and included as important and equal members of our community.

**MR COE** (Yerrabi—Leader of the Opposition) (11.44), by leave: I, too, acknowledge the 1,483 petitioners who signed the petition on safe and inclusive schools seeking the Assembly's support to ensure all children are safe and supported by any and all ACT schools. Of course, we support appropriate resources being available to teachers at all of our schools. Of course, the petitioners will be pleased to learn that this initiative is already available. The new safe and inclusive schools initiative addresses many of the concerns raised by a number of Canberra parents about the previous program.

Unlike the former program, this program has been developed with the input of a range of education, parent, health-community and professional organisations in both the government and non-government school sectors. It is supported by the ACT government, funded through the ACT Education Directorate and delivered by health and community organisations.

The SAIS initiative will work directly with schools who request support, information or expertise and school leaders who are able to specify the particular types of assistance that they require. Schools will be able to determine what types of support and services they need and when they need them. Unlike the predecessor program, it is not part of the curriculum.

The SAIS initiative is relatively new, and we will be observing its continued rollout. We also ask that teachers and the education minister keep all members of the Assembly abreast of how the initiative is being rolled out and whether it is meeting its stated objectives.

Whilst we are speaking about this initiative, I point out that the ACT Labor Party Facebook page made a number of false and incorrect allegations, and I hope they will refrain from doing this in the future. ACT Labor should refrain from creating division within our community on this issue. Once again, those opposite are using a complex issue involving people who are struggling with serious issues for their own grandstanding and point-scoring. The opposition—the Canberra Liberals—believe everyone has a place in our school communities and that we should put in place measures to support all students.

## **Education, Employment and Youth Affairs—Standing Committee Report 3**

**MR PETTERSSON** (Yerrabi) (11.46): I present the following report:

Education, Employment and Youth Affairs—Standing Committee—Report 3—*Inquiry into the Extent, Nature and Consequence of Insecure Work in the ACT*, dated 1 May 2018, including additional comments (*Mr Pettersson and Mr Steel*) and a dissenting report (*Mr Wall and Mrs Kikkert*), together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

In March 2017 the Standing Committee on Education, Employment and Youth Affairs resolved to conduct an inquiry into the extent, nature and consequence of insecure work in the ACT. The committee initiated this inquiry to find out more about how a range of work and employment arrangements operate in the ACT. The committee wanted to explore the consequences for ACT workers, employers and the community of the shift away from traditional Australian full-time ongoing employment structure to alternative forms of employment such as casual employment and independent contracting.

The committee conducted three public hearings and published 39 submissions and two supplementary submissions. Unfortunately, in deliberations the committee was unable to reach agreement on recommendations arising from this inquiry. The committee has agreed on a brief report providing an overview of the inquiry process. Committee members have also submitted additional and dissenting comments in accordance with standing order 251, which I am sure others will speak to today.

The committee would like to acknowledge the significant contributions from those participating in the inquiry either by providing submissions or attending as witnesses. Whilst the committee has not reached agreement on recommendations, the evidence provided was informative and has contributed to robust community debate.

I would like now to provide the Assembly with an overview of the recommendations from Mr Steel and me that are provided in the additional comments annexed to the report. Our community is being ravaged by insecure work. For the last two decades we have seen the level of permanent work decline and in its place we have seen insecure work grow—that is, casual work, contract work and labour hire. We now see an economic future for far too many with little economic security and little control over their working lives. I fundamentally believe this is a bad thing for our city.

The impact of insecure work is devastating. Working people are unable to plan their future, or make time to spend with loved ones. They cannot get a bank loan for either a house or car, and when they are at work they are more likely to stay silent about risks to their health and safety. All of these things have an impact on their life. They are stressed, they are worried, and their families will experience it as well. I recognise these dangers, but there are too many who do not. That is why I think we need to take action where we can take action. That is what the recommendations of Mr Steel and I are about: where the ACT government can take action, they should.

Before the ACT government get to work drafting legislation for this place to consider, they need to stand up and make some pretty important statements about its values. They need to say it is not good enough that labour hire employees can be paid less than the colleagues they work alongside who are directly employed. They need to say Australia needs a national labour hire scheme so there is nowhere to hide for shonky operators. They need to tell the Fair Work Ombudsman that they do not spend enough time on the beat right here in the ACT. And they need to say that Australia should be a signatory to the International Labour Organisation. It is not good enough that we will not sign important parts of the treaty. That is what the ACT government needs to say, but more important than what they say is what they should do.

This is what the ACT government should do: the ACT government should start its own labour hire licensing scheme. It should be stringent and it should get the job done. Labour hire firms should be run by fit and proper persons. They need to pay heed to their industrial instrument. They need to be registered with every relevant agency. They need to meet workplace health and safety legislation and ensure that their workers are looked after at host organisations. And they need to show that they have the capital to meet any liabilities arising from their operations—no more phoenixing; it is not on.

The ACT government should start a register of legal labour hire companies and it should be law that host organisations must use legal labour hire. Further to this, the ACT government should establish one statutory authority with responsibility for all ACT industrial relations matters. Too many bosses have discovered you can exploit vulnerable working people on visas by threatening their insecure employment. Let us fight back. The ACT government should step in as a sponsor of last resort for visa holders undergoing industrial disputes. Where charity collection workers are getting exploited, we should step up and license the industry.

And this is the big one: when working people have their wages stolen, that should be a crime. If a worker stole money from an employer or items from the stockroom, they would be sacked and possibly charged with a criminal offence. That is a big punishment. On the other hand if a boss underpays workers or does not pay them super, the consequences for them are far less—that is, likely a fine. Wage theft is so widespread it has become the default business model across a wide range of industries. Wage theft is more common in certain industries, particularly hospitality and often farm work. Recent, high-profile wage theft cases have brought much-needed attention to the issue. The rampant exploitation of 7-Eleven workers was one such example. The 7-Eleven scandal showed that wage theft was not a one-off; it was the entire business model.

A recent report has shown that one in 10 workers in Australia rarely or never receive the minimum wage from their employer. That is more than one million people being systemically underpaid. A further 43 per cent of Australians report being underpaid at some stage of their working life. With such rampant exploitation, it is clear that the current rules are broken. Wage theft should be a criminal offence with real penalties. It is within the powers of the Assembly—let us do it.

The ACT government should extend portable long service leave arrangements to other industries suffering from insecure work practices. And if the federal government will not sign important parts of the ILO, the ACT government should amend the Human Rights Act 2004 to explicitly include rights relating to industrial relations.

Kids in school, immigrants and international students should know their rights before they enter the workforce. Let us be proactive in our education programs. Do you know what, Madam Assistant Speaker? The ACT government should be a community leader: they should stop using labour hire; they should stop using multiple non-ongoing short-term contracts; they should employ people directly.

When it comes to how the ACT government spends taxpayer money, it should send a strong message—that is, the ACT government has high standards. Group training organisations and entities which take on large numbers of apprentices in their employ should meet mandatory health and safety requirements if they want government funding. And government procurement should have high standards and principles that make a community better, not simply a race to the bottom.

We cannot fix everything from this Assembly. We live in an increasingly globalised market economy with a largely centralised industrial relations system. But what we can do, we should. The ACT Legislative Assembly has many powers. I have just outlined numerous recommendations that this place can enact. Let us make Canberra an even better place to live and to work.

**MR WALL** (Brindabella) (11.54): I will speak to the dissenting comments provided by me and Mrs Kikkert in response to the education, employment and youth affairs committee's inquiry into the extent, nature and consequence of insecure work in the ACT. Mrs Kikkert and I have made a number of recommendations in our comments which differ vastly from the chair's draft that was proposed to the committee and have formed the alternative comments to those of the Labor members of the committee.

We note that this inquiry had a large focus and a drive by the union movement. Much of the evidence was skewed from the start. Most of the submissions were generated via the UnionsACT web tool. We know that similar inquiries have been held in other parliaments around the country as part of a broader campaign by the trade union movement.

First and foremost, it is our view that the territory should not venture into a legislative or regulatory area that is completely out of our remit. Our recommendations reflect this view. In 2010 the ACT, along with all other Australian jurisdictions with the exception of Western Australia, referred workplace relations powers to the commonwealth through the introduction of the Fair Work Act. The intention was to create a simpler and more uniform workplace and industrial relations system across the country.

Deviating from this structure will undoubtedly add significant cost and complexity, particularly given that the ACT is an island that lies within New South Wales, seeing many businesses work across both sides of the border. Any moves to create industrial relations frameworks within the ACT that are vastly different from those across the border will seek to drive competition and investment away from the territory.

The opposition flags that there are a number of discussions at this point around changes to the industrial relations framework that exists within the ACT, most notably the consultation paper put forward by Minister Stephen-Smith around the secure jobs code.

The opposition urges that any changes that the government may propose to make in terms of this committee inquiry or that discussion paper are considered strongly, and that the regulatory burden that might happen as a result of those changes, particularly

around the areas of labour hire, independent contracting and the use of casual employment within the territory, are measured.

Another very important aspect of this inquiry that has not been mentioned by the chair or other members is the impact that changes to labour hire companies would have on those that seek the flexibility facilitated by reputable companies in this space. Labour hire offers a solution to both businesses and the workforce that recognises that, particularly in areas such as construction, where labour demands are driven on a project-by-project basis, it gives the ability for businesses to scale up to meet the demands of the projects that they have on hand. Labour hire also provides stability and a long-term pipeline of projects across a number of development or building contractors in the labour hire framework. It allows the flexibility and the agility that is often spoken about in the business space: to be profitable, but also competitive in our marketplace.

When we talk of labour hire, we are, in most instances, and it is where the evidence has led us, on the whole talking about reputable businesses that operate in the ACT. During the inquiry, there was no substantive evidence whatsoever that presented the need for broad-reaching and broad-ranging regulation of the industry. Currently the industry operates well within existing legislative and regulatory parameters, and it should be allowed to do so from here forward.

I note the submission from Enabled Employment. Their submission noted that temporary work and casual work are an important and effective strategy for people with a disability and other marginalised groups to enter the workforce, gain experience, make a valuable commitment, and progress to permanent employment opportunities.

We also note that the use of labour hire companies is currently a practice underway in the ACT public service, with areas such as Access Canberra utilising the services of labour hire firms as a cost-effective and efficient way to employ staff in a number of front-line areas.

As noted in the Association of Professional Staffing Companies Australia's submission to the inquiry, the use of labour hire enhances the ability of ACT businesses to adapt their workplaces to a rapidly changing technological and economic environment and ensure that they can attract, maintain and support the skilled workers they rely on in the future. This is particularly pertinent to industries in the ACT such as IT, cybersecurity, construction and tourism, all seen as particular growth industries for employment in the territory.

It is important to note that when it comes to hiring and recruiting practices, it is about time that those on the opposite side started practising what they preach. I would like to note the submission presented by the Recruitment & Consulting Services Association that some practices are occurring in the ACT public service that may be contrary to the mantra that they operate under. Their submission states:

The ACT Government's recent slashing of margins for on-hire firms supplying contractors to the ACT government is just one example of price-down procurement that encourages poor practices and cutting corners.

This is an aspect of the inquiry that needs to be highlighted and that has not been touched on appropriately in the comments from those on the opposite side of the chamber. It is important that the ACT acts as a model purchaser in the recruitment space. Failing to do so not only, as the submission highlights, encourages poor practices but also relegates us to often receiving poorer skilled and poorer equipped talent through agencies to fill roles on behalf of the ratepayers of the ACT than would otherwise or previously have occurred, simply because of the pricing structure that the government is demanding the market adhere to.

It is also worth touching on the importance of casual employment within the ACT jobs market. Tourism and hospitality are a particular focus and often trumpeted by the Chief Minister as an area of the territory that has grown and needs to continue to grow to diversify the ACT economy. Whilst members of his backbench are advocating for a much tighter use of casualised employment, there is a severe inconsistency between wanting a permanent workforce and the way the hospitality and tourism industries operate. The workforces are largely casualised because there are peak periods and there are low periods. There are surge periods when events such as Floriade or Summernats come to town. Tonight is another classic example of one of the busiest nights in Canberra, the night of the federal budget. This time next week the demand will be significantly lower.

Casual employment is required to facilitate and meet the needs of that industry as it grows in the territory. Moves to restrict the use of casual employment in our economy will have far-reaching and wide-reaching ramifications that I do not think those opposite are game to own or to confess to, let alone recognise the impact on the community more broadly.

Once again I reiterate that the issues raised by the inquiry are national issues more broadly, and are well and truly covered off in national legislation. There is little evidence to suggest that the ACT needs to adopt a go-it-alone approach. To that end, I commend the comments by me and Mrs Kikkert, attached as part of the report and additional comments.

Finally, I would like to place on the record my thanks to those who tendered submissions to the inquiry, particularly the witnesses that appeared before us. I also give a special mention of thanks to the secretary, Nicola Kosseck, for all of her efforts through the continuing inquiry.

Question resolved in the affirmative.

## **Office for mental health—proposed model and functions**

### **Ministerial statement**

**MR RATTENBURY** (Kurrajong—Minister for Climate Change and Sustainability, Minister for Justice, Consumer Affairs and Road Safety, Minister for Corrections and Minister for Mental Health) (12.03): I rise to make a ministerial statement in response to the resolution of the Assembly on 14 February 2018 and, in doing so, to provide an update to the Assembly on the office for mental health and wellbeing and other

important matters relating to mental health in the ACT which the government is committed to addressing.

Firstly, I wish to outline how we are progressing with the establishment of the office for mental health and wellbeing and to inform the Assembly and the Canberra community about its proposed model and functions. As members may be aware, we undertook two rounds of consultations with the community, mental health consumers and carers, mental health organisations, peak bodies and current and ex-commissioners of other mental health commissions. These consultations informed the final report and its recommendations for the design of the office for mental health and wellbeing.

As the Minister for Mental Health, I am pleased with the quality and content of the report. I believe it is reflective of the commitment the government has made to address issues concerning mental health across the ACT community. I also believe that the process we have gone through to carefully gather the views of people with expertise and lived experience has been very important in shaping the proposed model.

The government is currently considering the recommendations and how best to implement them. I hope to be in a position to publicly release the report soon, once that process has concluded. However, at this stage I can advise of some of the high-level recommendations that will inform the model for the office. In line with the recommendations from the report, I would like to see the office for mental health and wellbeing operate as a change agent for mental health reform across the ACT.

I am pursuing a model for the office which will develop and maintain a territory-wide approach to mental health; coordinate mental health policies, strategies and funding in the territory; provide a focus on systemic reform and improvement across the continuum of mental health care, including physical health, drugs and alcohol and the social determinants of health; monitor and report on services and outcomes relating to mental health in the ACT; and engage with the community to promote mental health and wellbeing.

I believe that these functions will allow the office to capitalise on a unique opportunity to develop a world-class, coordinated response that is aimed at keeping people well. My aim is to support people in their recovery journey and create an inclusive Canberra community which values people with mental illness and provides opportunities for them to live happy and fulfilling lives. The office that I am pursuing will be able to drive real reform in this complex area.

Having identified these key features, ACT Health are now actively working to recruit a coordinator-general and a small team of staff to have the office up and running by 1 July in line with our commitment. I anticipate that over the first few months of operation the office will work across government and the community to develop a clear and achievable work plan. This work includes looking beyond the health portfolio and seeking to address some of the key systemic issues and social determinants that impact on mental health outcomes.

Work is underway to have key governance and evaluation frameworks in place and we will keep working with the community as the office and its work plan take shape. I also anticipate that the role of the office will continue to evolve over time; so there will be some flexibility built into the model.

We are establishing the office for mental health and wellbeing to be an agent for change in the ACT. It will be designed so that it has the influence and resources to identify opportunities for quality improvement across the continuum of mental health care and then support the responsible agencies to address these issues.

I also want to take this opportunity to respond to some of the claims that have been made in this place about the time frame for establishing the office. Unfortunately, assertions from the opposition that the office should have been established within 100 days of the last election are not only unrealistic but it was never a commitment that I or the government made.

What we did commit to was starting work on the office within 100 days, which we have done. I have already outlined the consultation process we have gone through. In undertaking this process we have sought to balance the need to get the office established with the need to seek input from across the sector and develop a model that will meet the needs of the ACT community. I am confident that the final report meets that balance and we are now actively working to have the office in place by 1 July this year.

The second matter that I want to update the Assembly on is what the ACT government is doing to simplify the navigation of the mental health services system for people in the ACT. Like most healthcare systems, Canberra's mental health system has developed incrementally and organically to respond to the needs of the day. This means that as it has changed to meet the ACT's growth over time, there has not always been a coordinated or integrated approach guiding the development of services.

This is not a Canberra-specific problem; rather it is a challenge for all advanced healthcare systems. It is also worth acknowledging the additional complexity that the introduction of the NDIS has brought to the mental health service system. The recent *Mind the gap* report from Community Mental Health Australia and the University of Sydney highlighted that despite its potential the current structure of the NDIS does not fit easily with the lived experience of people with psychosocial disability.

Currently, ACT Health provides additional funding for psychosocial supports for people with a mental illness outside the NDIS, but we know that there are people who continue to fall through the gaps. Both the ACT and commonwealth governments are aware of this issue and are working together to improve funding and coordination of psychosocial supports.

Additionally, the recent review of national disability insurance scheme processes, *Improving the NDIS participant and provider experience*, released in February 2018, recognises a number of cohorts that need a tailored NDIS participant pathway, including participants with psychosocial disability.

The ACT Office for Disability has been contributing significant expertise to the national work on improving pathways for people with psychosocial disability in the NDIS. The Office for Disability will continue to work collaboratively with the National Disability Insurance Agency and will engage closely with the office for mental health and wellbeing to ensure a coordinated approach to improving outcomes for NDIS participants with a psychosocial disability.

The ACT has a range of great mental health programs and services that are staffed by a dedicated and passionate workforce. However, I do think it is fair to say that what I often see is a number of high-quality services as opposed to a well-integrated system. I have gone on the record in this Assembly acknowledging this fact. I have already spoken about the development of the office for mental health and wellbeing in the Assembly several times, starting back in September 2017. As I have outlined previously, the integration and coordination of services will be a key function of the office. As such, the office is a key part of our strategy to simplify the array of mental health services that are available in the ACT.

However, the office for mental health and wellbeing is not the only work that the ACT government is undertaking in this space. I want to reiterate that while I believe the office will play a vital role in reform, it will not and cannot be the sole mechanism for improving our mental health system. The government is aware of this and that is why we are not standing still but have instead continued to invest in services on the ground.

Over recent months I have made a number of announcements about investing in community and specialist mental health services for the Canberra community. One example was the \$100,000 the government provided to Menslink to provide two additional counsellors, allowing them to expand their services to boys aged 10 to 12. This is in response to the increasing demand for services from children in younger age groups and will ensure that we can provide services for vulnerable young people at the earliest possible opportunity.

The government has also expanded access to our child and adolescent public mental health services, with the CAMHS consultation and liaison service at the Canberra Hospital now providing services seven days a week. We have also expanded the perinatal mental health consultation service, with specialised psychiatric clinics having been increased from one day to three days a week.

Recently we also announced \$200,000 of funding to Headspace Canberra to improve access and to reduce wait times for early intervention mental health services. This funding will see Headspace deliver “onespace” solutions-based therapy for young people aged 12 to 25, providing a timely response when it is needed rather than allowing issues to build up while the young person is waiting to get support.

At the system level, as members will know, the ACT government is developing the territory-wide health services framework. It is a high-level strategic plan that establishes the overarching principles to guide the development and redesign of healthcare services across the territory over the next decade.

As part of this framework, ACT Health has commenced the process of developing our mental health specialty service plan, which will detail a more robust organisational structure. The plan will address models of service delivery and care, service innovation, quality and safety, workforce, reporting and monitoring, governance and strategic policy alignment. In doing this, ACT Health understands that there is a great deal of expertise in the wider ACT community, which ACT Health is very keen to tap into.

ACT Health is also working with the Capital Health Network to develop an integrated regional mental health plan. This is a key commitment under the fifth national mental health and suicide prevention plan. Work is well underway on a considered, consultative and evidence-based approach. This process involves the use of evidence-based mapping and planning tools that report on mental health services and demand projections for the region.

Consumers and carers are also contributing a significant voice to the process to understand how to more effectively integrate services and to improve access pathways. Furthermore, international evidence demonstrates that high-performing healthcare systems involve a strong and engaged primary care sector providing the right care as early as possible. The regional plan is crucial to developing a better and more responsive system for people seeking help across primary health care, community agencies and specialist mental health services. We are committed to continuing to work with the commonwealth to better integrate services where they are impacted by different levels of government.

This work, in parallel with the office for mental health and wellbeing, will help to ensure the integration of mental health services across the continuum of care. It will help to identify current gaps, reduce duplication and ultimately make it easier for patients to navigate the system and to find the services they need.

The third matter that I wish to update the Assembly on is the government's strategies to attract and retain more medical professionals, including mental health professionals, in Canberra, with a focus on the field of child and adolescent mental health. ACT Health is continuing to undertake recruitment for permanent medical staff and junior medical staff interested in training in psychiatry.

We are working collaboratively with the Australian Salaried Medical Officers Federation and the ACT branch of the Royal Australian and New Zealand College of Psychiatrists on this issue through the mental health division's medical workforce working group. As I have spoken about before, attracting a sufficient number of psychiatrists is a challenge across Australia at the moment. That is why a comprehensive response is needed to this complex issue.

The working group is developing a strategic plan which will take into account recruitment and retention strategies, projected population needs, workforce numbers and sub-specialty skill mix, and local factors that are having an impact upon recruitment and retention of psychiatrists within the ACT public mental health system.

The working group has agreed to consider the Victorian psychiatric workforce plan as a possible framework for an ACT specific plan.

This work is happening in conjunction with the broader ACT Health recruitment campaign, which I announced with the Minister for Health and Wellbeing earlier this year. The campaign is about planning for our future health workforce needs by emphasising the livability of Canberra, the growing opportunities across the health sector and the recognition that Canberra is a great place to live.

While this campaign is just getting started, we have had a number of successful recruitments to mental health in the past 12 months. I am pleased to advise the Assembly that three clinical directors, six consultant psychiatrists and two career medical officers in psychiatry have been appointed. Letters of offer for a further six senior medical staff were made in March 2018. Two overseas-trained child and adolescent psychiatrists who were recruited in 2017 are expected to commence by the end of 2018.

In the same period there has been one resignation of a clinical director. That position is soon to be advertised, along with a consultation liaison psychiatrist position and additional adult general psychiatrist positions. In December 2017, a recruitment process was undertaken by ACT Health for the position of chief psychiatrist. The new chief psychiatrist will commence in August 2018. This position is the most senior medical practitioner within our mental health, justice health and alcohol and drug services division and is responsible for the management of clinical governance of these services. The chief psychiatrist is a statutory appointment under the Mental Health Act 2015.

We also recognise that there is more work to do, and ACT Health is continuing to actively recruit in both mainstream and electronic media as well as professional journals. The office of the chief psychiatrist is working continuously with numerous recruitment agencies to source experienced and well-referenced locum and permanent staff. A practical measure that is currently being considered is a proposal for an attraction and retention incentive for newly and currently employed senior medical officers. This is a measure that would improve our competitiveness against the awards and conditions of other Australian jurisdictions.

On the specific issues relating to the child and adolescent mental health service, staffing in this area has improved significantly since the commencement of a new clinical director in the second half of 2017. Locum consultants have boosted the senior medical staff numbers and two overseas-trained full-time consultants will commence before the end of the year.

Additionally, we have been working with local medical students and junior doctors to keep them here in Canberra after their studies are completed. A full-time career medical officer who has completed advanced training in child and adolescent psychiatry joined our mental health service in February 2018 and is anticipated to receive his fellowship in early 2019. A further two advanced trainees in child and adolescent psychiatry are working with the service. These doctors should finish their training in 2018 and 2020 respectively. Additionally, there are three trainees in

psychiatry—junior medical officers—working in the child and adolescent mental health service.

From these activities it is clear that we are not standing still. ACT Health is undertaking considerable work to drive improvements that will increase access to mental health services. Today I am pleased to reiterate my commitment to creating a mental health system that is recovery focused and aimed at keeping Canberrans well. I look forward to continuing to update the Assembly and the community on the work of the office for mental health and wellbeing and other important initiatives that are underway to improve mental health services in the territory.

I present the following paper:

Office for Mental Health and Wellbeing—Update on proposed model and functions—Ministerial statement, 8 May 2018.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

## **Land Tax Amendment Bill 2018**

Debate resumed from 12 April 2018, on motion by **Mr Barr**:

That this bill be agreed to in principle.

**MR COE** (Yerrabi—Leader of the Opposition) (12.20): The opposition will not be supporting the Land Tax Amendment Bill 2018. The bill does not address housing affordability issues and we do not believe the changes are in the best interests of our city or of Canberrans. The Treasurer has also failed to provide answers to reasonable questions on the mechanics and modelling underlying the bill.

This bill appears to be another example of a Labor-Greens government tax grab, with the government looking to gouge a projected \$10 million in additional revenue across the forward estimates. Labor and the Greens continue to advance policies which make it more expensive for people to live in Canberra and we keep seeing hardworking families pushed across the border or driven into financial hardship. We have seen how destructive the recent changes to rates and land tax have been on Canberrans, and now the Labor-Greens government wants to extend that hardship to even more households and families.

The first part of this bill changes the test for land tax liability from a rented test to a principal place of residence test. This new test has the broadest possible scope and will capture what the Labor-Greens government has identified as vacant properties. Whilst the government contends that forcing these owners to put their homes on the market is a good thing, it essentially compels the owners to put them up for rent or else.

There may be a number of reasons why an owner may have to temporarily take their property off the rental market or why they cannot live in that property. An owner may need to renovate the property. They may be putting in new carpets or painting the walls, which would not be captured under the unfit for occupation exemption.

Alternatively, people may be trying to sell the property. Then, when the first day of the quarter passes and they are slugged with land tax on top of their other selling costs, people should not be forced to pay additional taxes on a property that they are not earning anything on. In effect, the government is trying to penalise people for exercising their rights as property owners to determine what they do with their properties. This is, in effect, an assault on property right.

This will adversely affect a lot of property owners from the first day it is introduced, including mum and dad investors who are doing nothing more than trying to provide for their retirement. It is an overwhelmingly negative, long-term effect for relatively small, short-term gain. If somebody perhaps has moved into a retirement village or into a nursing home and cannot quite bring themselves to sell or rent out the family property, what could it mean for them?

The bill also removes the provision for land tax to be payable for part of a quarter in cases where a property stops or starts becoming rateable. If for some reason your property stops becoming rateable on the second day of the quarter, you would still be forced to pay land tax for three months. It is completely unfair to those taxpayers and these provisions should not go ahead.

My office arranged a briefing on this bill with Mr Barr's office and at that meeting was told that Treasury's initial modelling suggested a general figure of between one and 1½ per cent of properties in the ACT were vacant, based on utilities usage. By extending the land tax liability to these properties, the Labor-Greens government will claw an additional \$2 million in revenue from Canberrans each year or \$6 million across the forward estimates. The *Canberra Times* has reported that an expected 2,500 properties would be affected by the changes. However, there has been no clear confirmation of actual numbers by the Treasurer.

At that briefing Mr Barr's office committed to answer further follow-up questions from my office. When my office contacted the Treasurer's staff last week about when we would receive answers, my office was told by one of Mr Barr's advisers that answering our questions was not a priority. When we asked for clarification on two points, one of Mr Barr's advisers refused to provide any further information and directed my office to put their questions on notice after the debate. It is clear that the Treasurer and his staff do not want us looking at the underlying figures in this bill and the long-term impact it will have on our city. My office also posed further questions about the foreign investment surcharge announced in the recent budget review.

Scrutiny report 17 also identified that the evidence provided in the explanatory statement could not justify the changes or support the conclusion that this bill would achieve its objectives of addressing housing affordability issues in the territory.

This is nothing more than a tax grab, pure and simple. The Treasurer has not provided a shred of evidence as to how this will benefit Canberrans. It is only benefiting the Treasurer's bottom line. However, even if more people are deterred from investing and living in Canberra, the long-term financial impact could in fact be negative.

It seems the Labor-Greens government policy on foreign investment is somewhat contradictory. On one hand, the Chief Minister and his cabinet jet set around the world hosting lavish dinners in Europe and encouraging investment in Canberra. Then, if people do decide to invest here, they slug them with extra charges or deter them from actually investing here.

As the scrutiny report pointed out, it is not clear how imposing this additional charge will achieve its purported objective of relieving housing pressures for local residents. Based on the Treasurer's own figures, this charge will only affect between 200 and 300 properties but will generate \$4 million in revenue over the forward estimates. It has a greater likelihood of making things worse for Canberrans because millions of dollars of land tax will be passed on to tenants via rent increases.

The Treasurer purports that these amendments will fix the issues surrounding rental and housing affordability. In reality, the changes will only exacerbate the existing problems by placing more Canberrans in financially precarious positions and increasing the available revenue for this Labor-Greens government to further mismanage.

In 2007-08 only 13 land tax objections were lodged with the revenue office. This year there have already been 192 objections lodged in relation to land tax, with 121 of those still outstanding. The number is only going to go up once these amendments take place, and the impact on thousands of Canberrans will be felt.

In 2007-08 land tax only brought in \$72 million. In comparison, the Treasurer has already collected more than \$109 million in land tax revenue this year. That is an increase of more than 50 per cent on the last 10 years, and let us also remember that land tax for commercial properties was pushed into rates. So the impact on residential is even starker.

These increases are not enough for the Treasurer. He wants to gouge more households by extending land tax to even more properties. These are important policies with huge consequences, and the Treasurer has insufficient evidence to support the changes.

It is clear the Treasurer does not want us to look into the modelling and does not want us to look into the details and mechanics of the bill. It is absolutely disgraceful that the Treasurer is again attempting to hide the effects of his tax policy on Canberrans. It is all very well for the Chief Minister to say that they get aggregated data from the utilities companies but at some point they are going to have to get household-specific data, and I think that poses many problems.

This is just another instance of this arrogant Labor-Greens government trying to avoid scrutiny on major policies and issues. The Treasurer has not provided any compelling

evidence to back up his claims that this will help the housing and rental affordability crisis faced by so many Canberrans. It is appalling that the Treasurer and his office places no priority on having an informed public debate and on informing legislators on these important issues. The Canberra Liberals do not support these changes and again call on the Labor-Greens government to stop this destructive tax hike.

**MS LE COUTEUR** (Murrumbidgee) (12.29): I am rising today to outline the Greens' support for the Land Tax Amendment Bill. As has already been said in the opening remarks about it, this bill has two parts. The first is the extension of land tax to more residential dwellings that are not the owner's principal place of residence. The primary change here is the taxation of vacant dwellings, given that rented dwellings are already paying land tax. The second is the introduction of a land tax surcharge for residential properties in foreign ownership, in line with other states that have recently introduced extra stamp duty for foreign-owned properties. The Greens will be supporting both parts of this bill, but I will focus my comments on the first part, because it is a result of a private member's motion that I put up in March 2017.

I will first respond to some of the comments of Mr Coe, who directed quite a bit of his comments to the quantity of revenue and the spending of the government. I agree that those are important issues, but they are not important issues for this. This is about the fairness of how we tax, of how we raise revenue. It is not about the total quantum of revenue that is gained by the government. That is another important issue, which we will be discussing, I am sure, at great length, come the budget. I would point out that the rest of Australia does this. This is not something new. There are Liberal states throughout Australia where they charge land tax on vacant properties. That is the norm in Australia rather than the exception.

I also think that Mr Coe must be a bit confused about what this actually does, because he said that the tenants were going to end up paying for it. That is the whole point, Mr Coe. There are not any tenants. If there were tenants, they would have been paying land tax. What we are arguing about here is having a perverse disincentive to rent your house out: if you rent your house out, you have to pay land tax under the current regime; if you do not, you do not have to pay land tax. We are trying to get rid of the perverse disincentive and say that if it is not owner-occupied or subject to a number of other exemptions, such as for charities et cetera, you would pay land tax. I think it is a fairly simple concept, and it is one that the rest of Australia has had for a very long time.

Going to housing affordability, Mr Coe is quite correct: this is one of the reasons—with general fairness, the principal reason—why we think that this taxation change is good. Members may get sick of me talking about housing affordability, because it is one of the ACT's bigger issues and I will be talking about it tomorrow.

Canberra's rental market is grim—that is the only word for it—for low income people. Members will recall me talking about Anglicare's 2017 rental affordability snapshot in the last sitting period. At that time, in April 2017, Anglicare found that there were 1,280 private rentals available in the Canberra and ACT district. If you use the normal definition of affordable rent, which is less than 30 per cent of your income, only 29 of those dwellings were affordable for a couple with both adults working and receiving

the minimum wage plus family tax benefit A. And there was only one affordable rental property for a single parent family where the parent works and earns the minimum wage. For single people earning the minimum wage, Anglicare found a wonderful 51 affordable rental properties; the vast majority of these were shared accommodation.

Since then Anglicare has put out its 2018 report. Things have only got worse. This April there were 28 rental properties affordable for a couple who were both adults working on the minimum wage. There were zero, none, for single-parent families where the parent works and earns the minimum wage. That is less than the one available last year. However, there is one small plus, with 55 available for single people earning the minimum wage, which is an increase of four. I have not even bothered to list the numbers for people on other forms of social security, because they are all zero.

The reality is that our housing market is failing many in the community. It is not just people on government support. It is also failing low wage workers. It is failing the people that Mr Pettersson talked about in his committee's inquiries. It is failing the people in insecure work. There is no way they can get into Canberra's rental market.

There are many things that could be done about this to solve the problem. There are many things that will need to be done. A big one is federal government taxation reform. Many of our problems with housing affordability started with the Howard government's changes to capital gains tax about 20 years ago. When Peter Costello halved the rate of the capital gains tax, it meant that there was a financial incentive to say, "We don't really care what it costs to own the house, because when we sell it we will make a motza and we will not have to pay much or any tax on it." The federal Greens have been pushing for a very long time for negative gearing and the capital gains tax discount to be reformed. I am very pleased that federal Labor finally came on board with some of this at the last federal election. I anticipate that this will be a significant issue in the forthcoming federal election.

Of course, housing affordability is not just a federal government problem. The ACT government needs to do as much as it can. In the last sitting period I talked about public housing, which has been eroding for years as a percentage of the housing stock. We will be able to stabilise that now. I thank the Liberal Party for their support on that motion.

In terms of the federal government, I also mention that an increase to Newstart and other social security payments is well overdue. That is something else that we are going to need to solve housing affordability issues for Australians and Canberrans who are dependent on federal government Centrelink policies.

Looking at what we are debating today, we are now in the situation, as I said, where investors are buying properties purely to benefit from capital gains tax benefits, with no intention of renting them out. You can get the tax benefits without all the hassles of tenants. Of course, to do this, you can easily get a loan from one of Australia's fine and upstanding major banks.

Vacant properties are properties that are not being used. They are properties that are being denied to tenants. The result is a lowering of rental vacancy rates. About 15 years ago, a normal rental vacancy rate was considered to be something between three per cent and five per cent. As of March 2018, according to SQM Research, there was a rental vacancy rate of 0.6 per cent in the ACT. That is pitifully low. If you added to that the 1.5 per cent of properties that the government estimates are long-term vacant properties, you would get up to something around two per cent, which would be, while not a high rate, a more normal and more manageable rate.

Every home held off the rental market means someone queuing day after day trying to get a home. It means rents are a bit higher. Eventually, these things flow through the market and result in more people being homeless in Canberra. Sadly, the land tax in the ACT has been a tax targeted at the large majority of landlords who do the right thing and rent out their investment properties. Those who withhold their properties from the market just do not pay it.

In the past we have been creating an extra incentive not to rent out your property. Other jurisdictions in Australia have fixed this problem, but until the bill goes through, the ACT has not. With this problem in mind, back in March 2017 I put forward a private member's bill that called on the government to review the current taxation treatment on vacant properties with a view to extending current land tax requirements. This bill is the result. The Greens are very pleased about that.

I want to touch upon one of the issues that Mr Coe raised about levying land tax on vacant properties: that it might hit people who have their properties vacant for good reason. I did say in my speech on the private member's motion that some exemptions would be needed. An obvious case, as Mr Coe mentioned, is a home getting major renovations. This could be where the owner-occupier moves out of the house while it is being renovated or a landlord takes the property off the rental market for a while because it needs a new kitchen or bathroom or whatever. Clearly, that is a reasonable exemption, and it is part of the legislation. The other issue is the obvious one: there is a two-year exemption when the owner dies.

Mr Coe mentioned the situation of someone moving possibly into retirement accommodation. In many cases, the house will be sold in that instance, because the cost these days of moving into retirement accommodation is such that for many people there is no choice: they must sell their house if they are going to afford retirement accommodation.

For other people who have the means to be unsure about what they are doing, I would point out that it is possible to rent out houses on a month-to-month basis in the ACT. And there are many rentals available for up to a six-month period. I would think that that is something that people in that circumstance could consider. Thus they would not ever be liable for a tax on a vacant property: it would not be vacant, because it would be reducing homelessness in the ACT.

I am very pleased to be supporting this bill today. It is a win for housing affordability. By itself, it is not enough to solve the problem, but every extra home brought into the rental market in the ACT will help in what is a very tight market.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism and Major Events) (12.41), in reply: I thank members for their contributions to the debate. A wide variety of issues were covered, most of which have been responded to comprehensively, either in my tabling statement or through the comments from Ms Le Couteur. I commend the bill to the Assembly.

Question put:

That this bill be agreed to in principle.

The Assembly voted—

Ayes 12		Noes 9	
Mr Barr	Ms Orr	Miss C Burch	Mr Milligan
Ms J Burch	Mr Pettersson	Mr Coe	Mr Parton
Ms Cheyne	Mr Ramsay	Mrs Dunne	Mr Wall
Ms Cody	Mr Rattenbury	Mr Hanson	
Ms Fitzharris	Mr Steel	Mrs Kikkert	
Ms Le Couteur	Ms Stephen-Smith	Ms Lawder	

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**Sitting suspended from 12.46 to 2.30 pm.**

## Questions without notice

### Hospitals—waiting times

**MR COE:** My question is to the Minister for Health and Wellbeing. Minister, I refer to an FOI request published online showing that one-third of paediatric patients are waiting longer than clinically recommended for elective surgery. The government's target is zero per cent of people waiting longer than the clinically recommended time. Why are one-third of paediatric patients waiting longer than clinically recommended times for elective surgery?

**MS FITZHARRIS:** Because they have not yet been able to access elective surgery. But as I outlined in my statement earlier today, the government's \$6.4 million investment this year to complete additional elective surgeries in this current financial year includes a focus on adult and paediatric general surgery.

**MR COE:** Minister, what information have you received from your directorate about the effects of long wait times for paediatric surgery on the health and development of these children?

**MS FITZHARRIS:** No particular advice other than broad advice around the government's efforts to increase access to elective surgery for Canberrans. That is why, as I have mentioned on a number of occasions, there has been a \$6.4 million investment to bring down elective surgery wait times in this current financial year.

I would note that all national performance indicators measure performance on hospitals based on full financial year figures. Those full financial year figures are not yet available because the financial year has not yet concluded.

**MRS DUNNE:** Minister, how many children in Canberra are waiting for a year to see a specialist before they get on the official waiting list?

**MS FITZHARRIS:** I will take that specific question on notice.

### **Answers to questions on notice—costs**

**MS LE COUTEUR:** My question is to the Chief Minister and relates to the new practice of including time and cost accounting at the bottom of answers to questions on notice. When and why did this practice begin? Are the totals going to appear in annual reports?

**MR BARR:** Yes, the government has put in place this additional reporting of the cost of compiling answers to questions on notice. The timing is roughly in line with the new requirements under FOI for the publishing of a whole variety of pieces of information. The government felt that in that spirit it would be appropriate to have an estimate of the dollar cost based on the amount of time it takes to answer those questions.

**MS LE COUTEUR:** Given what you said, is this practice going to extend to other areas of provision of government information like fix my street inquiries, freedom of information requests and constituent correspondence to ministers?

**MR BARR:** In a number of those areas, yes, costings are and were previously standard practice, particularly in relation to FOI, for those who, under the old arrangements, would not automatically have an entitlement to receive information for free. It is simply a recording and accountability measure. Generally speaking, people are in favour of more data being publicly available.

**MR COE:** Chief Minister, if questions are not lodged from this place, does that mean that these people would be sacked, or are these in fact sunk costs?

**MR BARR:** The ACT government directorates maintain a large number of staff for whom the vast majority of their time is spent responding to questions on notice.

### **Hospitals—waiting times**

**MRS DUNNE:** My question is to the Minister for Health and Wellbeing. On 15 August 2017 you advised the Assembly that “Canberra Hospital emergency

department waiting times are coming down". On 15 February this year you advised the Assembly that the Canberra Hospital emergency department waiting times were headed in the right direction. However, a report received through FOI shows that only 44 per cent of people who presented to the Canberra Hospital emergency department from July 2017 to February 2018 were seen on time. This compares to the target of 70 per cent and to the 61 per cent who were seen on time up to February 2017. Minister, why were only 44 per cent of people who presented to the Canberra Hospital emergency department seen on time? This is well below the target and well below the achievement for the same time last year.

**MS FITZHARRIS:** I note that the information provided in the FOI was year-to-date information. As I said earlier, it is generally the case that these figures are reported over the full financial year, so some of these figures relate to the previous year. I note, with the previous year, that at the end of each year data is subjected to a verification process. It certainly goes through a verification process before that information is provided to our national partners for presenting financial year information.

As I said it is certainly the case that there have been general improvements in emergency department wait times at the Canberra Hospital. I mentioned that earlier. That has been the case over a number of years. Last year we saw the worst flu season since 2009. That happened right across the country. Therefore the average for the year was worse than that of the previous year because of a significant increase in presentations in our community.

The initial advice to me was that, following a very bad flu season, we might expect to see a more normal flu season approaching. This year, in the first quarter, we have already seen a doubling of those people who have notified as having the flu. That is one contributor to increased demand as well.

The unprecedented winter season last year saw an increase in the number of people presenting to ED. It is also the case that the rate of people presenting to the ED has doubled over the previous two years. It concerns me that only 44 per cent of patients on average were seen within the clinically recommended time. It concerns me even more for category 3 patients. (*Time expired.*)

**MRS DUNNE:** Minister, what was the basis of the advice that you gave on 15 August 2017 and on 15 February 2018 that data was heading in the right direction if, from your previous statements in answer to the question, you were saying essentially that the data that was released to the ABC was not worth a cracker?

**MS FITZHARRIS:** I did not say that. I based it on the fact that each year between 2015-16 and 2016-17 emergency department performance had improved.

**MR COE:** Minister, why did you advise the Assembly that waiting times are coming down and were headed in the right direction as of 15 February when this was clearly not the case, and will you now correct the record?

**MS FITZHARRIS:** I advised the Assembly that, based on financial year performance, ACT Health performed better in 2016-17 than it did in 2015-16. In the

current financial year, 2017-18, our performance did lift briefly after the winter season last year. What we have already seen in the first quarter of this year is a decline in that performance. We will await the final full financial year's performance to see how we have tracked across the financial year.

### **Centenary Hospital for Women and Children—complaints**

**MS LAWDER:** My question is to the Minister for Health and Wellbeing. I refer to reports in the media of 26 April 2018 about a letter sent to you by midwives at the Centenary Hospital for Women and Children. The letter says:

It is frustrating and upsetting to feel so helpless in such a poorly managed and impossibly busy work environment, unable to provide the care we know we should and feeling consistently exhausted physically and emotionally. The negative effects on patients and staff are seen daily. It is only a matter of time before there is an adverse outcome for a mother, baby or staff member.

Minister, why are the lives of mothers and babies at the Centenary Hospital for Women and Children being put at risk in a poorly managed, understaffed and overworked environment?

**MS FITZHARRIS:** The letter was sent to a media outlet and copied to me and quite a long list of other people and organisations. Immediately on receipt of the letter, ACT Health followed up. They held a number of staff forums to openly discuss the issues raised in the letter.

It was certainly of enormous concern to me. Subsequent to that letter having been received, I have visited the Centenary hospital. I have also met with senior staff from the Centenary hospital and been briefed on the number of challenges facing Centenary hospital at the moment due to increased demand. There are a range of things that the government is doing to address that demand both at Centenary hospital and at Calvary Public Hospital in Bruce.

It is the case that in addition to that there has been an open letter from the executive director of the Centenary Hospital for Women and Children addressing the issues raised. That is publicly available and has been circulated to the community and to the media in the city.

It is also the case that I note that doctors from Centenary hospital wrote a letter to the *Canberra Times* which was published just this past weekend about the issues but making it very clear that in their view they were appropriately managing the demand at Centenary hospital. Their clear view is that care is safe and of a high quality and every decision to treat a woman and her baby at Centenary hospital is based on clinically sound decision-making.

**MS LAWDER:** Minister, who should the people of Canberra believe: you or the staff at the Centenary Hospital for Women and Children?

**MS FITZHARRIS:** Staff have spoken publicly on a number of occasions about this, as I have just outlined.

**MS CHEYNE:** Minister, are you confident that maternity services are safe?

**MS FITZHARRIS:** I am confident that maternity services are safe. I have spent quite some time at the Centenary hospital in the past couple of weeks, making sure that we are doing everything we can to continue to invest in maternity services for our city. There are more and more women having babies every day, which is wonderful, but we need to make sure that we make the right investments and are fully using the capacity that we have across the city. Clinical staff at Centenary hospital have assured me on a number of occasions that the service is safe.

### **Economy—growth**

**MS CODY:** My question is to the Chief Minister. Chief Minister, what does the latest data show about the performance of the ACT's economy?

**MR BARR:** I thank Ms Cody for the question and I am very pleased to be able to advise the Assembly of some very positive economic data for the territory.

As we have discussed before, our gross state product grew by 4.6 per cent in the last full fiscal year, which was the strongest growth of any state or territory. A particularly strong contributing factor there was 6.5 per cent growth in service exports from the ACT. Our state final demand grew by five per cent in the fiscal year 2016-17, and a strong contributing factor there was 7.5 per cent growth in private investment in the territory economy.

Our residential population is either the fastest or second fastest growing, depending on which period you measure. The most recent data from the ABS shows population growth of 1.8 per cent. In September 2017—going back about six months now—the territory's population was 412,617 according to the ABS.

Pleasingly, unemployment is either equal to the lowest or the second lowest in the nation. That has come off the back of very strong growth in the labour market. Pleasingly also, there was a significant lift in the participation rate, at 72.1 per cent—one of the most engaged communities in the workforce.

More recent data in the housing market shows that building approvals, residential approvals, increased by 58.2 per cent through the year to March 2018. And talking of buildings and home ownership, the most recent data shows that first homebuyers made up more than 25 per cent of total housing loans in the ACT. That is significantly higher than the national average.

**MS CODY:** Chief Minister, how is our continued growth translating into more jobs for Canberrans?

**MR BARR:** Over the last 12 months 10,600 new full-time jobs were created in the ACT. The share of Canberrans working full time is currently at the highest level it has been at for more than three years. It is encouraging to see that the local economy's growth is also creating opportunities for young people and for women. Women's

workforce participation is up over a percentage point compared with this time last year, which means that more than 3,700 additional women in our city are in work. At the same time there are almost 1,000 fewer Canberrans aged between 15 and 24 who are unemployed now compared with a year ago, despite our overall population growth.

We have seen jobs created across a range of sectors as diverse as professional and scientific services, retail, transport and human services. This means there will continue to be even more opportunities for Canberrans from a diverse range of backgrounds to find a good job in our city.

**MR STEEL:** Chief Minister, what are the government's priorities to sustain and expand the territory's economic growth?

**MR BARR:** We will continue our strategic investment in services and infrastructure to keep the city moving and productive. We are investing \$3 billion over the next four years on key capital projects, particularly in transport, in education and in health. This will help Canberrans move around our city more quickly and access high quality services locally.

We are also investing in a range of areas that will enable further economic growth: better connections with our region and the world, stronger partnerships between our local firms, and more promotion of what Canberra has to offer as a place to study, to visit or to invest. Next month's territory budget will continue to build on this work and ensure that the benefits of this economic growth are shared by all Canberrans.

### **Centenary Hospital for Women and Children—complaints**

**MRS KIKKERT:** My question is to the minister for health. I refer to reports in the media of 26 April 2018 that midwives and nurses wrote a letter to you raising a number of concerns. The letter said:

Due to the lack of available beds, women and babies are discharged home inappropriately early with feeding, pain or health concerns ... Babies are often re-admitted ... due to excessive weight-loss as a direct result of being sent home early due to hospital capacity ... Staff are unable to provide adequate breastfeeding support in the brief period they are in the hospital and Midcall, the hospital postnatal home visiting service has been substantially reduced.

Why are women and babies discharged home inappropriately early with feeding, pain or health concerns from the Centenary hospital due to a lack of available beds?

**MS FITZHARRIS:** As I indicated previously, the letter was sent from a staff member at Centenary hospital. As I have also indicated, I would encourage members opposite to read the extensive open letter from Centenary hospital and the letter written on behalf of doctors to the Canberra community published in last Saturday's *Canberra Times*.

**MRS KIKKERT:** Minister, why are babies having to be readmitted to the Centenary hospital due to excessive weight loss as a result of problems with the capacity of the Centenary hospital?

**MS FITZHARRIS:** It is the advice to me, and also I believe referenced in the open letter, although I do not have that immediately in front of me, that that is not the case.

**MRS DUNNE:** Minister, are you denying that women are discharged early, that babies are having feeding problems and that women discharged early are having pain management problems? Despite what has been said publicly, are you denying that that is the case and are you denying that there are inadequacies in the amount of breastfeeding support provided to new mothers?

**MS FITZHARRIS:** No, I am not denying that. What I am saying is that there has been extensive feedback from the staff and the leadership at Centenary hospital and the doctors at Centenary hospital. It is certainly the case that there may be a number of women having breastfeeding difficulties. I have experienced it myself. It may in fact go on for a number of weeks.

It is the advice to me that women are only discharged when it is clinically safe to do so, and that the medical service which provides midwifery and nursing care to women upon discharge is being offered. That may be a daily visit for a number of days or a weekly visit for a number of weeks, when that mother and her baby will then also receive follow-up care from the maternal and child health services, from ACT Health as well.

There are a range of supports for women when they are discharged from Centenary hospital. The clear advice to me from Centenary hospital is that women are only discharged when it is clinically safe to do so. There is a Midcall service available which may follow up and visit women daily or every couple of days for a period after their discharge and also services provided through maternal and child health.

It is also the advice to me that, with respect to the number of readmissions across the board, we are not seeing any increase, but I do not have those precise figures in front of me right now.

### **Centenary Hospital for Women and Children—complaints**

**MR WALL:** To continue on a theme, my question is to the Minister for Health and Wellbeing. Minister, I refer to reports in the media on 4 May 2018 about mothers at the Centenary hospital facing problems with delays in being admitted for inductions or receiving epidurals, overcrowding, lack of communication with staff, and poor management and morale. One mother said, “With my labour it’s like trying to fit a triangle into a circle, they applied the guideline to me and my daughter nearly died.” Why are many expectant mothers giving birth at the hospital facing delays in being admitted for an induction or receiving epidurals?

**MS FITZHARRIS:** I certainly noted some of the experiences of some women reported in the *Canberra Times* this week. I was, of course, concerned to read of their experiences. I also know that every woman’s experience in labour is different. I repeat again, as has been said publicly by doctors and senior staff at Centenary hospital, that decisions are clinically sound. Decisions will only be based on clinically sound decision-making and they provide a safe and high quality service.

I acknowledge that there is increased demand and that on a very busy day, because babies do not always come when they are planned to come, as most parents in this room will know, those processes are managed responsibly. There is within the Centenary hospital a maternal escalation policy extending the hours of the maternity assessment unit, rostering additional doctors and midwives, introducing assistance in midwifery to maternity services and, as I mentioned earlier, doubling the number of graduate midwives coming in this year. Also, there is a policy that involves referring women to the most appropriate ACT or New South Wales hospital.

There are a range of measures in place. I repeat again: I have been informed by clinicians, by lead clinicians at the Centenary hospital, that decisions will only be made based on clinically sound decision-making.

**MR WALL:** Minister, why is the Centenary Hospital for Women and Children having problems with high-risk pregnancies?

**MS FITZHARRIS:** It is not the advice to me that there are significant problems. In answer to four questions in a row I have outlined quite extensively that the advice to me from clinicians—which we have heard from the opposition this morning they respect—is that Centenary hospital is a safe and wonderful place to have a baby. Decisions made there by clinicians are clinically based.

**MRS DUNNE:** Minister, how will three extra beds in Calvary's maternity unit meet the increased workload resulting from population increases and your plan to redirect pregnant women from the Centenary hospital?

**MS FITZHARRIS:** It is one of the ways that we might better manage maternity services here in the ACT. When a minister is faced with capacity that is increasing at one facility and decreasing at another, in quite significant numbers, it is not appropriate to have wonderful staff—nurses, midwives, doctors—at Calvary hospital wishing to treat women in our community, wishing to be able to work with women and their families so that more women can give birth at Calvary Public Hospital.

One of the ways that we are doing that is by increasing investment in the facility, because many women have given feedback over a number of years now that one of the key reasons they would like to attend Centenary is the quality of the infrastructure. Calvary is currently under capacity and we want to change that.

### **Planning—Curtin master plan**

**MR STEEL:** My question is to the Minister for Planning and Land Management. Minister, can you outline to the Assembly the consultation currently underway to finalise the Curtin group centre master plan?

**MR GENTLEMAN:** I thank Mr Steel for his question and his interest in the Curtin community. The ACT government is finalising the master plan for the Curtin group centre. The master plan draws on the centre's existing strengths and outlines a vision, planning principles and strategies to guide growth and development in the centre. It

identifies what is important about the centre and how its environmental, social and economic sustainability can be enhanced. The master plan is being finalised with input from the community and stakeholders, including traders and lessees and the ACT government directorates.

Community engagement is an important part of the master plan process. People who live or work in or near the centre, or who use the area, have valuable knowledge to contribute to the planning process. Community involvement is essential in helping to develop a successful and achievable master plan. I encourage anyone interested to visit the your say site to review the plans and provide their feedback. Community engagement will close on Wednesday, 6 June this year.

**MR STEEL:** Minister, can you inform the Assembly of the community panel consultation undertaken that has informed the development of the Curtin group centre master plan?

**MR GENTLEMAN:** The community panel process, held from July to November last year, has greatly helped with developing a way forward to finalising the Curtin group centre master plan. Three community panel meetings were held to discuss the development and redevelopment opportunities for the group centre. This process was designed to bring the developers and community together, to look for shared outcomes. The panel format facilitated discussion on the future of the group centre with representation from the community, lessees, owners, young people, developers and government.

The panel meetings were framed around the master plan process, development proposals, infrastructure—things that make the area special to the community and businesses in the group centre. At the third and final community panel meeting, revised master plan diagrams were presented by the ACT government for consideration and discussion by panel members. The community panel meetings provided a positive forum for open discussion about the future of the Curtin group centre.

## **Visitors**

**MADAM SPEAKER:** I acknowledge that in the chamber we have the pleasure of the company of the President of the New South Wales Legislative Council and the current CPA Australian regional representative, the Hon John Ajaka MLC. Welcome to the Assembly and to Canberra once again. Mr Ajaka is accompanied by the Clerk of the New South Wales Legislative Council, Mr David Blunt, and I believe a senior adviser of the team as well. Welcome to the ACT Assembly. I am sure all members will be on their best behaviour now.

## **Questions without notice**

### **Planning—Curtin master plan**

**MR PETTERSSON:** Minister, can you outline how the Curtin group centre master plan will help to revitalise the centre while retaining the existing character that the Curtin community loves?

**MR GENTLEMAN:** I thank Mr Pettersson for his interest in the Curtin community. The finalisation of the Curtin group centre master plan will pave the way for revitalisation of the centre. We have listened carefully to the feedback from earlier stages of consultation and the community panel. We have weighed up the issues and arrived at an approach that I believe provides a range of positive outcomes for the Curtin community.

At each stage of community engagement, the ACT government heard clear messages about the value of the central courtyard as a place for community life. Markets are held in the courtyard on weekends and families visit the area in the afternoon on the way home from school. It is also a space where people enjoy the sunshine and generally feel comfortable to stay, meet people and enjoy themselves. How the existing buildings at the edge of the central courtyard are redeveloped and designed will be critical to ensure that this space will continue to be an important focal point for the community into the future.

A number of planning strategies are proposed to ensure that solar access is maintained and that the future development facing the central courtyard is of an appropriate bulk and scale. There are also strategies to ensure that the courtyard continues to function as a vibrant space for community activity and for businesses to thrive.

This includes introducing a solar fence to limit overshadowing onto the courtyard and providing a building setback above the ground floor where development is permitted above one storey. This will ensure there is a single storey height facing the central courtyard—the human scale, if you like—limiting the building height to one storey at the northern and western edges of the central courtyard and mandating active frontages such as cafes, restaurants and shops facing the central courtyard.

### **ACT Health—governance**

**MISS C BURCH:** My question is to the Minister for Health and Wellbeing. I refer to a quote in the *Canberra Times* of 8 May 2018 in which you said:

I have also acknowledged to staff that in recent times the governance of the organisation has let staff down.

What responsibility do you take, as minister, for the poor governance of your directorate which has let staff down?

**MS FITZHARRIS:** I take responsibility and I have also taken steps to significantly improve governance of ACT Health.

**MISS C BURCH:** Why haven't you acknowledged to the people of Canberra and to the patients of our health system that your poor governance of your directorate has let them down?

**MS FITZHARRIS:** I spoke to staff about this on Friday. I spoke to the media about this on Friday. I spoke to the Assembly about this this morning.

**MRS DUNNE:** Minister, seeing that you have now acknowledged your responsibility for this poor governance, will you resign from your position as Minister for Health and Wellbeing?

**MS FITZHARRIS:** No.

### **ACT Health—workplace culture**

**MR MILLIGAN:** My question is to the Minister for Health and Wellbeing. Minister, on 20 February 2018 the media reported that the Australian Salaried Medical Officers Federation ACT had claimed doctors were being put off by a bad culture within ACT Health. Minister, why has the government allowed a bad culture to develop within ACT Health?

**MS FITZHARRIS:** I do not believe that is the case and, as I said this morning, a positive culture, particularly in a health organisation, is everyone's responsibility. I have taken some clear decisions to significantly improve the governance of the organisation and, with it, my clear direction to the interim director-general and to the senior staff is that they lead by example in establishing a positive and healthy culture within ACT Health and across all of its facilities.

**MR MILLIGAN:** Minister, why has the government failed to tackle issues in specialties such as urology and obstetrics that have led to specialists not wanting to move to Canberra?

**MS FITZHARRIS:** That is not the case. I believe that in relation to urology there were some issues a number of years ago, prior to my time. They have subsequently been addressed, and that profession has now been re-accredited. Certainly, there is hot competition for specialists right across the country. I think we have a very good story to tell about the level of service we provide, the government's investment in more health services and more health facilities, and our tremendous relationship with our universities, particularly the ANU, the University of Canberra and ACU. We have a very good story to tell about health investment in this city and what a wonderful city it is to live in. That work on workforce attraction is well underway.

**MRS DUNNE:** Minister, when will you face the fact that you will not succeed in workplace attraction until you address the staff culture issues that are a turn-off to young doctors considering moving to Canberra?

**MS FITZHARRIS:** We welcomed, I believe, over a hundred interns into ACT Health earlier this year. I understand they are all delighted to be working for ACT Health. We have had people looking to work in the wonderful new facility, the University of Canberra hospital.

I note that it is certainly the case that we have seen consistently from the opposition any opportunity to talk down anything that is happening in Health. I have observed this from afar within the chamber, both on the backbench and on the frontbench now, and I guess it is no surprise to see it continue.

*Opposition members interjecting—*

**MADAM SPEAKER:** Members, Mr Pettersson has the call and is about to ask a question.

**Education—future strategy**

**MR PETTERSSON:** My question is to the Minister for Education and Early Childhood Development. Minister, can you please update the Assembly on the future of education project?

**MS BERRY:** I thank Mr Pettersson for his question and I am very happy to update the Assembly on progress so far on the future of education. At the start of my time when I was appointed as education minister, I kicked off a big conversation with the ACT community about the vital work that the government does in providing education in the ACT. That conversation has been a big and genuine conversation. It has involved the government providing some stimulus to the community, listening to feedback from individuals in the community and then confirming that what we heard was what they told us. I am really happy to say that the conversation so far has included over 5,000 interactions from students, parents, teachers, educators, support staff and other community members.

Over the first few months of 2018 the conversation transitioned to its second phase. There are already 10 key themes which I have spoken about before in the Assembly. These have filtered down to some key strategies that will be developed in an education strategy for now and into the future. It has involved a lot of further discussions and will provide more information to the ACT government about the future of education in the ACT.

*Opposition members interjecting—*

**MS BERRY:** Those very strong common foundations for the strategy are already emerging. They include learning professionals, students, systems and the community.

**Ms Cody:** A point of order, Madam Speaker.

**MADAM SPEAKER:** Yes, Ms Cody.

**Ms Cody:** I was trying very hard to listen to the minister's response to the question that Mr Pettersson asked but people on the other side of the chamber were talking, laughing and making jokes. I thought this was a very serious question time. They have been asking some serious questions. We have been listening quite contentedly to the ministers' responses. It would be nice if they could show the same courtesy.

**Mrs Dunne:** Was that a point of order?

**MADAM SPEAKER:** It was a point of order. It was about being quiet and allowing people to answer the question without being interrupted and other members being able to hear.

**MR PETTERSSON:** Minister, how are school leaders, teachers and support staff being engaged?

**MS BERRY:** Through this conversation, I was keen to make sure that teaching staff, in particular, and the learning professionals get the time to take some time out to reflect on their work and consider what is working in their profession and what could be changed to make it even better. Ultimately, this is the most important factor in student outcomes, after background and circumstances of the student: the professionals responsible for taking students on their learning journey.

Soon I will release a dedicated discussion paper for the workforce supporting school education in the ACT. This discussion paper will be accompanied by a survey for teaching professionals so that we can identify some of the ways they can improve their own profession and their place within the teaching profession. The discussion paper and survey ask learning professionals to challenge themselves and make a contribution about things beyond just resources in the classroom. Issues around training, professional learning and leadership, as well as measuring performance, are all relevant. I look forward to hearing what the people working with the students have to say.

**MS CHEYNE:** Minister, has the recently released Gonski report provided any insights for the future of education work?

**MS BERRY:** I thank Ms Cheyne for her supplementary. As members will know, last week the federal government released Mr David Gonski's report *Through growth to achievement: report of the review to achieve educational excellence in Australian schools*. I welcome this report and thank Mr Gonski and the review panel for their work. It was a privilege to be able to be part of that conversation during the two times that I got to be part of an interview with Mr Gonski and his team.

The report aligns well with what the ACT government's future of education conversation is finding. It clearly confirms many of the themes that are coming out through the conversation and also our work towards an early childhood strategy. I am grateful that Mr Gonski took the opportunity to reinforce the vital importance of equitable early childhood education and care. That work was also backed up in the *Lifting our game* report. We were also able to get a really great report from the editors of that report during our conversation last week at the ministers' Education Council.

I was also encouraged to see Mr Gonski's acknowledgement of teachers as expert professionals. Finally, Mr Gonski's report supports the ACT's national leadership in seeking a review of NAPLAN assessment and reporting. It is good to see that the country is warming up to this idea. The report is important confirmation that the ACT government's future of education work is definitely on the right track.

### **Calvary hospital—alleged bullying**

**MR PARTON:** My question is to the Minister for Health and Wellbeing. On 15 April this year the media reported on bullying at Calvary hospital. It cited cases of bullying

in the emergency department and in wards, security, administration and human resources. On 16 April the AMA called for an investigation into bullying. Minister, for how long have you known about bullying in the ACT public health sector, and what have you done about it?

**MS FITZHARRIS:** Mr Parton failed to mention that I have also written, as I believe was reported, to Calvary to outline my concerns with the issues that were raised and to say that, as the funder of public hospital services at Calvary, I would like further advice from Calvary on the matters that were raised. I have received an initial response from Calvary and I look forward to further advice from Calvary about how those particular issues are being addressed. I do believe it is the case that Calvary are also working with WorkSafe ACT on some recommendations that were made, and I look forward to that work continuing.

**Mr Coe:** A point of order.

**MADAM SPEAKER:** A point of order, Mr Coe.

**Mr Coe:** It is on relevance. Whilst the minister answered the latter part of Mr Parton's question, the first part was: for how long have you known about bullying in the ACT public health sector? I ask that she be directly relevant to that question.

**MADAM SPEAKER:** Have you got any more to add, minister?

**MS FITZHARRIS:** No.

**MR PARTON:** Minister, will you be heeding the AMA's call for an investigation, and what form will that investigation take?

**MS FITZHARRIS:** I referred to that in my previous answer and reiterated the calls for those matters to be fully investigated. That is a matter for Calvary.

**MRS DUNNE:** Minister, why have both Calvary hospital and Canberra Hospital had chronic bullying problems and harassment problems over the past decade, and what, apart from platitudinous statements like "zero tolerance", will you do to ensure that there is an end to bullying in the public hospital system?

**MS FITZHARRIS:** Mrs Dunne goes back well beyond my time and probably to times even prior to self-government. It is the case that I think every health minister in the country, of any political persuasion, would wish that there were not instances of bullying in their organisations. I know that in meetings with the AMA and the various royal colleges, they are very clear that they will not tolerate bullying in the medical profession. I know that in the case of the ANMF, they do very important work with nurses and midwives to make sure that there is not bullying.

Organisations must have clear policies and procedures in place. It is everyone's responsibility to build a healthy culture. I outlined this morning, extensively, the approach that ACT Health takes to bullying. I also outlined quite extensively my clear direction to the interim director-general and the senior staff at ACT Health that they

lead by example and make sure that the two new organisations contribute very strongly to building a positive culture so that health services can continue to be delivered to our community.

### **Disability services—grants**

**MS CHEYNE:** My question is to the Minister for Disability, Children and Youth. How do the disability inclusion grants enable community organisations, volunteer-run groups and small businesses to better include and engage Canberrans with disability?

**MS STEPHEN-SMITH:** I thank Ms Cheyne for the question. The disability inclusion grants deliver on Labor's 2016 election commitment to provide \$200,000 over four years to promote the inclusion of people with a disability through removing barriers to social participation. Disability inclusion grants provide funding for community groups, organisations and small businesses to undertake initiatives that enable greater inclusion of people with disability.

People with disability still face hurdles to participation in their local community. This can often be due to a lack of awareness about inclusion, physical barriers or communication issues. At the same time it is important to recognise the ongoing desire of the broader Canberra community to be more inclusive. We know that groups and clubs would like to be more inclusive of people with disability but are not always able to do so due to accessibility issues with their facilities, a lack of resources to purchase accessible equipment or because they simply do not know where to start.

Applications are now open for the second round of disability inclusion grants. Organisations can apply for a grant of up to \$20,000 for projects to improve access for people with disability to their activities or services. Projects may include, for example, installing automatic doors, developing a disability action plan, disability awareness training for staff or members, purchasing assistive technology or upgrades to make a bathroom more accessible.

These grants will help to broaden the inclusion of people with disability. They will open up opportunities in employment, recreation, sporting pursuits and greater participation in community groups. The grants round will close on 2 July. More information can be found on the Community Services Directorate website. I strongly encourage all members to share this information with their community.

**MS CHEYNE:** Minister, what are some examples of successful projects funded under the previous round of the disability inclusion grants?

**MS STEPHEN-SMITH:** I thank Ms Cheyne for her supplementary. The first round of grants was held in 2017 and saw more than 40 high-calibre grant proposals submitted. It was great to see the breadth of the proposals from Canberra organisations large and small. The number of applications demonstrated the clear commitment of the Canberra community to engage in inclusion as a concept and as a practice.

Applications were received from all sorts of organisations and eight successful projects were funded for equipment, training or infrastructure modifications. The successful organisations ranged from sporting to computer gaming, to the arts, to volunteer-involving community organisations. The funded projects will create a broad and deep impact on the lives of people with disability and help to advance community attitudinal change about inclusion.

The eight successful projects were: Capital Football for training to raise awareness of disability for footballers and their coaches; the Academy of Interactive Entertainment for building modifications to welcome people with disability through physical access; Girl Guides to develop inclusive resources to welcome newcomers; Warehouse Circus for disability awareness training and accessible equipment to create more inclusive classes; Belconnen Arts Centre for building modifications to revolutionise access to the arts; filmmaker Jolene Laverty to support short films on the experiences of people with disability in the ACT; GG's Flowers & Hampers, which I know some of us are regular purchasers of, for accessible equipment to increase employment of people with disability; and ENGAGE Sports for accessible sports equipment to create inclusive sporting opportunities led by the students at Marist College.

I look forward to announcing further successful projects and initiatives in the future and encourage community groups and small businesses to consider making an application in this grants round.

**MS ORR:** Minister, what else is the ACT government doing to ensure that Canberrans with disabilities are included and consulted?

**MS STEPHEN-SMITH:** I thank Ms Orr for her supplementary question. The government is committed to ensuring that people with disability are included and consulted in a myriad of ways across our community. We recognise that mainstream service systems have not always catered appropriately for the needs of people with disability and we are committed to doing better.

Noting this, the ACT government established the Office for Disability in the Community Services Directorate as a focal point for our ongoing work to ensure that Canberra becomes an even more inclusive and engaging city for people with disability. The office works with and promotes policy outcomes for people with disability in a number of ways, including supporting the ACT Disability Reference Group, which is designed to advise the government on issues affecting people with disability. The office manages the I-Day grants for organisations to celebrate the International Day of People with Disability. The office also supports the work of the Inclusion Council, which is currently collaborating with the Canberra Business Chamber on a project to enhance the employment of people with disability.

In partnership with the Inclusion Council, the ACT government values and celebrates inclusive action through the Chief Minister's inclusion awards. Of course, the ACT government also encourages Canberrans of all abilities to connect, participate and discover all that Canberra has to offer in community activities through the annual Connect and Participate Expo—the CAP expo.

This year's CAP expo brought together a diverse range of more than 100 social, recreational, cultural, artistic and sporting groups from across Canberra. These groups are inclusive of all abilities and ages, with a focus on wellbeing and social inclusion. The CAP expo gives people a chance to participate in their community, because only by working together can we ensure that Canberra is a more inclusive city, which I am sure is an objective that we all share.

### **Hospitals—discharge policy**

**MS LEE:** My question is to the Minister for Health and Wellbeing. I refer to media reports on 3 May this year about an elderly woman who was discharged from Calvary hospital hours after testing positive for influenza. She is living with her family, including a granddaughter who has had problems with pneumonia. The family has had to buy face masks and protective outer wear as a precaution. I seek leave to table the media story for the minister's reference.

Leave granted.

**MS LEE:** I table the following paper:

Family at flu risk from released patient—Isentia media item, dated 3 May 2018.

Minister, why did Calvary hospital discharge this woman only hours after she was diagnosed with influenza?

**MS FITZHARRIS:** I recall that Calvary made comment in the media report. It would be my expectation that Calvary would only discharge patients if it was clinically safe to do so. If there is anything further to add, I will provide further advice to the Assembly.

**MS LEE:** Minister, are Calvary Public Hospital and Canberra Hospital discharging patients before it is clinically recommended due to the ongoing crisis in the health system?

**MS FITZHARRIS:** Not to my knowledge.

**MRS DUNNE:** Minister, what guarantees will you give to the Assembly and to the people of the ACT that patients will not be discharged from hospital before it is clinically recommended during this flu season?

**MS FITZHARRIS:** I note extensive comments this morning from the opposition about the hard work of doctors and nurses. It is the doctors who make the decision on whether or not to discharge patients. I expect that they will do so based on clinically sound evidence.

I would note, in my comments around Calvary, a snapshot of occupancy as of 3 May this year. Occupancy rates at Canberra Hospital were 94 per cent. Occupancy rates at Calvary Public Hospital were 68 per cent. We have capacity in our health system; it

must be used. It is essential that we invest in health services in our territory, but it is essential that we make the best of the capacity that already exists. This underpins why I have led a significant negotiation with Calvary to make sure that we can effectively use the capacity we have in our public hospital system. I believe that that is what the Canberra community expect. It is the best way to spend public money. I am sure that staff at both facilities work diligently every day and make decisions in the best interests of their patients.

### **Canberra Hospital—accreditation**

**MR HANSON:** My question is to the minister for police. No, it is not.

*Members interjecting—*

**MR HANSON:** My question is to the Minister for Health and Wellbeing. In preparation for the recent accreditation process at the Canberra Hospital, was any equipment removed from active use during the lead-up to the accreditation? If so, why?

**MS FITZHARRIS:** It is nice to see Mr Hanson make us laugh at least once during a question time. I thought for a minute I might avoid the full trifecta—I don't know what you call it; whatever you call it—having every question from the opposition—

**Mr Barr:** A full hand.

**MS FITZHARRIS:** A full hand. I think I have achieved it.

**Mr Barr:** I think you have.

**MS FITZHARRIS:** Thank you very much. I believe it was the case—as was reported—that equipment was removed during the week of accreditation. It is my understanding from the advice to me that, on a regular basis—every day and every week—equipment is maintained, upgraded and taken away to be cleaned. There was no additional removal or cleaning of equipment specifically for accreditation. It was previously scheduled that equipment and furniture on a particular ward in the hospital be removed for cleaning during the full week of the accreditation process in late March.

**MR HANSON:** Minister, has that equipment that was removed now been replaced?

**MS FITZHARRIS:** It is my understanding that it has been returned and not replaced.

**MRS DUNNE:** Minister, are the reports true that equipment was returned broken?

**MS FITZHARRIS:** That is not the advice I have received, no.

### **Arts—funding**

**MS ORR:** My question is to the Minister for the Arts and Community Events. Can the minister provide further information about how the new arts funding arrangements he announced earlier today will better serve our growing arts sector?

**MR RAMSAY:** I thank Ms Orr for her question. The Canberra arts sector is certainly strong and vibrant and an important cultural and economic contributor to our wonderful city. The ACT government has committed to implementing a new arts funding plan, which will present a reinvigorated model of funding and support.

A key part of that new approach to arts funding is to significantly restructure how funding is provided to individual artists, groups and arts organisations for self-determined projects that would have previously been funded through project and out-of-round funding.

What will now be called the arts activities fund will increase flexibility and will be more responsive to the needs of artists, groups and arts organisations, and will support an increased range of activities, including artform-based projects, mentorships, residencies, professional and skills development, and opportunities for the community to actively engage in the arts.

Arts activities funding will have two streams for all projects. Funding of up to \$5,000 will be available on a rolling basis throughout the year. Funding of up to \$50,000 will be available in two rounds per year, allowing artists and arts organisations to undertake larger projects.

All processes around grants will be streamlined and consistent, and there will be a comprehensive handbook, information sessions and one-on-one appointments to assist artists to make the best application they can.

As the government has previously committed, a minimum of \$750,000 is available each year for arts activities funding. We remain committed to the transparency of announcing the size of the funding pool each round. In fact, for 2018-19, we have \$775,000 available. The first round for both funding categories will open on 1 June this year.

**MS ORR:** Can the minister please outline what the consultation process has been to arrive at the new arts funding approach?

**MR RAMSAY:** I thank Ms Orr for the supplementary question. The ACT government is committed to getting funding for artists and organisations right, which has meant taking the time to consider all the options. Extensive consultations with the arts community have allowed us to hear what artists really need in terms of how funding is made available and what their ambitions are for the ACT arts sector.

Artists have told us that they need flexible and responsive funding programs with clearly explained, transparent and consistent processes. They are seeking professional development opportunities and career pathway options. They value strong communication with government and they seek clear recognition and support for Aboriginal and Torres Strait Islander arts and cultures.

The next area that we will be consulting on will be corresponding changes to arts organisations funding. Funding for organisations is more complicated, which is why

there will be further conversations in working towards the right funding model. It will be important to hear from both those currently funded programs and key organisations and also those organisations that have not previously received organisation funding. We are looking forward to good, open communication regarding the challenges and the opportunities in this category.

Another way that we reach into the community on funding matters is to make a renewed call for people to nominate on the register of peers to participate in the peer assessment process of grant applications. We are looking for peers across all art forms, including dance, circus, music, literature, theatre and visual arts and crafts. They are encouraged to apply via the ACT arts website.

**MS CODY:** Minister, can you outline the other exciting measures announced in the package this morning which will benefit ACT artists and arts organisations?

**MR RAMSAY:** I thank Ms Cody for the supplementary question. Today I was pleased to announce further funding for 2018 in the community outreach program which currently includes funding to the ANU School of Music and School of Art and Design, the Canberra Symphony Orchestra and the Belconnen and Tuggeranong arts centres to enhance community access to and participation in arts and cultural activities.

We will be providing a one-off round for community outreach arts projects with a total pool available of \$325,000 for projects that have an emphasis on engaging people who may experience barriers to participation in the arts, notably those experiencing some kind of disadvantage. The aim of the community outreach arts funding is to increase participation in the arts, promote collaboration between organisations, artists and the community, and to establish relationships or programs which contribute to long-term arts engagement outcomes. Applications will open on 1 June. They will close on 31 July. An announcement of the successful applications will be made by 30 November.

I was also pleased today to announce the new government initiative for capacity building in the arts sector. From 1 June artsACT will be gradually rolling out a suite of support services to artists and arts organisations in areas of grant writing, good governance, strategic planning, change and risk management, and diversity representation and arts cultural awareness. There is an initial \$100,000 set aside for this work.

Finally, it is good to have been able to announce today that nominations for the ACT book of the year will open on 1 June, with a \$10,000 prize for the winner, \$2,000 for any highly commended book and \$1,000 for each short-listed book.

**Mr Barr:** I ask that all further questions be placed on the notice paper.

## **Supplementary answer to question without notice**

### **Homelessness—government funding**

**MS BERRY:** During question time on Thursday, 12 April 2018 I answered a series of questions around homelessness in the ACT. I want to take the chance to correct the

*Hansard* record. The ACT has the fourth lowest rate of homeless persons per 10,000 at 40.2 per 10,000. Thanks to the great work carried out by the homelessness sector in the ACT, it has the lowest rate of rough sleepers—persons living in improvised dwellings, tents or sleeping out—at 1.4 per 10,000. The ACT has the second highest rate of homeless persons in supported accommodation, at 20 per 10,000. The 2018 report on government services shows in 2016-17 the ACT also had the second highest per capita expenditure on homelessness services at \$50.90 per person. In 2016-17 total ACT expenditure to the sector was \$20.7 million.

## Papers

**Madam Speaker** presented the following papers:

Auditor-General Act, pursuant to subsection 17(5)—Auditor-General’s Report No 5/2018—ACT clubs’ community contributions, dated 27 April 2018.

Public Accounts—Standing Committee—Reports presented—Report 2—Report on Annual and Financial Reports 2016-2017—Speaker’s response to Recommendation 13—Swearing in of the ACT Ombudsman, dated 29 March 2018.

**Mr Barr** presented the following papers:

Remuneration Tribunal Act, pursuant to subsection 12(2)—Determinations, together with statements for:

Full-Time Statutory Office Holders—Determination 5 of 2018, dated March 2018.

Full-time Statutory Office Holders: Auditor-General, Clerk of the Legislative Assembly, Electoral Commissioner—Determination 4 of 2018, dated March 2018.

Head of Service, Directors-General and Executives—Determination 3 of 2018, dated March 2018.

Members of the ACT Legislative Assembly—Determination 2 of 2018, dated March 2018.

Part-time Public Office Holder—Territory Records Advisory Council—Determination 8 of 2018, dated April 2018.

Part-time Public Office Holders—Determination 6 of 2018, dated March 2018.

Principal Registrar and Chief Executive Officer, ACT Courts and Tribunal—Determination 7 of 2018, dated April 2018.

**Mr Gentleman** presented the following papers:

**Subordinate legislation (including explanatory statements unless otherwise stated)**

Legislation Act, pursuant to section 64—

Children and Young People Act—

Children and Young People (Death Review Committee) Appointment 2018 (No 2)—Disallowable Instrument DI2018-55 (LR, 5 April 2018).

Children and Young People (Death Review Committee) Deputy Chair Appointment 2018 (No 1)—Disallowable Instrument DI2018-54 (LR, 12 April 2018).

Domestic Violence Agencies Act—Domestic Violence Agencies (Council) Appointment 2018 (No 1)—Disallowable Instrument DI2018-53 (LR, 26 March 2018).

Financial Management Act—Financial Management (Transfer of Funds from Capital Injection Appropriation to Other Appropriations) Approval 2018 (No 1)—Disallowable Instrument DI2018-82 (LR, 3 May 2018).

Public Place Names Act—Public Place Names (Wright) Determination 2018—Disallowable Instrument DI2018-63 (LR, 16 April 2018).

Public Pools Act—Public Pools (Active Leisure Centre Fees) Revocation 2018—Disallowable Instrument DI2018-52 (LR, 26 March 2018).

Racing Act—

Racing Appeals Tribunal (Assessor) Appointment 2018 (No 1)—Disallowable Instrument DI2018-58 (LR, 12 April 2018).

Racing Appeals Tribunal Appointment 2018 (No 1)—Disallowable Instrument DI2018-57 (LR, 12 April 2018).

Racing Appeals Tribunal Appointment 2018 (No 2)—Disallowable Instrument DI2018-59 (LR, 12 April 2018).

Racing Appeals Tribunal Appointment 2018 (No 3)—Disallowable Instrument DI2018-60 (LR, 12 April 2018).

Racing Appeals Tribunal Appointment 2018 (No 4)—Disallowable Instrument DI2018-61 (LR, 12 April 2018).

Road Transport (Public Passenger Services) Regulation—

Road Transport (Public Passenger Services) Bus Services—Service Standards 2018 (No 1)—Disallowable Instrument DI2018-66 (LR, 16 April 2018).

Road Transport (Public Passenger Services) Demand Responsive Services—Service Standards 2018 (No 1)—Disallowable Instrument DI2018-64 (LR, 16 April 2018).

Road Transport (Public Passenger Services) Hire Car Services—Service Standards 2018 (No 1)—Disallowable Instrument DI2018-68 (LR, 16 April 2018).

Road Transport (Public Passenger Services) Rideshare Services—Service Standards 2018 (No 1)—Disallowable Instrument DI2018-65 (LR, 16 April 2018).

Road Transport (Public Passenger Services) Taxi Services—Service Standards 2018 (No 1)—Disallowable Instrument DI2018-67 (LR, 16 April 2018).

Road Transport (Safety and Traffic Management) Act and Road Transport (General) Act—Road Transport (Safety and Traffic Management) Amendment Regulation 2018 (No 1)—Subordinate Law SL2018-3 (LR, 12 April 2018).

Utilities (Technical Regulation) Act—Utilities (Technical Regulation) (Water and Sewerage Network Boundary Code) Approval 2018—Disallowable Instrument DI2018-62 (LR, 13 April 2018).

Utilities Act and Legislation Act—Utilities (Water and Sewerage Network Boundary Code) Revocation 2018—Disallowable Instrument DI2018-56 (LR, 12 April 2018).

Work Health and Safety Act—Work Health and Safety Amendment Regulation 2018 (No 1)—Subordinate Law SL2018-2 (LR, 28 March 2018).

## **Justice and Community Safety—Standing Committee Scrutiny report 17**

**MS LEE** (Kurrajong) (3.35): I present the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 17, dated 4 May 2018, together with a copy of the extracts of the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MS LEE:** Scrutiny report 17 contains the committee's comments on four bills, 15 pieces of subordinate legislation and four government responses. I draw to the attention of the Assembly the final paragraph on page 3 of the report, in which the committee recommends that the Assembly refer the Crimes (Consent) Amendment Bill 2018 to the Standing Committee on Justice and Community Safety for inquiry and report.

On behalf of the committee I thank the legal advisers to the committee—Stephen Argument and Daniel Stewart—and the committee secretariat for their efforts in the preparation of this report, which was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

### **Reference**

**MS CODY** (Murrumbidgee) (3.36): I move:

That the Crimes (Consent) Amendment Bill 2018 be referred to the Standing Committee on Justice and Community Safety for inquiry and report by the last sitting day in October 2018.

**MS LE COUTEUR** (Murrumbidgee) (3.36): I am the member involved with this particular bill, and I think the inquiry is entirely fine. I just have one thing I would like to request of the committee: we did a lot of consultation on the bill in preparing it, and I hope there is some way that the submissions that were made to us can be considered by the committee so that people do not have to do all the work for a second time. I am hopeful there is some way that this can be organised.

**MS CODY** (Murrumbidgee) (3.37): On behalf of the committee, I am sure it will be an interesting inquiry. We are looking forward to hearing from the people that have already provided submissions. As a committee I am sure we will be able to come to some arrangement with regard to people that have written submissions in the past and how they can be resubmitted to this inquiry.

Question resolved in the affirmative.

## **Community Services Directorate—freedom of information request**

### **Paper and statement by minister**

**MS BERRY** (Ginninderra—Deputy Chief Minister, Minister for Education and Early Childhood Development, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Women and Minister for Sport and Recreation) (3.37): I present the following paper:

Freedom of Information Act, pursuant to section 39—Copy of notice provided to the Ombudsman—Community Services Directorate—Freedom of Information request—Decision not made in time, dated 3 May 2018.

I seek leave to make a statement.

Leave granted.

**MS BERRY:** The notice is required when an FOI decision is not made within the statutory time allowed and is taken to be a refusal to give access to the information. An FOI access application was received by the Community Services Directorate on 13 March 2017 for personal information relating to a housing tenant and was due to the applicant on 19 April 2018 after a one-week extension.

Due to the complexities with the individual's case, the directorate asked the applicant for additional time to process this application, which was not granted. Therefore, on 16 April 2018 the directorate applied to the Ombudsman seeking a 15-working-day extension. The extension of time was denied by the Ombudsman on 19 April 2018. The directorate will continue to deal with the application and give notice of a decision on the application.

## **Environment—bees**

### **Discussion of matter of public importance**

**MADAM ASSISTANT SPEAKER** (Ms Lee): Madam Speaker has received letters from Miss C Burch, Ms Cheyne, Ms Cody, Mr Hanson, Mrs Kikkert, Ms Le Couteur, Ms Lee, Ms Orr, Mr Parton, Mr Pettersson and Mr Steel proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, Madam Speaker has determined that the matter proposed by Ms Le Couteur be submitted to the Assembly, namely:

The importance of bees to the ACT's environment and economy.

**MS LE COUTEUR** (Murrumbidgee) (3.39): Thank you to the Assembly for giving me the opportunity to be here today to talk about bees. I have cared about bees since before it was cool. And while policymakers have bumble-beed around for years on biosecurity and making bee-friendly cities and ecosystems, the Greens and key advocacy groups like ACT for Bees have droned on and on about the need to better regulate pesticides, plant more native trees and create natural corridors because—or “bee course”, and that can mean “of course” or “because”; bee puns are very versatile—the question on everybody’s lips is, “Are bees all they are cracked up to be? What is the buzz about bees?” I might leave it there for puns. I have not really seen enough—

**Mr Parton:** Good.

**MS LE COUTEUR:** Thank you, Mr Parton. I was hoping for a few more faces in agony. But, yes, to answer the question, bees are all they are cracked up to be. Bees and other pollinators like flies are crucial to the viability of our agricultural sector—in fact, our entire ecosystem. Bees’ role in the natural order of our world is crucial and their importance as pollinators both for agriculture and for wild plants cannot be overestimated and cannot be simply quantified in monetary terms.

Bees are what is called a keystone species, ensuring the continued reproduction and survival not only of plants but of other organisms which depend on these plants for survival. Once a keystone species disappears, other species begin to disappear. Thus, as Albert Einstein said, “If the bee disappeared off the surface of the globe, then men would only have four years of life left.” No more bees, no more pollination, no more plants, no more animals, no more man!

Next week, Sunday, 20 May is the first World Bee Day and I do thank the Assembly very much for its perfect timing with this MPI. A number of local institutions have got behind World Bee Day. The Slovenian embassy in O’Malley will be hosting a traditional honey breakfast in the morning, followed by a bee-friendly lunch at Canberra Magic Kitchen in Hackett. There will be a garden party at the Swedish embassy in Yarralumla in the afternoon, and a night-time screening of the award-winning documentary *More Than Honey* at the Coombs Theatre at ANU at 5 pm, courtesy of the Swiss embassy. And if you want more information about these or any other World Bee Day events in Canberra, go to the ACT for Bees website, [actforbees.org.au](http://actforbees.org.au).

Unfortunately, Canberra is not all a land of milk and honey for bees. Research by ACT for Bees is showing that the ACT government is still using huge quantities of troubling pesticides and herbicides. Combining that with Canberra’s continued expansion into previously open space, the ongoing removal of urban canopy cover and the reduction of urban garden spaces resulting from increased densification is making Canberra a hostile environment for bees and other pollinators.

While we have not seen the bee die-off here that has been seen in the US and Europe, farmers in the capital region have been reporting difficulties in attracting pollinators

to their crops. And it is only a matter of time before bees and other pollinators have reduced numbers in the ACT as well.

The New South Wales government has recently made some major changes to their pesticide regulation framework, partly out of recognition that the existing framework was negatively impacting the long-term viability of agricultural communities and our natural environment.

Canberra and the ACT government need to take real action on protecting our city's biodiversity for the future. I am joining calls from other organisations to make Canberra a bee-friendly city and lead the way for Australian cities to move to a more sustainable living urban landscape.

Making Canberra a bee-friendly city will not only help to protect biodiversity, it will help foster the growing urban agricultural sector in Canberra, promote and sustain school kitchen gardens, community gardens, backyard veggie gardens and urban farms, all of which help support local food production and food security. Making Canberra more bee-friendly would also help our goal of increasing the urban canopy and reducing heat island effects since new suburbs and infill developments are being built with next to no or no habitat for pollinators.

This should include fostering ongoing dialogue with communities on the role bees and other pollinators have to play in their local environments and how actions at home or within their community organisations might impact these pollinator populations. It will also require major work on the regulation and use of pesticides, increased efforts on bush regeneration and increasing urban canopy and an environmentally aware approach to landscaping, parks management and city services.

As a more short-term issue and hopefully a solution, the ACT government should be actively reviewing the use of neonicotinoids in Canberra with a view to adopting harmonised national laws and pesticides and best practice framework for government use of pesticides, creating strict reporting guidelines on the use of all pesticides in the ACT by any entity, introducing labelling guidelines for plants, seeds and soils treated with pesticides harmful to pollinators, and introducing a quickly phased-in ban on the use of neonics.

The UK and the EU have both announced their intention to phase in a ban on the use of neonicotinoids after disturbing research on the disappearance of insects in wilderness areas in Europe. Their announcements cite concerns over soil fertility, poor nature regeneration and decreasing yields, all of which are possibly attributable to the widespread use of neonics. It actually is really scary. Wilderness areas in Europe have had a decrease of over 50 per cent in the amount of insects in them.

While the Australian Pesticides and Veterinary Management Agency has stated they do not intend to take action against the widespread use of neonics in Australia, we know there is a problem. It is so clear that there is a problem that Bunnings, Mitre 10, Coles and Woolworths have all begun phasing the neonic products out because of the harm they are having on bee populations.

Restrictions on neonic use would not only have an impact on our natural environment but they may also have positive spill-over effects on consumers as reports have come out about pesticide contamination in honey. It has also been linked with the death of migratory birds and interfering with migratory flocks' navigation.

I look forward to the ACT becoming a bee-friendly city and the government working with the community and the bees to progress the essential work to do this.

**MS LAWDER** (Brindabella) (3.48): I would like to thank Ms Le Couteur for bringing on this very interesting topic today. I think it does demonstrate the juxtaposition between the matters that we have talked about today, such as a crisis in our health service, and the topic we are discussing today in the MPI.

We do not have a large formal or commercial honey industry as such in the ACT but we do have a number of amateur beekeepers here in Canberra. And with so many enthusiastic gardeners and large areas of bushland, is it any wonder that it is a popular hobby? We do have the ACT Beekeepers Association and if you visit the Jerrabomberra wetlands, for example, you will see that they have a number of hives there which enable their resident bees to access the wide variety of vegetation and plants there at the Jerrabomberra wetlands.

You will see that in other areas in our suburban and urban landscape as well. There are hotels and businesses that are installing hives on top of their businesses. It is another way to ensure the ongoing viability of that amateur and not so amateur beekeeping here in the ACT.

Hives in the ACT do have to be registered through the Transport and City Services Directorate and anyone selling honey also has to be registered. And while beekeeping may only be small in the ACT, in other parts of Australia the bee industry makes a significant contribution to the economy. The Australian honeybee industry has over 12,000 producers, with over half a million hives in most states of Australia.

They produce between 20,000 and 30,000 tonnes of honey annually, which makes Australia one of the top 10 honey-producing countries in the world. A lot of the honey that we produce here is exported to a variety of countries in both bulk and retail shipments. Australia is the fourth largest exporter of honey in the world after China, Argentina and Mexico. I guess that is a good trivial pursuit question for you.

Australian honey varieties are recognised for their high quality and unique flavours, including a variety of eucalypt nectars such as yellow box, grey box, river red gum, stringy bark and red box in Tasmania. Leatherwood honey is also a unique and popular flavour and of course many people will have heard of Manuka honey, depending on how you choose to pronounce it. Australian honey can be found throughout the world—Europe, Asia, North America, Middle East, Argentina—and at least one of our Australian honey producers, Capilano, has operations in several overseas countries.

The Australian bee industry is not only about honey. Other honey bee products include beeswax production, queen bees, packaged bee sales, pollen and paid pollination services. The industry has an overall gross estimated value of production of \$90 million a year. Pollination is a particularly important activity for the bee industry and one that is becoming even more important for many producers than honey production.

Of course, as we have heard already from Ms Le Couteur, without the activities of bees many horticultural crops would simply not happen. In fact the little honey bee is the most important insect pollinator of cultivated, agricultural and horticultural crops worldwide. The saying “busy as bees” is most accurate. With the Australian production of almonds and blueberries particularly on the increase, paid pollination services are becoming a significant financial stream of an apiarist’s business plan.

We are also lucky or perhaps privileged that as an island continent we do have a particularly active biosecurity network so that bee diseases common in other countries are not present here. Beekeepers are always on the watch for a number of diseases—American foulbrood, European foulbrood, sacbrood—as well as a number of predators such as birds like currawongs and bee eaters and insects like redback spiders. I do not like currawongs or redback spiders either but that does not mean I do not like bees.

The Varroa mite is one that could wipe out our bee industry and put at risk our export markets. It had serious impacts in other countries and Australian beekeepers certainly do not want it here. The Varroa mite has spread to and become a major pest of honey bees in the US since its introduction into Florida in the mid-1980s. We do not have it here and we certainly do not want it. According to beekeepers, recent increases in honey imports from countries including China are potential carriers of disease including Varroa mite. We must put our faith in our border protection services to monitor such things.

Also, at the local level we can play our part by buying locally produced honey, supporting local amateur beekeepers and honey producers and, for those who have gardens, making sure they grow plants that encourage bees so that they can keep busy collecting nectar and pollinating local crops like blueberries and fruit trees.

As we have already heard, 20 May marks World Bee Day, which is recognised by a UN resolution. Ms Le Couteur has indicated there will be a number of activities around the ACT. It is a good time to acknowledge the importance of bees and other pollinators and at the very least we should be eating honey on that day.

We have a number of native bees in Australia. A number of them produce honey and a number of them do not sting. But not many of them are indigent to the ACT because it is apparently too cold for them. It would have been nice if we had local bees here that did not have stings. There are a number of people who are very allergic to bee stings and it is one of the reasons why, for example, you cannot have a hive in your own garden or you are discouraged from having a hive in your own garden if someone in your family or your neighbour is allergic to bee stings.

I would like to finish by acknowledging a number of people I know who keep bees in their own backyard and some of my family and friends. Apart from the fact that they are maintaining a wonderful local industry, and they are protecting an important part of our ecosystem through the pollination benefits, it is also a fabulous personal benefit for me in that I get jars of honey from them. So I encourage them to keep up the good work.

**MR STEEL** (Murrumbidgee) (3.55): I welcome the opportunity to speak again about the importance of bees to the ACT's environment and the economy. I spoke last month in the Assembly about the importance of bees following my attendance for the second time at the ACT beekeepers field day. Bees provide a critical ecological service through pollination—moving pollen from the anthers of flowers to another—cross-pollination and the fertilisation of plants. They have a crucial role to play in the yield and quality of crops without which Australia's food security would be at risk. It is estimated that two-thirds of all agricultural output in Australia is dependent on pollination by honey bees. Our food security is tied to the health of bees, so I consider it to be a very important issue, contrary to the comments of those in the opposition.

A report released by the Australian Bureau of Agricultural and Resource Economics and Sciences revealed that the honey bee industry is an important sector of the Australian economy, the gross value being \$101 million in the 2014-15 period. Bees also play a vital biosecurity role for our country, protecting people's livelihoods and lifestyles from biological threats to the natural environment, such as the introduction of pests that may infect the natural environment. Australia is fortunate in the sense that our bees are relatively healthy compared to those overseas, and Australia is free from many infectious diseases we have seen there.

The Australian government introduced the national bee biosecurity program in 2016 to ensure that Australian beekeepers are prepared to manage incursions by exotic pests and to better monitor and manage these threats. However, our bees are increasingly under threat by a range of threats such as disease, pollution and pesticides.

The ACT has been working actively to safeguard the health of bees in the ACT and wider regional security. As of 2016 ACT residents and beekeepers with beehives are required to register their bees in line with the Animal Diseases Act. This helps the ACT government to be better equipped to manage possible threats and outbreaks in beehives and bee colonies. Bee populations around the world are declining, and one of the main culprits is the Varroa mite. Australia is apparently the only place where the deadly pest has never been found.

Last month the president of the ACT Beekeepers Association, Cormac Farrell, oversaw a training exercise to control biosecurity threats such as the introduction of a Varroa mite in a beehive. When I attended the ACT beekeepers field day I was also shown some of the sentinel hives, the pink hives, that they use that are responsible for capturing bees that may be carrying diseases and that are placed strategically around the airport. They have the ability to trap any sick bees before the broader population is infected.

I also spoke last month about neonics and I particularly welcomed the decision by Bunnings, as has been mentioned by Ms Le Couteur, and other retailers to remove the pesticide from their shelves. This is in response to growing concern about the pesticide's effect on bee reproduction, navigation and immunity and the potential link to colony collapse disorder. Bunnings removed the pesticide from their shelves and replaced it with organic and natural pesticides, and this is fantastic to see from one of our large retailers in the community. The decision is part of a larger issue—the increasing rates of bee mortality and colony collapse disorder we are witnessing right around the world. It is something I know the national environment ministers have actively been discussing. There was, of course, a review by the AVPMA quite recently into this issue, and we need to continue to monitor the emerging evidence in relation to neonic use.

According to the environmental protection authority in the United States, colony collapse disorder refers to the phenomenon that occurs when the majority of worker bees in a colony disappear and leave behind a queen, plenty of food and a few nurse bees to care for the remaining immature bees and the queen. This was first noticed in 2006-07 when beekeepers reported unusually high losses of 30 to 90 per cent of their hives. While there are no Australia-wide surveys of state bee colonies, worldwide we are witnessing colony collapse disorder. According to the United States Department of Agriculture, the total number of managed honey bee colonies has decreased by 2.5 million since the 1940s.

Of course, ACT residents can do quite a lot to help. Bees play a crucial role and impact the lives of residents in the ACT, and the ACT government is actively working to ensure the safety of bees in our city. There has been a growth in beekeeping in the ACT, and for residents who are beekeeping hobbyists there are a few things you can do to protect the health of your bees and their regional security in the ACT. One is using organic and natural pesticides. Another easy way suggested is to make your home garden more bee friendly. This can be achieved by planting bee-friendly plants in clumps in the garden, particularly flowering plants, lavender, rosemary and thyme. Bees can also be supported through bee-friendly garden signs to show other ACT residents what a bee-friendly garden looks like. Bees do require a drink, so water is a really valuable resource for bees as well. We need to make sure they are prevented from drowning, so it is suggested to put rocks in bird baths and those sorts of things to attract bees to gardens.

The importance of bees for our environment cannot be understated, particularly for security, food security, biosecurity and our economy. Bees provide us with an enormous service, and it is our responsibility in turn to look after the health of bees in our city. I thank Ms Le Couteur for bringing this matter of public importance forward today.

**MR GENTLEMAN** (Brindabella—Minister for Police and Emergency Services, Minister for the Environment and Heritage, Minister for Planning and Land Management and Minister for Urban Renewal) (4.01): I thank Ms Le Couteur for bringing forward this matter of public importance. We have heard today about the importance of looking after bees and ensuring we have the right biosecurity for them.

Some experts believe the pesticide Confidor is one of the many possible causes of bee decline and the recent bee malady termed colony collapse disorder. In 2011, according to the United States Department of Agriculture, no single factor alone was responsible for the malady. However, honey bees are thought to possibly be affected by those chemicals existing as residues in the nectar and pollen on which the bees forage. Taking a precautionary approach, the ACT government stopped using Confidor for the treatment of scarab grubs on sports fields and irrigated grass areas more than five years ago in recognition of its potential impact on foraging honey bees. Prior to making this decision more than 300 hectares of sports fields and irrigated grass areas were treated annually with Confidor to limit scarab damage to irrigated grass surfaces.

Our honey bee industry and many of our food crops which rely on honey bees for pollination would be put at risk if the Varroa mite were ever to become established in Australia. Imagine almond trees without nuts or a blueberry bush with no blueberries or a pumpkin vine with no pumpkins. All these crops need pollinators, and bees are one of the most important. The ACT government takes bee biosecurity seriously and is actively involved in helping to protect Australia's honey bees.

In 2014 the ACT published a code of practice for beekeeping in residential areas in the ACT. The code outlines the responsibilities of people who own, care for or keep honey bees and provides useful information for amateur backyard beekeepers. The government works closely with the ACT Beekeepers Association and the 400-plus registered keepers in the ACT to assist in the management of bees in the ACT and provides the association with funding and facilities at Jerrabomberra wetlands to run training programs for our beekeepers. However, in the event of a serious bee disease outbreak, locating beehives and contacting beekeepers promptly is important. In 2015 mandatory registration of beekeepers was introduced. There is no charge to register and registration can be completed online.

I am also pleased to say that ACT government staff undergo training to help ensure the ACT is well prepared in the case of a serious bee disease outbreak. Only last month ACT government employees and local beekeepers participated in the exercise "Bee prepared", a biosecurity emergency response exercise. The exercise showed that if we detected Varroa mites in the ACT we would be able to respond very quickly to be able to deal with it.

The ACT government is always on the lookout for opportunities to raise community awareness of the importance of bees and bee biosecurity. In December last year the United Nations General Assembly adopted a resolution declaring 20 May as World Bee Day. Every year on this day the attention of the global public will be drawn to the importance of preserving bees and other pollinators. People will be reminded of the importance of bees for the entire humanity and will be invited to take concrete action to preserve and protect them.

On 20 May this year the ACT government will be joining with the Embassy of the Republic of Slovenia, along with the embassies of Sweden and Switzerland and Parliament House, to launch the first World Bee Day here in Canberra at the Slovenian embassy. Programs such as the sugar shake month, which was promoted by

the ACT government in cooperation with New South Wales this April, is another way we are raising the awareness of the community of the importance of bees in our economy and environment. The program encourages our beekeepers to use simple diagnostic tests to detect the presence of bee diseases, such as the Varroa mite.

Canberra is a leading city in sustainability. This means it uses resources wisely, it reduces waste and protects its environment which, in turn, takes care of its inhabitants. We are the bush capital and we enjoy the benefits of living in a city that is surrounded by parks and nature reserves and where our citizens have a strong garden city ethos. Bees, both native and European, are an important part of our natural and urban environment. Native bees have played an important part in our Indigenous heritage for thousands of years. They have played a part in their culture and provided nourishment as well as medicinal benefits and form part of their folklore.

Whilst keeping of honey bees provides many benefits, there are also potential risks to our natural areas where honey bees may impact on both flora and fauna and compete for hollows. Equally, European bees have been a valuable companion to people from around the world, and science is now discovering just how important their role is in the production of our food and how much at peril they are as their populations collapse globally. We cannot afford to lose our bees, and not just for their role as pollinators in our food production, as producers of honey or for their medical properties. They have intrinsic value as part of our environment and the web of life of which we are all a part.

We all know that the distinct buzzing sound of spring brings the knowledge that bees are among us in our trees and in our gardens. It means to many of us that they are at work preparing for what we all enjoy as the fruits and vegetables of their labour.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Community Services and Social Inclusion, Minister for Disability, Children and Youth, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Multicultural Affairs and Minister for Workplace Safety and Industrial Relations) (4.07): I thank Ms Le Couteur for bringing forward this important matter of public importance. I know it is something in which many of my constituents in the electorate of Kurrajong and yours, Madam Assistant Speaker, have an interest. The status of Canberra as the bush capital and as a planned lived-in environment highlights the importance of considering how all forms of flora and fauna contribute to the rich diversity of our ecosystems and, more simply, make Canberra the place we all love.

One significant contributor to the ACT's environment and economy is, as Ms Le Couteur highlights, the humble bee. Both wild bees and honey bees are an integral part of our ecosystem. Australia wide bees make an important contribution to our economy through honey and wax production and, of course, pollination services to the horticulture and cropping industries. A 2017 report from the House of Representatives Standing Committee on Agriculture and Water Resources noted that this value may be up to \$4 billion per year. While other reports have found the economic value more difficult to quantify, we can all appreciate what honey bees do for our gardens and our agriculture.

Sixty-five per cent of European introduced horticultural and agricultural crops grown in Australia are dependent on bee pollination. As Minister Gentleman mentioned, the almond and apple industries, for example, are entirely dependent on bees for pollination. Take a trip to the orchards in the ACT region, including those in the Pialligo area of our electorate in Kurrajong and you know pollination bees have been hard at work. We also have major nurseries in Yarralumla and community gardens across the inner north and inner south, all of which depend on bees for much of their pollination of flowering plants and trees. Many Canberra backyard gardeners will also be dependent on bee pollination for their apples and pears, which are dependent on bees for between 50 and 100 per cent of their pollination, their apricots at 70 per cent, peaches at 60 per cent and plums and prunes at 70 per cent, as well as many other fruits grown across Canberra.

Many ground vegetables are also totally dependent on bee pollination, including broccoli, brussels sprouts—which I happen to love—carrots and onions. Even sectors such as canola production which do not rely on managed pollination have improved yields when bees are introduced as pollinators.

The impact of declining bee numbers is not just felt in our backyards and in our agricultural industry; it is not even about the economic impacts on agriculture or the farmer's gate or the food tourism market across the Canberra region. It is not just about the Canberra region at all. Almost a third of global farm output depends on animal pollination, largely by honey bees. Globally, these foods provide 35 per cent of our calories, most of our minerals, vitamins and antioxidants and the foundations of diets across the globe. The issue goes to the very survival of global agriculture and the crops that provide the world's fruit, vegetables, seeds, nuts and oils. It goes to the heart of global food security.

Community awareness of the importance of bees to our broader environment and economy is increasing, as is the awareness of the threats facing bee populations here and abroad. The 2017 House of Representatives committee report I mentioned earlier highlighted the growing threat to the honey bee industry from invasive threats such as the Varroa mite that Minister Gentleman mentioned. Varroa mites are small parasites that feed on the haemoglobin, the equivalent of blood, in larval and adult bees. A Varroa mite infestation can decimate a honey bee colony, with increased parasitic infestation leading to collapse of the hive.

Australia is the only continent free of the most serious species of Varroa, the aptly named Varroa destructor. Varroa destructor is a major challenge facing beekeeping internationally. Australian biosecurity arrangements include the national bee pest surveillance program, which provides an early warning system designed to detect incursions of bee pests and pest bees. The importance of this program also highlights the importance of our committed biosecurity staff and the need to ensure that they are properly resourced and supported to undertake their critical work. It also highlights the responsibility of every single one of us when we travel overseas to take our own responsibilities in relation to biosecurity seriously. If we are asked to tick a box about where we have been or what we have done, we must tick that box with accuracy and not try to skate through our biosecurity measures. They are there for good reason.

But Varroa mites are not the only threat to our bee population. There are also man-made risks to bee populations, as others have noted. Bees are under threat due to the overuse of pesticides and herbicides, and agricultural practices which reduce habitats and food supplies and heighten the incidence of diseases and poisoning. Communities can take action at the local and international level against these threats. Earlier this year, in April, the European Union announced that a number of widely-used pesticides would be banned from the field by the end of the year due to their impact on wild bee and honey bee populations. As Minister Gentlemen mentioned, the UN General Assembly has recognised this global crisis and declared 20 May as World Bee Day as a means of raising awareness about the importance of bees and other pollinators and highlighting threats they are facing, and that makes this MPI particularly timely.

At the local level, events will be held across the territory to celebrate sustainability and showcase practices which support our bee populations. Noting the efforts of the EU nations in this regard, as Minister Gentleman noted, World Bee Day is being launched at the Embassy of the Republic of Slovenia at 9.45 am, before moving to the Embassy of Sweden at 1 pm and the Embassy of Switzerland at 5 pm. Families and individuals are invited to sample honey, jar local honey, and learn about better garden practices—the kinds of things Mr Steel spoke about earlier. A screening of the documentary *More Than Honey* at the Embassy of Switzerland at 5 pm, followed by a Q&A, will allow for an in-depth discussion on honey bee health. And at federal parliament at 2.30 pm a special afternoon tea will be held to honour their beehives. The three Parliament House hives have been established in partnership with the ANU apiculture society and the Canberra office of Orecon. I understand you can now buy Parliament House honey from the Parliament House shop, and this highlights that we all have a role to play in addressing this global issue.

I encourage Canberrans also to check out the act for bees website to find out more about all the events for World Bee Day and also the different steps each of us can take to protect and restore our local bee population. Again I thank Ms Le Couteur for the motion and hope to see everybody celebrating World Bee Day on 20 May and buying some local Canberra honey.

*Discussion concluded.*

## **Planning and Development (Lease Variation Charge Deferred Payment Scheme) Amendment Bill 2018**

Debate resumed from 15 February 2018, on motion by **Mr Barr**:

That this bill be agreed to in principle.

**MR PARTON** (Brindabella) (4.15): The Canberra Liberals will not be opposing this bill. We certainly will not be loudly supporting it either.

**Mr Barr**: Describe that. Are you sitting on the fence there, Mark?

**MR PARTON:** Not really. This bill does not have a great negative impact. Neither does it have a great positive impact, as I am sure the Chief Minister is well aware. What we are doing today as an Assembly is wasting everybody's time. Earlier in the day, in response to a question from Ms Le Couteur, the Chief Minister was going through the time and the expense of answering questions on notice. I would love to know the actual cost of constructing this bill from start to finish, and everything associated with it. It is very clear, based on the response from industry and financial institutions, that it will achieve absolutely nothing.

The government assures us all that the lease variation charge is not having a negative impact on development in the ACT. Time and again the industry, the media and the various stakeholders appeal to the government to relax the LVC. That would instantly inspire the urban renewal that we all crave. But time and again this government clings to the ideological lie that this tax is justified and workable. "There is nothing to see here," they say, "move along," which is becoming a bit of a theme from this government.

If the LVC is having no effect on development, what is the point of the bill? If the tax is working perfectly and there is no problem, why is the government wasting this Assembly's time with such an amendment that does not even achieve what it sets out to do?

This bill has an interesting and contentious background, as we remind ourselves that the 2017-18 budget skyrocketed the lease variation charge for apartment developments to \$30,000 per unit. Prior to the last budget the developer paid \$7,500 per unit for the first three units and then \$5,000 per unit after that. By upping this tax to a whopping \$30,000 per unit, the government has certainly given developers a bit of a fright.

Obviously this has not gone down well. The voices against this hike were loud. They came from all sectors of the industry, as well as from dismayed voters, who can see that this ideological bloody-mindedness is standing in the way of the urban renewal of our great city and having a negative effect on housing affordability.

From the government's point of view it was a carrot worth biting, as it elevated the LVC revenue line from \$23 million in 2017-18 to \$28 million in 2020-21, which is a nice little earner indeed. The government would take the view that the property development industry is big, fat and cashed up, and can easily afford to pay this charge. That is how this government operates: identify people who might have a quid and squeeze it out of them.

This tax produces some pretty nasty collateral damage that extends well beyond the property industry. Apartment developments funded by loans and mortgages will be forced to take account of the LVC increase in their financing strategies. Inevitably they will pass most, if not all, of the LVC cost on to the community, as developers are unlikely to absorb it as some sort of altruistic gesture to the market.

Here we have a government committed to improving housing affordability on one hand while on the other hand belting up the price of a unit by around \$25,000. In real figures you are talking about two to three-year savings for many Canberrans who are striving for their first home. Homebuyers, and of course investors, have to find the cost hike through increased borrowings and the increased threat of mortgage stress. Rents are impacted by investors passing the LVC cost on to their tenants. There are no wins coming out of this process, just pain and stress.

I cannot for the life of me understand why the government would foist these costs on to homebuyers and renters. But the damage does not stop there. The sheer quantum of the lease variation liability could deter many development proposals in the first place. It denies opportunities to improve the supply of residential accommodation and therefore a lever to exert downward pressure on the price of residential dwellings, especially for first homebuyers. We all know that to be the case. But the government refuses to concede that the LVC is having any impact at all.

This bill would give developers the option of paying the LVC at the issuing of the certificate of occupancy rather than at the start of the project. Depending on the value of remissions, the LVC liability could be quite significant, and deferral could be attractive. We certainly concede that that could be the case.

There are a few strings here. The ACT government is casting itself in the role of a bank. In the first instance, there is an interest charge that escalates the final cost of the development. At the moment this is mooted to be less than four per cent. Secondly, the developer will be compelled to assign to the government the first charge over the land. In the event of a developer defaulting on their LVC debt, the government then has discretion to sell the land to recover their debt. In other words, the government's liability is secured ahead of those who finance the project. This increases their risk by many millions and creates a major deterrent to providing finance for development projects in the first place.

The banking industry made it very clear to me that they would be extremely unhappy about being placed second in the queue. Indeed a number of them have indicated that they would be unwilling to be a part of such an agreement. I understand the government say this is all A-OK. They have compared it to the government having first charge in regard to other unpaid liabilities. The great difference is that, when it comes to the LVC, the amount in question is far higher than any other charge. It would radically change the shape of any loan.

I note in correspondence from the Property Council that—surprise, surprise—they got the same feedback from the banks. Correspondence from Adina Cirson, the ACT executive director of the Property Council, says, “During the course of our consultation with members and financiers, we’ve now met with the senior members of five leading institutions who are responsible for approving a significant proportion of financing for property development in the ACT.” We are talking about NAB, Westpac, St George, Commonwealth Bank and ANZ.

Ms Cirson goes on to say, “All five institutional lenders outrightly rejected the notion that they would grant finance on any development that involved a deferred payment scheme that allowed the ACT government to take priority over their rights.” She went on to list the number of reasons: the risk to the institutional lender is far greater than the government’s for a deferred lease variation charge; institutions are constrained by company-wide banking policies, which apply right across the nation and would not allow priority to another party in relation to the land; and ACT is a small jurisdiction. They are not going to draw up special rules just for lending in the ACT.

The letter goes on to say, “When asked about why financiers didn’t have the same concerns about other deferred payments such as stamp duty and rates referrals, all responded that it is the quantum of the LVC that is of concern. Other taxes and charges owed to the government are simply dealt with at settlement and the costs are known up-front.” The Property Council went on to say, “Given the above, all five institutions said they would not allow their clients to enter into a deferred payment arrangement with first charge on land held by the government, thereby rendering this scheme unworkable to anyone requiring finance for a project.” I repeat: “rendering the scheme unworkable for anyone requiring finance for a project”.

Surely, the financial institutions would either lend the developer the LVC to pay it up-front or make their loans conditional upon the developer paying the LVC debt before any loans are issued. This would always guarantee the institution retains first charge over the finance asset and negates the core intent of this bill. It seems, therefore, that only developers who own the property would be in a position to take advantage of the government’s concession. I do not think that they are the people that it was designed to help.

We must remember that in 2017-18 the government also introduced a revised land rates calculation method for units. The cumulative impact of this plus the LVC hike is a massive impost on current owners of units and on those saving to buy one.

On 15 February this year Mr Coe presented a petition on the rates calculation methodology to this Assembly. Petitioners were asking the government for some justice and fairness, something that is supposed to lie at the very core of Labor’s values. Mr Coe noted that this government had created a two-paced society: one pace for those who can keep up and another for those who cannot. Here we have the classic case of imposing heavier shackles on the community disguised as tax reform.

There is very minor benefit that comes to anyone from this bill. We see it as tokenistic window dressing. If the government wanted to make a substantial difference to housing affordability and stimulate the supply of affordable dwellings, they would abolish LVC in the major town centres. In doing so they would provide a genuine stimulus to the supply of residential dwellings.

But when you consider the Chief Minister’s New York vision for Northbourne Avenue, with the prospect of 37,000 new units in the capital metro corridor and the lucrative revenue grab that can be harvested from that exercise, I am sure LVC will be here to stay as this government gouges as much cash as it possibly can from our community to move forward with the Chief Minister’s projects.

Despite all of that, we are not going to give a no at the end of this; we just cannot see the point. In conclusion, the Canberra Liberals will not be opposing this bill because while it provides very little benefit in itself, it has little negative effect.

**MR STEEL** (Murrumbidgee) (4.25): I rise to speak in support of the bill today. I start by thanking the Chief Minister and the minister for planning for bringing this legislation forward. While this legislation applies to the whole of the ACT, I believe it will have a particularly positive impact in my electorate to support the regeneration of Woden town centre. The government has been talking for some time to industry and other stakeholders about how the ACT's current policy mix interacts with development decisions.

In a market as complex and significant as the property market, it is very important to ensure that our policy settings are properly calibrated and working in the same direction as the government and the community's broader objectives. If we are keen to see urban regeneration in Canberra's town centres, we need to make sure that there are not unreasonable hurdles in front of development. This was the theme of discussion at the Woden round table I hosted in May last year. It brought together government, community, businesses and developers in Woden to discuss the regeneration of the town centre.

The fact that at the moment payment deadlines for the lease variation charge can be differently aligned with the cash flows from major development projects was one of the discussions with the minister for planning and industry stakeholders at the round table. As my constituents well know, our town centre has had challenging times in the past, with cuts from federal Liberal governments leaving many commercial buildings empty and needing redevelopment.

In order to redevelop the buildings, many require a lease variation and thus incur the charge. I am proud that the government has been able to bring forward this bill today as an outcome from the Woden round table to support the redevelopment of old buildings in the town centre and across the whole of Canberra.

This bill puts in place a new option to defer payments of lease variation charges that are above \$100,000. This charge will give project proponents more options when it comes to meeting their LVC obligations and so ensure this does not provide a barrier to new projects getting underway. Of course, the lease variation charge will still be able to be paid up-front. But under this legislation, options will be provided to defer the payment of the charge or pay it in instalments to better align with the revenue flow associated with a development.

At the moment a lease variation charge becomes payable when a lease is varied so that the demolition or construction of a building can begin. The start of a project is not always when project cash flows are available. Developers will now be able to wait to make their payment for a period up to when the certificate of occupancy is issued or four years after the lease variation is approved, whichever comes first.

For example, in the case of a development requiring a lease variation from a commercial building to a residential building, units can be sold, generating revenue to fund the project, including the lease variation charge. In effect, this bill will mean that developers can begin investment in demolition and construction works and securing jobs as soon as a project is ready to go and pay their lease variation charge when they complete it. The bill also simplifies the administration process of the lease variation charge, which will help all those involved.

The government has been very clear that we support the principle of the lease variation charge, that the community should share in the windfall gains associated with rezoning and redevelopment. I know that view is not shared by the Liberals opposite who take a no-tax, let-the-market-rip approach to development and whose party continues to pocket the donations of developers when Labor banned them long ago. But it is equitable to demand a fair contribution from developers, especially given that the additional residents result in further demand on government services and resources.

The principle of a community return from the lease variation charge remains clear, but there are always ways that we can make it easier to pay the contribution to the community and maximise the economic outcomes. That is what this bill aims to achieve. In order to ensure that the Canberra community is not subsidising developers who choose to defer the LVC, the government will also charge a small interest rate on deferred amounts.

I am confident that this bill will be welcomed by my constituents in the Woden Valley area who want to see more investment and urban regeneration take place in Woden town centre. It achieves the right outcome for the government and the ACT community while also encouraging economic activity and redevelopment across the territory. I am very pleased that we have been able to deliver this as an outcome from the Woden round table. I thank the Chief Minister and commend the bill to the Assembly.

**MS LE COUTEUR** (Murrumbidgee) (4.30): I will speak fairly briefly on this bill. The Greens will be supporting it. It has a worthy objective. Developers do take on a large amount of financial risk because they have very large costs that are incurred months before they get their revenue—usually, in fact, years before. Up-front costs include the purchase of land, preparation costs like getting plans drawn up, DA fees, soil testing and, on more complex sites, things like decontamination, asbestos removal, utility relocation and, of course, the construction costs. But there is little revenue until construction is done.

While deposits may be taken for pre-sales, these are usually very small relative to costs. It is common for over 90 per cent of the revenue to come in after the development is finished. One of the costs that developers have in many cases, but not all, is the ACT government's lease variation charge. Currently, this gets paid early in the development process around the time of the DA approval. This bill would allow the payment to be deferred until later in the development process with protections for

the government's revenue to make sure it does not disappear—for example, if the developer went into liquidation in the meantime.

I will briefly comment, as Mr Parton did more extensively, about the Property Council's views on the bill. The Property Council has highlighted a number of concerns which mean that they think deferral will not work in practice. Basically, their concern is that because the government's revenue will be protected by a first charge against the property, that will mean that if the project goes under financially the government has first call on any funds that come out of the liquidation. That is what "first charge" means.

The Property Council believes from its discussions with financial institutions that the financial institutions would be unwilling to lend money for a project when the government has a first charge because the financial institutions usually require a first charge for themselves before they lend any money. I guess the quick comment, for anyone who has been listening to the royal commission on banks, would be that you would have to believe that if the banks thought they could make money out of it, they would lend. I do not think this is an insuperable problem for anything that the banks thought was actually a viable project.

Given that most projects are funded partly by loans, if financial institutions do in fact refuse to lend where there is a government first charge, as the Property Council has said, very few developers will be in a position to take up the deferral. However, I do understand why the government wants a first charge. Property developments regularly run into financial problems. Unsecured debts on property developments are quite risky.

If the ACT government did not insist upon a first charge against the property, I suspect that the outcome would be frequent situations where the government does not get paid. As we would all be aware, there are similar situations in other company insolvencies where the ATO has first charge above the other creditors.

On balance, the Greens think that we need to get the deferral arrangements in place. Once they are in, developers and financial institutions can get to grips with the detail of how it works and we will see if and how it gets used in practice. This will highlight whether or not further changes are needed and, if so, what they actually could or should be in practice.

The Greens will be supporting the bill as it is. However, I thank the Property Council for the work they put in explaining their concerns to me. We considered their concerns carefully in coming to our decision to support the bill. I would very much welcome hearing from them in a year or two as to how deferrals are working or not working in practice.

In conclusion, I say that, at the least, as Mr Parton said, I cannot see that in any way this legislation could be negative. I am hopeful that in fact it will be positive.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism and Major Events) (4.35), in reply: I thank

members for their fulsome support of or non-opposition to, as would be the case with those opposite, the legislation. I commend it to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Waste Management and Resource Recovery Amendment Bill 2018**

Debate resumed from 10 April 2018, on motion by **Ms Fitzharris**:

That this bill be agreed to in principle.

**MR WALL** (Brindabella) (4.36): This bill relates to the commencement of the container deposit scheme in the ACT. I would like to reiterate the Canberra Liberals' opposition to the scheme. We still do not believe that the case has been made or substantiated necessitating what is essentially a tax on beverages in the territory. The ACT continues to have one of the highest rates of recycling of beverage containers in the country. Initiation of this scheme only seeks to add an additional cost burden to residents in the territory when they purchase bottled or "containered" alcohol or soft drinks and fruit juices.

There is significant concern that the opposition continues to hold around the increased costs. I think that is also evidenced by those on the government's side with the role that the ICRC will play in monitoring pricing from here through to the commencement and post the commencement of the scheme as it is proposed on 30 June this year.

The opposition is looking very closely at the example of New South Wales, which our scheme largely mirrors, particularly the impact on competition that we have seen in relation to the location of the return and earn or container deposit scheme, either reverse vending machines or depots the containers can be returned to. Overwhelmingly, through New South Wales, those sites have been partnered with the Woolworths supermarket chain. That raises significant concerns for the opposition around how fair competition can be maintained when one retailer has largely got control of where the containers can be returned and deposited. The biggest challenge in business is attracting customers to your premises. If someone is given a big free kick for a scheme like this at the expense of a competitor, it bodes very poorly for increased or sustained competition in the beverage market.

This bill seeks to ultimately establish the commencement of a scheme on 30 June this year and also fixes a transition issue from the original legislation around section 64X, if my memory serves me correctly, allowing for a two-year transition period for the labels of these containers to have the appropriate marking on them extended until

2020, which is in line with New South Wales and other jurisdictions' rollout of the container deposit scheme.

Whilst I reiterate that the opposition is still not convinced of the merits or the need for a container deposit scheme in the ACT, we will not be opposing these changes. They are largely administrative in relation to the initial bill.

**MR RATTENBURY** (Kurrajong) (4.39): As Mr Wall has noted, the bill makes a minor amendment to help facilitate the territory's new container deposit scheme which will commence later this year. The change is that there will be a two-year deferral before beverage suppliers are required to use the common refund marking on their eligible products. The common refund marking will be applied to all eligible beverage containers and will say that there is a 10c refund at collection depots or points in the participating state or territory of purchase. This updates the label from the current one, which only refers to South Australia and the Northern Territory.

This two-year transition period has been agreed to by all Australian jurisdictions with a legislated container deposit scheme. That transition period is intended to allow beverage suppliers sufficient time to adjust, to change the labels and to use up existing stock that is printed with the old refund markings. I must admit that I wonder if two years is an especially generous time period, but I accept, nonetheless, that it is the agreed position between participating jurisdictions. Requiring refund markings earlier than two years in the ACT would mean that the requirements would commence in the territory earlier than in New South Wales, and I can see how that lack of coordination would be difficult for industry and potentially confusing for consumers.

Overall the Greens are very pleased that we are finally moving ahead with a container deposit scheme in the ACT. We expect that the container deposit scheme will reduce litter, improve recycling rates, save money and create new businesses and jobs in the territory. We have advocated strongly for the scheme for over a decade, and it is great to see that it is now being realised. Members who were here in 2013 may remember that the Assembly passed a motion that I introduced calling on the government to work with other jurisdictions to develop a container deposit scheme. My colleague Ms Le Couteur has made similar calls for such a scheme. It is something that the Greens have supported for a long time.

We have supported it, obviously, for a range of environmental reasons, but it has always had strong community support as well, both for environmental reasons and because of the recognition that it can lead to the clean-up of litter. It is one of the reasons I am surprised the local Liberal Party continue to oppose it and take a very narrow focus on the potential costs. We all are regularly subjected to complaints from members of the community who are concerned about the level of litter in our lakes, waterways and parks and on our roadsides. We have all seen the outcomes of Clean Up Australia Day. Those same places are massive sources of drink containers, beverage containers, of various descriptions. Recognising that in places like South Australia this has made an enormous difference to those sorts of issues, I am surprised that the Liberal Party continue to take such a narrow view. I would encourage them to look at the positive outcomes expected from such a scheme: not only positive for

waste, recycling and the environment but also positive for jobs and community engagement.

It has been a long time coming, but most jurisdictions in Australia have now agreed to introduce container deposit schemes. These include both Labor and Liberal governments in various states and territories. It continues to amaze me that it does not have tripartisan support in this place.

Nonetheless the Greens look forward to the container deposit scheme commencing in the ACT later this year. I know there are many in the community who are looking forward to it. I am aware of people out there who are already collecting their containers ready to take them back at the end of the year. I welcome some of the details that we saw the minister release a couple of weeks ago, including learning some of the lessons from New South Wales, things such as the fact that crushed cans can still go into the system whereas in New South Wales that has been a source of frustration or disappointment for members of the community.

I look forward to seeing the scheme roll out shortly. The Greens will be pleased to support this minor amendment today to facilitate the new legislation coming into effect.

**MS CHEYNE** (Ginninderra) (4.43): For many of us, recycling at home is second nature. We have systems in place in our kitchen to make sure our recyclables are separated from the rubbish and we are acquainted with our yellow-lidded wheelie bins. It is the least we can do to play our part as the planet strains under the weight of human consumption.

Best intentions can sometimes fall by the wayside when our usual habits are interrupted or when doing the right thing might not necessarily align with doing the convenient thing. When we grab a drink on the run to the bus stop or have a picnic out with friends, it can be tempting for some, as we have seen too regularly, unfortunately, to throw bottles and cans in the nearest rubbish bin rather than saving them for recycling. Unfortunately, some people do not even make it to the rubbish bin and just leave their rubbish behind.

Single-use containers make up the majority of the litter stream found in our environment, so doing our bit to recycle all of our containers can have a real impact. It takes the same amount of energy to produce 20 fresh aluminium cans from recycled materials as it does to produce just one can from raw materials. And once a can has been made, it can be recycled endlessly without losing any quality. If you think about it, it is a pretty remarkable feat, and all the more reason to make sure the containers we use make their way into the right bin. Don't get me wrong, Madam Deputy Speaker: Canberrans are doing pretty well; we are recycling about 70 per cent of our waste. But that other 30 per cent means there is room for improvement.

To encourage more Canberrans to do the right thing, and to do the right thing more often, a container deposit scheme will start operating in the ACT from 30 June this year. Residents will now have a financial incentive to collect and deposit containers. For every empty eligible container returned, a person can earn 10c. This will reduce

waste to landfill, with increased source separation of eligible containers taking place at collection points.

Express collection points will be located in accessible areas such as shopping centres. Bulk collection points will also operate in catchment industrial areas, providing consumers with the choice as to how they collect and deposit their containers. Containers which are put in yellow wheelie bins will be identified at the recycling facility and returned to collection points to earn the 10c refund.

The process will have not only environmental benefits but also social benefits. We will adopt an over-the-counter, face-to-face model for collection points, creating new opportunities for social enterprises and small businesses to get involved. People will also be given the option to donate their refund to charity, creating a valuable new income stream for those charities.

A wide range of containers will be eligible for deposit under the scheme. Most containers that are between 150 millilitres and three litres and are made of plastic, glass, aluminium or liquid paperboard will be able to be returned to collection points.

I am proud to be part of a government that is taking such practical steps to make Canberra a more sustainable city. I am looking forward to the container deposit scheme rolling out just next month, and you can be sure I will be encouraging my constituents to get on board.

The bill before us today will facilitate the smooth introduction of this scheme into Canberra. In particular, it delays provisions in the CDS legislation relating to refund markings on containers to give suppliers time to comply with new labelling requirements. Eligible containers will need to bear a refund marking which indicates that the container can be returned to a collection point. It will be an offence for a supplier to fail to put a refund marking on an eligible container.

At the moment suppliers have to label their containers to comply with the requirements of the schemes operating in South Australia and the Northern Territory. With New South Wales now on board with the CDS program and the ACT and Queensland schemes coming online this year, we are harmonising the labelling requirements. By 2020 a common refund marking will be adopted which says that the 10c refund is available at collection points in participating states and territories, without being specific.

A two-year transition period to the common refund marking will allow the necessary time for beverage suppliers to change container labels and use up existing stock. It also gives all participating states and territories a chance to align schemes to create greater consistency across the country.

In the meantime, the Canberra community will still be able to return all eligible containers to collection points. The container deposit scheme will give us an extra incentive to hold on to our containers while we are out and to pick up others that we might see lying around. The scheme will reduce the amount of litter on our streets and

in our waterways, which makes for a cleaner and a more sustainable city. The scheme will also create new opportunities for social enterprise and will support local charities.

I cannot fault the scheme that will be rolled out on 30 June. I look forward to continuing to champion it. This bill will ease the introduction of the scheme and create a feasible rollout program for suppliers. I commend the bill to the Assembly.

**Mr Wall:** What do your New South Wales counterparts say?

**MS CHEYNE:** It is totally different.

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (4.49), in reply: The Waste Management and Resource Recovery Amendment Bill 2018 proposes a minor amendment to the commencement provisions in relation to the upcoming container deposit scheme. This amendment will ensure that the beverage industry has time to adjust its refund marking inclusion on the labels of beverage containers.

The territory's CDS was established by the Waste Management and Resource Recovery Amendment Act 2017, which was passed in the Assembly in October last year. The government has made significant progress towards the planning and implementation of the scheme since then.

From 30 June 2018 the community will be able to return their empty beverage containers to a network of collection points across the territory for a 10c refund per container. I was very pleased to announce the scheme on 9 April, and we are one step closer to commencing the container deposit scheme and achieving another ACT Labor election commitment.

The CDS will help the community and the beverage industry to reduce litter and promote a cleaner environment. Beverage containers make up one-third of the litter stream in our waterways, parks and roadsides. Based on the experience in South Australia and the Northern Territory, this litter in public places will be reduced as a result of the scheme. In addition local schools, charities and sporting and community groups may benefit by collecting empty cans and bottles and returning them to a collection point to obtain a refund. This will help these organisations raise much-needed revenue for their sporting or community projects.

The scheme has been designed to align with existing schemes in New South Wales, South Australia and the Northern Territory. In particular, the scheme will enable the community to seamlessly access refunds for eligible containers, particularly across the ACT and surrounding New South Wales. The government has been consulting with other jurisdictions, as well as the beverage industry, advisory groups, retailers and the community, regarding the model. These groups will be significant participants in the scheme.

As part of this consultation, the beverage industry has asked for a two-year transition to the new container labelling requirements. Each beverage container which is eligible

in the scheme will be required to display a refund marking identifying the container as being eligible for the 10c refund. Members will probably be familiar with the current refund marking from the South Australian and Northern Territory schemes, which reads:

10c refund at SA/NT collection depots in state/territory of purchase.

In consultation with New South Wales, South Australia and the Northern Territory, who already have similar schemes, as well as Queensland, Western Australia and Tasmania, who are developing schemes, a common refund marking has been agreed. It reads:

10c refund at collection depots/points in participating State/Territory of purchase.

All the states and territories are reliant on this requirement, ensuring that beverage manufacturers, retailers and all suppliers have a single refund marking printed on their containers regardless of where they are sold in Australia.

The need for this bill has arisen from feedback received from the beverage industry. The industry has asked for a two-year transition period to the new common refund marking. This will allow manufacturers and retailers, large and small, to carefully plan and budget for a change to their container labels and will allow them to use up existing stock, many of which display the current SA-NT refund mark. This two-year transitional period has also been granted in New South Wales, and I understand it is proposed in Queensland.

The government has listened to the beverage industry, and I have put forward this bill to make a minor amendment to the commencement provisions of the Waste Management and Resource Recovery Amendment Act 2017 to allow for this two-year transitional period until 30 June 2020. The bill will ensure that the beverage industry has certainty and enough time to adjust to the new container labelling requirements of the ACT container deposit scheme. I commend the bill to the Assembly and thank members for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Planning, Building and Environment Legislation Amendment Bill 2018**

Debate resumed from 12 April 2018, on motion by **Mr Gentleman**:

That this bill be agreed to in principle.

**MR PARTON** (Brindabella) (4.53): This bill straddles a number of legislative responsibilities and themes and I will briefly cover a couple of those. The Canberra Liberals will not be opposing the proposed amendments. As the minister indicated when he presented this bill, its intention is to clean up and clarify a few things to improve the functionality of the affected legislation.

I would like to address a few aspects of the bill. First off, there are a few changes to the Nature Conservation Act in relation to development of draft native species conservation plans. As I understand it, the change gives the conservator the option of not consulting some stakeholders during the drafting stage. It is suggested the changes have been made to declutter the existing regulation which requires the conservator to consult on every little change. This may lead to a situation whereby a property owner may be impacted by changes in a draft plan and not be aware of it at that stage. And if that is the case, it is incumbent on the conservator to be as inclusive as possible particularly in circumstances that may have a significant impact on property owners' quiet enjoyment of their land. I do not believe that it is the intent of the government to dump draconian changes on an ACT landholder and I hope the minister can offer his assurances on that.

There are also some important points in relation to the CRA and SLA; I think for the purposes of brevity I will just refer to them as the agencies. In relation to these, there are a few points that the minister glided over when he presented this bill. And if I may, I would like to make a few suggestions for the minister to think about.

The bill tidies up the assignment of delegations by the City Renewal Authority and Suburban Land Agency to the CEO and from the CEO on to the respective agencies' authorised persons. While this may sound like a dry and somewhat marginal point of interest, the delegated powers are extremely important as the bill actually empowers the exercise of the agencies' functions. You might be tempted to think, "So what?" For some, the functions exercised by the subject agencies are extremely far reaching—for example, the power to buy and sell leases of land on behalf of the territory. The purchase and sale of land are vital to the wellbeing of the territory because the agencies' decisions in this regard can determine, in one way or another, our ability to secure an affordable house, our freedom of choice over what area we might like to live in, the type of structure we might have a choice over or not. In effect our housing future is in many ways determined by these delegates and by the agencies who direct them.

While we have no problem with the amendments in relation to the delegations, we do hope that the delegations will be exercised with transparency, accountability and probity. We do hope the delegated powers will not facilitate any more bargains for the government's mates, such as those seen in Dickson, and other questionable land transaction practices reported on by the Auditor-General. It would be nice to think the documentation for each land transaction approval would be readily accessible by both sides of this chamber and by the Canberra community, who are the ones paying the price for the decisions arising from these powers.

In no way, I must say, am I casting aspersions on the integrity or professionalism of the officials and delegates involved in these processes. But certainly the government giving directions on these decisions needs something of an uplift on occasions.

Another important agency function the delegates will exercise power over is the determination of the various categories of housing targets. Rather than targets being articulated as a percentage share, the bill now converts these to numerical targets for each new development. We have no problem with this for, in a sense, the numerical target in each development will help create an affordable housing environment. Alternatively, those targets could very well contribute further to the impossibility of owning a house in Canberra—a house with a backyard in which to bring up your kids and have a bit of a garden.

Again, the ability of this chamber and the Canberra community to have access to the decisions and the rationale in relation to the various targets for these would be most helpful. It would be great to think that we could see the decisions for these targets and their rationale without having to navigate the FOI process and its stream of blacked-out pages. The parent act and the content of this bill aspire to ensure a framework for effective government. But without a government that is committed to delivering on transparency and accountability, in some ways the bill's attempt at strengthening good governance is a little hollow. What we need from this government is sufficient land for affordable housing supported by a commitment to openness, better access to decisions and less information blackouts.

**MS CHEYNE** (Ginninderra) (4.58): I stand today to support the Planning, Building and Environment Legislation Bill, or PABELAB, as we like to call it. This PABELAB, as an omnibus bill, will make a range of technical amendments to legislation administered by the Environment, Planning and Sustainable Development Directorate. It provides a number of benefits which include improving administrative efficiency across government, clarifying decision-making processes and improving consultation with the community.

This bill proposes a number of changes in particular to the City Renewal Authority and Suburban Land Agency Act 2017. The first of these changes results in improved administrative efficiency through the delegation of functions. The ability to delegate and to subdelegate, powers will allow the City Renewal Authority and the Suburban Land Agency to undertake their functions with increased efficiency. This will be achieved as functions could be undertaken by additional authorised people to whom power has been delegated.

The bill also provides clarification in relation to the affordable housing targets through minor amendments to section 65 of the act. The changes provide clarity around the application of the affordable housing targets and allow the targets to be expressed as absolute numbers rather than percentages. These changes will provide improved clarity on affordable community and public housing targets for new residential developments in the territory.

The bill also makes a technical amendment to the Heritage Act 2004. As stated by my colleague Minister Gentleman, the amendment will remove a redundant provision which currently requires the ACT Heritage Council to consider whether a place or object no longer has heritage significance, even if deciding to continue its registration. The proposed amendment clarifies the decision-making process for the Heritage Council by removing this really quite redundant requirement. In doing this the amendment provides an easier decision-making process for the council and greater clarity for constituents who may wish to understand this process.

The PABELAB also makes amendments to the Nature Conservation Act 2014 which will result in better administrative efficiency. This will be achieved by requiring consultation with a lessee or a custodian on draft native species conservation and controlled native species plans only if the lessee or custodian is required to undertake an action. Importantly, the change does not affect the other public consultation processes currently under the Nature Conservation Act.

This bill also amends the Nature Conservation Act to ensure that a direction of the Conservator of Flora and Fauna provides realistic consistency with any of the plans or advice. The amendment provides that a direction must be not inconsistent, rather than requiring consistency with any applicable plans or advice, as this could prove far too onerous to be practically complied with.

The proposed amendments to the Planning and Development Regulation 2008 will improve consultation with the community on draft Territory Plan variations. Of course I am very interested in this, given there is one underway in my town centre at the moment. In its current form the regulation only requires a consultation notice to be provided to lessees of blocks in sections adjoining the draft Territory Plan variation. The bill improves consultation with the community as it expands the consultation notice requirement to include lessees of blocks within the subject section. That is a big improvement.

The PABELAB also amends the Planning and Development Regulation to substitute references to “Community Housing Canberra Ltd” with “registered community housing providers”. This amendment provides clarity to constituents who, on reading the provision, may not have previously realised that there will be other community housing providers in the territory in the future.

In summary, the PABELAB makes a number of minor and technical amendments across a range of legislation dealing with planning and environmental laws in the territory. I commend this bill to the Assembly as it provides greater clarity for decision-makers and constituents, improves administrative efficiency and improves consultation.

**MS LE COUTEUR** (Murrumbidgee) (5.03): The Greens will be supporting this bill. I would like to take the opportunity to briefly talk about three elements of it. Firstly, I want to go to the affordable community and public housing targets. These are the changes to section 65 of the City Renewal Authority and Suburban Land Agency Act. This will change the way the affordable community and public housing targets open.

This section of the act is very important to the ACT Greens. The reason the targets are in the legislation is that we got them there when the CRA-SLA legislation came to the Assembly last year.

These targets are important to housing affordability policy in the ACT because they make visible whether or not new suburbs and major urban renewal areas will include any affordable housing. They also give groups like ACTCOSS and ACT Shelter an indication of whether the ACT's affordable, community and public housing stock is likely to be increasing or decreasing overall.

The data that is needed out of the determination of the target is twofold. Firstly, people need to be able to calculate a percentage of each land release that is affordable, community and/or public housing. Secondly, people need to be able to calculate the overall percentages of affordable, community and public housing across the whole land release program.

The government has identified that the way that the targets are currently structured as a percentage causes them some operational problems. For example, if a developer is to provide 50 per cent affordable housing on an indicative yield of 100 units, that would be 50 affordable units. However, if the developer then decides to replace some of the units with townhouses, which is perfectly reasonable, and the development goes down to 75 dwellings, first the amount of affordable housing to be provided has shrunk, because it is a percentage target of 50 per cent, and 50 per cent of 75 is less than 50 per cent of 100, and secondly, mathematically, the developer has now to provide 37½ affordable dwellings, which is obviously somewhat problematic legally.

The solution in this legislation is that the targets will be set as numbers, but, crucially, section 65(3) requires the determination to include the indicative dwelling yield for each site as well. This means that everyone interested will be able to calculate an expected percentage, which is what they need. I would like to thank Minister Berry and Minister Gentleman for the way their offices worked with the Greens on this change. I think the outcome in the bill is very sensible.

The bill also makes a number of minor changes to the Nature Conservation Act. Two of these are related to consultation. If read literally, the consultation requirements set out in the act for draft controlled native species management plans and draft native species conservation plans for stated land could be very onerous. They could be read to require consultation with every household in the ACT.

While the Greens like extensive and quality consultation with the Canberra community, it is not necessary to consult every household on these plans. The bill amends the relevant sections to only require consultation with a lessee or custodian if the plan obligates them to undertake activities to either conserve or manage a native species, and this is appropriate.

Two further amendments relate to the conservator's directions. Previously, when making a direction about the protection or conservation of a native species or ecological community, the conservator had to make a direction that was consistent with several documents listed in the legislation. These include such things as a

controlled native species management plan and a native species conservation plan. The concern was that this requirement implied that the conservator's decision must have uniformity with all measures in the plan, which is too restrictive, and possibly impossible in some cases. This amendment changes the requirement to say that the conservator's decision must not be inconsistent with one of the listed documents. I agree that this is appropriate.

I will briefly mention one of the minor changes to the Planning and Development Regulation. The bill is replacing a direct reference to CHC affordable housing, which is Canberra's main community housing provider, with a reference to the community housing providers that are registered through the Community Housing Providers National Law. This is a sensible change.

CHC is no longer the only registered community housing provider operating in the ACT. For example, Argyle Community Housing Ltd operates here and runs Ainslie Village on behalf of the ACT government. Interstate there are also a large number of registered community housing providers. There are over 140 registered in New South Wales alone. Some of these may come to the ACT at some point in the future, so the legislation should be flexible to allow for this.

In conclusion, we will be supporting the bill. It is a useful tidy-up of existing legislation, and is consistent with the Greens' social, environment and economic principles.

**MS LAWDER** (Brindabella) (5.08): I rise to speak very briefly specifically on the part of the PABELAB that refers to the Heritage Act. It makes changes to section 49 of the Heritage Act. Currently, when the Heritage Council is making a decision on a proposal to cancel the heritage registration of a place or object, the council is required to examine the heritage significance of the place or object. If the council is satisfied on reasonable grounds that the place or object no longer has heritage significance, the council may cancel the registration. It is removing a redundant requirement in the current status of the Heritage Act. It simplifies the heritage process for the Heritage Act, so we are, of course, supportive of this amendment.

I do wonder how this change will affect the long backlog that the Heritage Council are currently facing and have been facing for quite some time. Perhaps in the next PABELAB the government will continue to consider amendments to provide simplified heritage processes. Heritage protection is important in our community, but we cannot continue to have the situation that this government has allowed for heritage applications to sit before the Heritage Council for years and years. I look forward to next month's budget and seeing this heritage minister finally putting the resources in place to reduce the backlog, to give the Heritage Council the resources they need to ensure that we have a productive, easy-to-use and proactive heritage service.

**MR GENTLEMAN** (Brindabella—Minister for Police and Emergency Services, Minister for the Environment and Heritage, Minister for Planning and Land Management and Minister for Urban Renewal) (5.10), in reply: I thank members for their input and support of this bill. The Planning, Building and Environment Legislation Amendment Bill 2018 is an omnibus bill that amends several pieces of

legislation administered by the Environment, Planning and Sustainable Development Directorate. The government uses omnibus bills as a way of remaining agile and responsive to changing circumstances and to ensure that the ACT's statute book remains up to date. This process plays an important part in ensuring that our legislation is futureproofed, to clarify provisions and to allow the government to go about its core business efficiently.

To make things easier, from this point on I will just refer to the bill as PABELAB. PABELAB makes minor policy and technical amendments to four pieces of legislation: the City Renewal Authority and Suburban Land Agency Act 2017, the Heritage Act 2004, the Nature Conservation Act 2014, and the Planning and Development Regulation 2008.

I will start by speaking to the amendment to the Heritage Act 2004. Currently, the ACT Heritage Council has the power to make a decision whether or not to end the registration of a place or object. Section 49(2) of the Heritage Act requires the council to be satisfied on reasonable grounds that the place or object no longer has heritage significance even if the council decides not to end the registration. Clause 10 of the PABELAB proposes removing this redundant requirement. Section 49(2) of the Heritage Act is being amended so that the council only has to be satisfied on reasonable grounds that the place or object no longer has heritage significance when it decides to end the registration.

Consultation is a very important part of the process of developing government policy, and I can advise that the National Trust of Australia ACT and the office of Aboriginal and Torres Strait Islander affairs were both consulted on this proposed amendment.

The second matter I want to address is the amendments to the Nature Conservation Act 2014. These amendments relate to consultation on draft native species conservation plans and draft controlled native species management plans, which I will refer to collectively as "draft plans". Draft plans are prepared by the Conservator of Flora and Fauna and detail how native species and controlled native species may be appropriately managed.

Clauses 11, 12 and 13 of the PABELAB amend sections 119 and 161 of the Nature Conservation Act to only require the conservator to consult with the lessee or custodian of unleased or public land if a draft plan requires or prohibits a certain action. The PABELAB clarifies that the conservator is not required to consult in relation to something that a person may do under the draft plan, even if the draft plan specifies that the action must be done in a certain way.

These amendments to the Nature Conservation Act ensure that the conservator can focus on protecting our native species in an administratively effective way.

The third item I wish to address today from the PABELAB is the proposed amendments to the Planning and Development Regulation 2008, which relate to draft variations to the Territory Plan. The planning and land authority must prepare a consultation notice for draft plan variations and provide this notice to each person prescribed by regulation.

Section 15 of the PABELAB proposes to add a prescribed person to the regulation. This amendment requires the planning and land authority to provide the consultation notice to each lessee of each block within the same section to be affected by the draft plan variation. Clauses 16, 17, 18 and 19 of the PABELAB replace specific references to Community Housing Canberra Ltd with a generic reference to registered community housing providers. This proactively ensures that the legislation refers to any community housing providers who become registered in the future. The government, of course, consulted with Community Housing Canberra Ltd in relation to these amendments.

Finally, I would like to address the proposed amendments to the City Renewal Authority and Suburban Land Agency Act 2017. We all comprehensively understand the importance of delegations to ensure the efficient flow of work. Clause 6 of the PABELAB allows the City Renewal Authority and the Suburban Land Agency to delegate their functions to their respective CEOs. The amendments also provide that the CEOs may subdelegate those functions to authorised people.

Finally, the PABELAB makes an amendment to section 65 of the City Renewal Authority and Suburban Land Agency Act. The intent of section 65 is to ensure transparency in relation to ministerial targets for affordable, community and public housing. Clause 8 of the PABELAB maintains this intent but amends the current wording in the act in two ways: firstly, it clarifies that housing targets apply to the construction of new residential dwellings on unleased or government-owned land; secondly, it permits housing targets to be expressed as whole numbers rather than percentages. These amendments will allow the City Renewal Authority and Suburban Land Agency to act with greater efficiency and to go about their core business without confusion or uncertainty.

In summary, this PABELAB makes several amendments to clarify and streamline the ACT's planning and environment laws—specifically, the City Renewal Authority and Suburban Land Agency Act, the Heritage Act, the Nature Conservation Act and the Planning and Development Regulation. The amendments in the PABELAB are an important way to update and streamline the ACT's statute book and ACT government processes. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Adjournment**

Motion (by **Mr Gentleman**) proposed:

That the Assembly do now adjourn.

## Schools—visits

**MS LEE** (Kurrajong) (5.16): In the past few months I have taken the opportunity to acquaint myself with ACT schools. The schools I have visited have been wonderful examples of the wide choice parents have in schooling options. In recent weeks I have had the privilege of visiting Emmaus Christian School, Burgmann Anglican School, Merici College, Canberra Grammar School and Canberra Girls Grammar School. I continue to lament the fact that while I would be delighted to talk firsthand about my experiences in ACT government schools, to date I have not had that pleasure. By the next sitting I am hopeful that I will have had at least one government school visit.

My visit to Emmaus came shortly after the school had made headlines in local media for the significant improvements shown by students in successive NAPLAN testing. Principal Erik Hofsink is very supportive of the enormous data that NAPLAN provides and believes that teachers are able to use the data to address gaps in an individual student's learning.

Emmaus is like a TARDIS, tucked away as it is in a leafy suburban street in Dickson in my beautiful electorate of Kurrajong. Once on the campus, however, you see wonderful learning spaces, a commercial-grade kitchen, arts room, music room, library, great outdoor learning areas, ovals, smart classrooms and gymnasiums, and children everywhere beavering away at a task.

Mr Hofsink believes strongly in the role of parents in a child's education and says that schooling is not a fee-for-service thing but, rather, a partnership. Parents are expected to undertake a new parent induction course to understand the principles behind an Emmaus education, a high quality Christian education and a school committed to providing a balanced program of spiritual, emotional, physical and academic nurturing to all its students.

Burgmann Anglican School is another school that has grown beyond all expectations and now spans two campuses. Like many of our schools, Burgmann has significant traffic issues and there is enormous risk of an accident occurring during drop-off or pick-up times. They have an enrolment of 1,530 students across the two campuses, and principal Steven Bowers and operations manager Joel Anderson spent some time taking me around the various parts of the school highlighting the concerns they have with access.

It is fair to say—and I am sure it will come as no surprise to this government—that Gungahlin has grown up around them which, with the school's growing reputation for quality schooling, has led to a rapid growth in enrolments. I can only urge the government to consider the boundary adjustment they wish to make to the school, because it is a sensible solution to relieve a traffic congestion issue which is only going to become worse and more dangerous over time.

Principal Bowers's commitment to the wellbeing of his students and his popularity were clear, not only in the way his eyes lit up whenever he spoke about his students

but also in the way students smiled and greeted him around the school when we were on our tour.

Speaking of the wellbeing of students, Merici is a school that has a strong focus on this. Principal Loretta Wholley has a well-deserved reputation for pastoral care and the development of her girls into well-rounded young adults. Merici has a wide enrolment pool of 85 year 7 enrolments this year from 38 primary schools. That certainly takes some management to ensure a supported and seamless transition for all students. It is a reflection of today's society that schools have to be so alert to the modern-day pressures students face, and Merici is fortunate to have a strong network of pastoral care staff.

We spoke at length about the need for better wraparound services in mental health, especially for our young Canberrans. I know that Ms Wholley will continue to work hard in this area to ensure that her students and, indeed, all young Australians are receiving the support they need.

Canberra grammar has enjoyed an expansion in numbers since the somewhat controversial decision to move to a fully co-educational campus in 2015. The school has enjoyed wonderful support from former student Terry Snow, whose generous endowment established the Snow Centre for Education in the Asian Century. The school is unique in that its students sit the New South Wales higher school certificate. However, it also has 46 per cent of its student cohort enrolled in the International Baccalaureate. Like other schools, it also has some serious traffic congestion issues, and I will be writing to the minister about these issues.

The visit to Canberra grammar was almost like a meeting of friends with my having many mutual friends as former students, which is so very Canberran. The familiarity and warmth displayed by the families who contribute so much to the school and the future of their children's education is only matched by the warmth and leadership of principal Justin Garrick.

Canberra girls grammar is a similarly impressive school. Like Merici, it is an all-girls school but also provides boarding for a small number of students from near and far and overseas. They have students from 33 countries, from 109 embassy staff and a total cohort from early learning through to year 12 of 1,400 students.

The school also prides itself on having the only all-female symphony orchestra in Australia. I have put in a request to be on the invitation list. I hope that my next visit will be for what I have heard are professional-level concerts. The passionate principal, Dr Anne Coutts, is justifiably very proud of her school, especially its particularly impressive science wing that she was instrumental in the design of.

I thank principals Erik Hofsink of Emmaus, Steven Bowers of Burgmann Anglican, Loretta Wholley of Merici, Justin Garrick of Canberra grammar and Dr Anne Coutts of Canberra girls grammar for welcoming me to their schools and for the time they took out of their days to talk to me about what is important to them and the community.

## Planning—Giralang

**MS ORR** (Yerrabi) (5.22): I have provided a number of updates on Giralang. Today I rise to speak about one of the most significant milestones to date. On Thursday, 26 April 2018 a development application for block 6 section 79 went on notification. This is the site of the Giralang shops. The development application that has been notified is the owner and developer's proposal for the site.

The proposal put forward includes construction of a mixed-use development comprising two basement levels, ground floor level commercial use consisting of a 1,000 square metre supermarket and other small commercial tenancies totalling 1,275 square metres, four levels of residential use containing 50 residential units, and landscaping and associated works. The proposal also entails civil works including new driveway entry points off Canopus Crescent, new offsite on-street car parking in Menkar Close, and a reconfigured car park and new drop-off arrangement for the existing Giralang Primary School car park. This configuration will also include a new waste enclosure, a new bicycle enclosure and associated landscaping.

The application also seeks a lease variation including varying the purpose clause by adding residential use, provided that multi-unit housing is limited to a maximum of 50 dwellings. The lease variation will also broaden the range of permissible community uses to include a childcare centre, community activity centre, community theatre, cultural facility, educational establishment, place of worship and religious associated use. These proposed uses will be in addition to the existing health facility use, already permitted within the purpose clause.

Giralang has long wanted a supermarket back at the heart of their suburb. I am encouraged by the provision in the proposal for a supermarket. As the development continues to progress, I look forward to the developer securing a tenant so the community has access to a quality supermarket within the suburb.

Throughout the election campaign and since being elected, the Giralang community has wanted to see progress on this site and to have their views included in the discussion on this development. As the local member for Yerrabi, I am passionate about ensuring our part of Canberra is invested in and not only that we have quality facilities for our communities to use but also that the community is included in the development of these proposals. I have made it a priority to make sure the community gets to have their say.

I have met with the developer multiple times, providing him with feedback I have received from the community and encouraging him to undertake extensive consultation with the community to shape his proposal. Following on from those meetings, the developer has undertaken an online community survey, held two community meetings and consulted with community groups, including the Giralang residents' action network, the Giralang Primary School P&C and the Chabad. The feedback gathered in the survey in the first community meeting was used by the developer to refine his proposal. The revised proposal was then put to the community at a second community meeting.

I am pleased to see the community's views have been incorporated into the proposal put forward in the development application. The DA notification period provides a further opportunity for the community to have their say on the project before the independent planning and land authority make a decision. The development application is notified on the planning directorate website. Submissions can be made via a link in the notification. The notification period closes on 18 May 2018. If anyone would like to comment on the development application, they need to submit by then.

### **Australian frontier wars**

**MS LE COUTEUR** (Murrumbidgee) (5.25): Madam Speaker, 25 April was Anzac Day. On 28 May we will celebrate Reconciliation Day. I want to speak about both of these occasions today in the sitting week between them. Members may not have thought there was any link between them, but both of them involve wars, and, unfortunately, they are not equally nationally commemorated or even discussed. Anzac Day focuses on Australia's and New Zealand's involvements in all wars, conflicts and peacekeeping missions, but it does not include the wars that occurred on Australian soils.

The Australian frontier wars were fought between Indigenous Australians and white settlers during the British colonisation of Australia. The first fighting took place shortly after the landing of the First Fleet in January 1788, and the last clashes occurred as recently as the first half of the last century.

Looking at the history of war between black and white is part of the ongoing work of reconciliation. This year the Aboriginal tent embassy organised a fortnight of storytelling about the wars before Anzac Day. On Anzac Day they walked after the other marchers. I visited the tent embassy just before Anzac Day and met Hazel Davies, among others. She is a florist who has made many official commemorative wreaths. Now she is making desert peas to commemorate all the Indigenous people killed in war and other violence. One of her desert peas is what I am wearing right now.

She sees the desert peas as commemorating Indigenous Australians while poppies commemorate other Australians. Both groups have been killed in war and other violence. Both and all are important. Hazel has written a poem, *The Poppies and the Peas*, which I will now read:

In Flanders fields the poppies blow  
 Their silky memories share and soak our nation's grieving walls  
 Red song lines resurrect the lost to love  
 And love is given up to hope  
 We clutch the poppy to our breast  
 And to the creviced walls we press in ... and press on.

Talisman of a transplanted nation  
 Whose portal steps are found in blood  
 We cover, cover with the red  
 The bloody truth of our dead.

Now flowing in the country's heart  
 The pea flower tells  
 Of dead who lie and cry goes up  
 First nation's blood soaks and grieves our soil  
 Fiery memory lost to shame.

Bravely now with trembling hands  
 We must pluck the poppy with the pea  
 Whose battle song line  
 Must needs be resurrected from lost to love  
 Uncover, uncover with the red  
 The bloody truth of our dead  
 In Australian fields.

Looking at the second day, I note the reconciliation movement has its roots in the 1967 referendum when more than 90 per cent of Australian voters chose yes to count Aboriginal and Torres Strait Islander peoples in the census and give the Australian government the power to make laws for Aboriginal and Torres Strait Islander peoples. Finally, I would like to share with the Assembly words from the Council for Aboriginal Reconciliation in the year 2000. They said:

... all Australians can take heart from the positive outcomes so far. Nevertheless, a decade was a short time to address the legacies of 200 years of history, and much remains to be done. Reconciliation is hard work—it's a long, winding and corrugated road, not a broad, paved highway. Determination and effort at all levels of government and in all sections of the community will be essential to make reconciliation a reality.

I am looking forward to Australia's first official Reconciliation Day public holiday and Reconciliation Week. I hope that we can have more discussions about important issues such as these during this time.

### **Ronald McDonald House fundraising ball**

**MS LAWDER** (Brindabella) (5.30): On 24 March this year I, along with my Assembly colleagues Mr Coe and Mr Steel, attended the Ronald McDonald House Canberra annual fundraising ball, which this year was entitled "To the Moon and Back". What a great night it was. The venue, the National Convention Centre, was decorated beautifully, the food was outstanding, the entertainment was sensational and, best of all, the event raised an astonishing just over \$500,000 to support sick children and their families who use Ronald McDonald House Canberra.

Ronald McDonald House Canberra is located at the Canberra Centenary Hospital for Women and Children. While sick children are in the hospital it provides a home away from home for their families. The families have to live more than 100 kilometres away from Canberra. But Ronald McDonald House at the hospital also run other services in our region, including the family room at the hospital, which any family member can go into—it looks like a lounge room or a family room—at the paediatric wing and sit down and have a cup of tea or coffee, have a bit of a chat and escape the stresses of being on the ward with their sick child for just a short period of time.

The amount raised at the annual fundraising ball was a symbol of the generous nature of not just the people in Canberra but all throughout the region because there were people from down the coast, past Cooma and all around the place whose families may come to Canberra to go to Ronald McDonald House and attend our hospital. It is not so much Canberrans who use the Ronald McDonald House, but it was amazing the number of Canberrans there on the night who had used Ronald McDonald houses in other cities, such as Sydney, for their own sick children when they went to Sydney for specialist treatment. The generous people of Canberra should be congratulated, along with the significant number of sponsors, hardworking volunteers and the committed staff of Ronald McDonald House Canberra.

I acknowledge the nearly 1,000 people who attended the ball who were able to participate in the fundraising. It was a direct donation of money. There was a silent auction. There was a raffle. There were a whole lot of different ways that you could contribute money on the night. The major sponsors were Lexus of Canberra and Mirko Milic. The other sponsors include Sothern Cross Nine and Elite Event Technologies. The 2018 gala ball committee that put on such a fabulous event included Hani Sidaris, Michelle McCormack, Nerissa Richardson, Troy and Karen Cassell, Jason Mathie, Ric Lecarcic, Melissa Beaumont, Shane Wolki, Nicole Carmichael, and Eoghan O'Byrne.

I especially make note of and thank the volunteers who assisted on the night. There were around 65 people who gave up their time to assist on the night. They were table hosts, they roamed the event selling tickets, and they were hosts at the champagne bar and the whisky bar. They made a wonderful contribution, which can be seen in the result of the fundraising.

I also thank and acknowledge the staff of Ronald McDonald House Canberra, led by Michelle McCormack, and they include Liz, Nerissa and Robyn, and the many volunteers at Ronald McDonald House. I have spoken in this place before about Ronald McDonald House and events and activities they undertake because I have been a volunteer at Ronald McDonald House since before I started here in the Assembly, and I continue to volunteer to this day when I can.

I bring to everyone's attention to save the date for next year's Ronald McDonald House Canberra gala ball. It will be on 6 April 2019. It will be a wonderful opportunity to support seriously ill children from all around our region and their families to enable them to have some form of a normal life while their very sick child is in the Canberra Hospital. Once again, congratulations to Ronald McDonald House Canberra and the gala ball committee. Thank you for your contribution.

Question resolved in the affirmative.

**The Assembly adjourned at 5.35 pm.**