



# Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

**NINTH ASSEMBLY**

**31 JULY 2018**

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**Tuesday, 31 July 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.

## **Petitions**

*The following petitions were lodged for presentation:*

### **Eating disorder healthcare services—petition 7-18**

*By Mr Pettersson, from 629 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 to the inadequate treatment available for eating disorders in the ACT. Currently there are no in-patient services for eating disorder treatment in Canberra, and while there is a public outpatient program, there is a four to 10-week waiting period.

Under the current health care system, only 46% of people diagnosed with anorexia in Australia recover. 20% die. The mortality rate for people with eating disorders is the highest of all psychiatric illnesses and over 12 times that seen in people without eating disorders. As of March 2017, Canberra's population was 409,100. Using the above statistics, it can be estimated that 36,819 people in Canberra are currently suffering from an eating disorder.

The ACT Government's failure to provide adequate treatment for eating disorders means that many young people, disproportionately young women, around Canberra are not receiving life-saving treatment.

Your petitioners, therefore, request the Assembly to call on the Government to provide the ACT with an in-patient treatment centre which specialises in the treatment of eating disorders. In the absence of this, provide the ACT with a minimum of 10 long-stay hospital beds for intensive and specialised treatment of eating disorders.

In either scenario, provide funding for the training of medical practitioners in eating disorder treatment, including, but not limited to, general practitioners, emergency department personnel, ward dietitians, mental health nurses and other nurses.

*Pursuant to standing order 99A, the petition, having more than 500 signatories, was referred to the Standing Committee on Health, Ageing and Community Services.*

### **Sunday ACTION timetable—petition 8-18**

*By Ms Le Couteur, from 142 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 Transport Canberra buses stop at around 7pm or earlier on the Sunday timetable, and have for many years. The intertown bus service finishes its last run at this time, with local services terminating even earlier.

This Sunday timetable is then applied to every public holiday as well in Canberra, and even on some non-public holiday days like the four day period over Easter or extended periods over Christmas and New Year's.

This affects everyone from tourists or those who do not own cars due - especially those who are too young or old to drive, or those who simply cannot afford their own vehicle.

Your petitioners, therefore, request the Assembly to call on the Government to extend the Sunday Timetable to finishing no earlier than at least 10pm, possibly with a reduced frequency of service as required to lessen the impact on the bus drivers themselves.

To stop disenfranchising segments of Canberra society a full 1/6th of the year who don't have a car, whatever the reasons may be for not having one.

*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:

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

By **Ms Berry**, Minister for Education and Early Childhood Development, dated 26 July 2018, in response to a petition lodged by Ms Orr on 8 May 2018 concerning the ACT safe and inclusive schools initiative.

*The response read as follows:*

Dear Mr Duncan

Thank you for your letter of 8 May 2018 with information about petition No 25-17 received by the Assembly on 8 May 2018 in relation to the ACT Safe and Inclusive Schools Initiative.

In accordance with Standing Order 100, I provide you with the following response to the issues raised by the petition:

Over 1400 Canberrans have signed this petition to voice their support for the rights of same sex attracted, intersex and gender diverse students to a safe and

inclusive learning environment that celebrates diversity and values young people for who they are.

Our government has a proud record for standing up for the rights of LGBTQI Canberrans and this petition demonstrates our community's commitment to supporting children and young people through the Safe and Inclusive Schools Initiative.

Thank you for the opportunity to respond to this petition.

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

By **Mr Gentleman**, Minister for Planning and Land Management, dated 20 June 2018, in response to a petition lodged by Miss C Burch on 8 May 2018 concerning the development of an aged-care facility in Kingston.

*The response read as follows:*

Dear Mr Duncan

Thank you for your letter of 8 May 2018 regarding petition No 9-18 lodged by Miss Candice Burch MLA on behalf of 162 residents of the Australian Capital Territory, with the principal petitioner being Mr Stephen Mills.

I understand the petition brings to the attention of the ACT Legislative Assembly a request that the Assembly, the Environment, Planning and Sustainable Development Directorate, and the Chief Minister, Treasury and Economic Development Directorate do not approve any development application for the proposed aged care facility at Block 5, Section 1 Kingston, until the representatives of St Basil's:

- meet with local residents to discuss ways to improve the development application;
- conduct a site visit with representatives of Gosse Street residents; and
- agree to specific actions to address community grievances with the proposal.

The petitioners also requested that no approval be provided for this application until the Standing Committee on Planning and Urban Renewal's inquiry into the ACT development application process has delivered its final report.

The notification period for the original application ran from 30 March 2017 until 21 April 2017, with the notification for the amended design running from 14 September 2017 until 6 October 2017.

Unfortunately this petition was received outside of the notification period.

The application for this development was lodged on 17 March 2017 and conditionally approved by the planning and land authority on 13 April 2018, following several amendments to the proposal.

A request for a review of this decision was lodged with the ACT Civil and Administrative Tribunal (ACAT) on 11 May 2018 by Mr Stephen Mills, and as a

result the decision to conditionally approve this development has been set aside until the Tribunal considers the matter.

As the matter is now under consideration by the Tribunal, I am not in a position to respond to the requests made through the petition submitted with the ACT Legislative Assembly.

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

### **Community facilities in Page—petition 10-18**

By **Ms Fitzharris**, Minister for Transport and City Services, undated, in response to a petition lodged by Mrs Kikkert on 10 April 2018 concerning active living options in Page.

*The response read as follows:*

Dear Mr Duncan

Thank you for your letter of 10 April 2018 regarding petition No 10-18, lodged by Ms Elizabeth Kikkert MLA on behalf of Page residents regarding the need to increase active living options for senior citizens in Page, specifically considering the following:

- a pedestrian crossing on Burkitt Street Page;
- a footpath from Burkitt street along Birrell Street to the Birrell Street playground; and
- benches and fitness equipment at the Birrell Street playground.

#### **Pedestrian crossing**

An assessment of the pedestrian crossing needs on Burkitt Street has been undertaken recently and officers from Transport Canberra and City Services (TCCS) have visited the site and undertaken traffic and pedestrian counts. The results of the assessment suggest that very few pedestrians cross Burkitt Street and that a zebra crossing would not be appropriate at this location.

TCCS are aware that older pedestrians do need assistance to cross and they are investigating other options to assist pedestrians to cross, such as road narrowing, traffic calming or a pedestrian refuge island.

In addition, the existing warning signs, which are of an older style, will be replaced with a higher standard sign that is more visible.

#### **Footpaths**

I am pleased to advise the following footpath improvements in Page will be implemented by the end of July 2018 weather permitting:

- a new path along Birrell Street between Burkitt Street and Knaggs Crescent;
- a new path along Knaggs Crescent between Burkitt Street and Dalachy Street; and
- a new path connecting Thozet Place and Bynoe Place through the open space.

The ACT Government recognises the importance of improving community paths and cycling facilities to provide safe and attractive routes and is working hard to improve the existing path networks and create additional new path connections.

**Playground upgrade**

I am advised that the playground at Birrell Street which previously consisted of only a swing set, was upgraded in May 2017. The playground now includes a children's slide, swing set, steering wheel, abacus panel, fire pole, ramp climber, monkey bars, balance beam, pommel walk, chin up bar, chain balance walk and a net climber.

The closest fitness station is located at Beaurepaire Crescent Neighbourhood Park in Holt. It consists of a chin up bar, a push up bar and parallel bars. In general, fitness equipment is located in higher use parks where it will benefit the maximum number of users. A larger community fitness station site is located at John Knight Memorial Park which consists of a large range of equipment including a vault, shoulder press, aerobic walker and many more activities.

In addition, a developer undertaking work in West Belconnen advises that fitness equipment will be installed at the Strathnairn Community Recreation Irrigated Park that will be built within the next year.

Currently, there are 21 Canberra suburbs which have fitness equipment such as sit up benches, chin-up bars and balance beams available at a local park or open space. A list of these suburbs and the fitness equipment available is at [www.act.gov.au/outdoorfitness](http://www.act.gov.au/outdoorfitness).

The ACT Government is aware of a growing community demand for more relevant and appropriate playground facilities and exercise equipment in established suburbs. The current approach to the provision and management of established playgrounds is being reviewed by TCCS in light of this community demand and other factors such as changing demographics.

In addition, a community engagement process underway through the 'Better Suburbs' initiative will be used to inform future policy approaches and decision-making about how best to meet community needs in a sustainable way. You can access more information about this initiative including opportunities to have your say at [www.yoursay.act.gov.au/BetterSuburbs](http://www.yoursay.act.gov.au/BetterSuburbs).

Thank you for raising this matter. I trust the information provided is of assistance.

**Sunday ACTION timetable—petition 8-18**

**MS LE COUTEUR** (Murrumbidgee) (10.03), by leave: I think this is a very important petition, because if we are going to have a public transport system that works for all Canberrans, it has to work for a reasonable range of hours. We currently have a system which really concentrates on commuters. Commuters, of course, are important, but Canberra is now a city that has nightlife, and even nightlife on Sundays, so I really commend this petition to the Assembly.

On the basis of the consultation that ACTION has had about the proposed new routes, I anticipate that the petition will succeed in its aims because Minister Fitzharris has indicated that they are looking at a more seven-day-a-week timetable.

## **Eating disorder healthcare services—petition 7-18**

**MR PETTERSSON** (Yerrabi) (10.04), by leave: I am very pleased to stand here today and speak to this petition, because it is about a fundamentally important topic. There are too many young people that suffer from eating disorders. In my life, I have known far too many individuals—close friends, acquaintances—who have suffered from eating disorders. Without fail, each and every one of them tells a terrible tale. They talk about long waits to get access to the services they need. They talk about having to go to Sydney to seek inpatient treatment. I do not think any of them should have to wait a single day to receive treatment, but I understand that, due to the nature of the public health system, these things do occur.

I think we can do better, and I want to see us do better. I commend this petition to everyone, because it is an important topic for lots of people in our community. Over my short life, the number of my friends that have suffered from eating disorders is alarmingly high. This is something I am quite passionate about, and it is something that I will always speak out on, because I want to see us do better.

## **Estimates 2018-2019—Select Committee Report**

**MR WALL** (Brindabella) (10.06): I present the following report:

Estimates 2018-2019—Select Committee—Report—*Appropriation Bill 2018-2019 and Appropriation (Office of the Legislative Assembly) Bill 2018-2019*, dated 25 July 2018, together with the relevant minutes of proceedings and a schedule of unanswered questions taken on notice and questions on notice, dated 31 July 2018.

I move:

That the report be noted.

I begin by thanking the committee secretary, Nicola Kosseck, and all of the secretarial staff in the committee office for the work that they did during the estimates committee's 11 days of hearings. As was the case through my chairing of the committee last year, I would also like to extend thanks to the members of the committee. Whilst it is a very robust committee, it was also very conciliatory. Where there were differences of opinion, we discussed them respectfully. We sought to include in the report as many of the recommendations that we could agree on as possible, and where there were disagreements, they are noted appropriately in the footnotes.

In the 11 days of hearings, some 667 questions were taken on notice or placed on notice. The hearings have resulted in 226 recommendations. They highlighted, though, a significant number of areas in which there are failures of this ACT government.

We saw a maladministration and failure of communication between departments, resulting in landowners being slugged hundreds of thousands of dollars in back rates

simply because due process was not being followed. We uncovered overspending in the Floriade festival which required auditors to be called in: a figure close to the million dollar mark was overspent. We heard the tragic story of a family pet and beloved dog being put down without due process being followed by rangers; serious questions still require to be answered around that.

We saw the chair of Icon hiding behind the secrecy of an agreement between Icon Water and ActewAGL, their services agreement, which is costing ACT ratepayers and consumers millions of dollars a year. For what? We do not know, because the document has not been published in full.

We had some interesting moments when the Chief Minister tried to redefine the term “diversification” and when he referred to Canberra business owners who have had enough of the increased tax hikes that have been oppressively enforced year on year, and have taken it upon themselves to leave the jurisdiction, as “irrational”. That encapsulates the Chief Minister’s view of many ratepayers in the ACT: if they do not agree with him, they are simply irrational.

But I digress. I think the Treasurer has been exceptionally busy, probably busier than a contestant on MasterChef, trying to cook the books this year. There are significant questions around his definition of a surplus, the creative accounting or the fudging of the figures that has occurred around the treatment of the large-scale renewable energy certificates. This would be one of the first budgets where the Treasurer has claimed that not only is he delivering a surplus but net debt is increasing and net borrowings are increasing.

I refer you, Mr Barr, to the *Macquarie Dictionary* and the term “maladministration”. During the hearings you seemed to misunderstand what that word meant. I suggest at this point that you refer to the dictionary and look up the word “surplus”.

**MADAM SPEAKER:** Through the chair, Mr Wall.

**MR WALL:** He needs to make himself more familiar with the term “surplus”, because clearly that is not what this budget has delivered.

Again, I would like to thank the members of the committee and the witnesses and community groups that appeared on the first day of hearings. That day provides a great level of insight for members of the committee into the areas of concern for those organisations and an opportunity for the committee to further examine those, moving forward over the 10 days of hearings with government officials.

I keenly await the Treasurer’s response to the report in the next sitting week.

**MS LE COUTEUR** (Murrumbidgee) (10.11): Like the committee chair, I would like to start by thanking the committee secretariat—Nicola in particular, but all the committee secretaries were involved. I thank them all for their wonderful contribution. And I thank my fellow committee members; we worked pretty well together, given everything.

The report has 427 pages and 226 recommendations, but you will all be pleased to know that I am only going to go through a few of the report's recommendations. I am going to start with transport. Recommendation 194 was one I very much support. It says:

The Committee recommends that the ACT Government continue to give priority to, and increase investment in, public transport and active transport.

We looked at costs for the consumer. We recommended that the ACT government convert the current trial of free off-peak travel for concession cardholders into a permanent change in fare policy. As we all know, the fares pay only about 30 per cent of the costs of ACTION; this change would not cost the government much, but for the people who are beneficiaries it can make a big difference.

In quite a few places we looked at safety: women's safety and safety in general. This is one of the reasons for recommendation 202:

... that the ACT Government release indicative plans for improving community safety around transport stops and interchanges, such as improved and increased lighting of streets ...

We know that one of the reasons people take their cars is that they perceive it to be safer. If you looked statistically at road accidents, you might find that perception is not true, but it is a matter of perception and it is one we need to change.

On the day that the estimates committee saw Minister Fitzharris and the associated transport witnesses, the government released a document that advised us that the travel time between Woden and the city by light rail was projected to be between 25 and 30 minutes. This compares with the current blue rapid travel time of 13 to 16 minutes, so it is almost double.

The reason for the longer journey time appears to be that the route the government has chosen goes via Barton. Possibly the ACT government was told to do this by the National Capital Authority. I do not know. The Barton route does have positives. It clearly makes public transport better for people going to Barton, be it from the inner south, the inner north, Woden or Gungahlin. It will also benefit some people in Curtin, Deakin and Yarralumla.

On the other hand, doubling the travel time is clearly problematical for the large number of people, myself included, who go from the city to the Woden town centre, particularly those who start from southern Woden Valley or Tuggeranong. It is also a problem for people on the north side who work in the Woden town centre.

It is my contention, and the recommendation of the estimates committee, that we do not need to have this problem. As Minister Fitzharris and the directorate pointed out to the committee, the light rail service is not a like-for-like comparison with the blue rapid. They are simply not the same service; they do two quite different things. The only trouble will come if the government decides that a 25 to 30 minute light rail service is a like-for-like replacement for the current 13 to 16 minute service.

The committee made two relevant recommendations. Recommendation 205 seeks a commitment that an equivalent fast service is maintained, delivered either by buses or by express light rail services. It would take less than 25 minutes. Express light rail services could be delivered by timetabling services so that they do not stop at all stations or through infrastructure like passing or overtaking tracks at stations.

Recommendation 206 is on the infrastructure design to support fast services for light rail stage 2, not just for now but for the future, when there is going to be a Tuggeranong stage of light rail. This could include a combination of allowing buses to run on the light rail track and/or keeping the existing bus lanes on Adelaide Avenue; leaving room between the two tracks on Adelaide Avenue for an express third track; leaving room for a Barton bypass route to be built as part of a future light rail stage; and allowing space for smaller diversions at some light rail stops.

I will now move to climate change. I have to start off by reminding us all why we should be worried about it—really worried about it. Let me give some examples from the northern summer, in the last month. Severe floods killed at least 220 people in Japan in early July, early this month. The nation was then hit by an unprecedented heatwave which peaked at 41.1 degrees. That left 35,000 people in hospital. In the US, the extreme heat in the west is feeding wildfires, and Yosemite National Park is being evacuated, while there is flooding in the east. The *Guardian* reports:

This is the face of climate change,” said Prof Michael Mann ... one of the world’s most eminent climate scientists. “We literally would not have seen these extremes in the absence of climate change.”

I am very pleased that the estimates committee made a number of recommendations about more action in the ACT to reduce the impact of climate change. There are a series of recommendations, 117 to 124, which look at concentrating on eliminating greenhouse gas emissions from transport and natural gas, in particular, looking at further all-electric suburbs, such as will be developed in Ginninderry stage 1, and then moving on to say:

The Committee recommends that the ACT Government facilitate the development of zero emissions buildings, including high density residential and commercial buildings.

Along the same lines, we said:

... the ACT Government should ensure all new/infill estates/developments are compatible with a zero emissions future, prioritise sustainable transport, and emphasise living infrastructure to adapt to a warmer climate.

We talked at length about electric cars. We thought that we could set a milestone date by which time all registered vehicles in the ACT would be zero emission vehicles. We also said that we should have a strategy for transitioning all of the ACT government’s fleet, including buses and trucks et cetera, not just cars. But let me give a note of caution: we thought that we needed to produce a plan for how the electricity supply in the ACT will cope with the expected uptake of electric vehicles.

We looked at trees, both in their own right and from a climate change point of view. We recommended that school playgrounds should have tree cover to provide shade and allow natural play spaces and that the ACT government should set a strong tree canopy target to ensure that all developments and redevelopments are climate wise and adapted to a warmer, drier climate.

We looked at waste, which is another of the greenhouse issues. We all recommended that the ACT government should continue to identify and implement ways that waste generation in the ACT can be reduced. We made two specific recommendations about organic waste, which is very important from a greenhouse point of view, not only because of the potential production of methane gas but also because of the need to keep soil fertility, which means feeding our organic waste back into our soil and our agriculture.

Affordable housing was another area that the committee concentrated on. Recommendation 129 asked the ACT government to provide information about how dwelling sites allocated to community housing providers are allocated. There is a broader issue, and that is the capacity of the community housing sector. Hopefully, the long-awaited affordable housing strategy will provide some help for that.

Remarks from ACT government officials indicate that the number of dwelling sites earmarked for community housing in this year's land release program, only 20, reflects the capacity of the sector. There are two reasons for this. The first is that the community housing sector has only grown modestly in recent years, largely because the policies and programs that helped to grow it in the first place have dried up. Community housing providers are to some extent the creatures of public policy. They are an efficient vehicle for providing low cost housing, but the sector grows and shrinks according to the support, or otherwise, of governments.

The second reason for the sector's modest growth in the ACT is that, as far as we can tell, the ACT government, while it does allocate some land to community housing providers, sells that land to them at the highest price the government can raise for it. It is sad to note that of the 34 dwelling sites earmarked for community housing providers in last year's land release, none have yet been made available to the sector.

We are very pleased with recommendation 130, that the government should adjust its land release program so that it can support the motion the Assembly passed last year to maintain the ACT-wide stock of social housing at the current level of 7.1 per cent. There are a number of ways that this could be done—which I do not have time to go into right now—but land release is part of it. Recommendation 131 goes to this. It says:

The Committee recommends that the ACT Government provides sufficient capacity to Housing ACT to take on new land opportunities and have the capital to develop on that land.

As the Suburban Land Authority said in evidence:

... we have been very much guided by the capacity of our Housing ACT colleagues to take on new land opportunities and have the capital to develop on that land.

The budget papers clearly show that Housing ACT is running at a deficit. Despite the good work it is able to do, given the constraints—with very low income from rents, very significant costs associated with running an ageing property portfolio, and an increased shift to housing only those most in need—Housing ACT clearly does not have the resources required in its portfolio to meet demand.

I would like to speak briefly on recommendation 6, that the ACT government establish an integrity commission. It is great to see that this is no longer a controversial thing. The Greens are very proud that we were the first party to call for an ACT integrity commission, and we are very hopeful that soon this will become a reality. The select committee has been re-formed and it will now be able to examine and take the best part of both bills before it. I hope this is going to mean that we have a strong commission that will give the people of the ACT greater confidence in local politics and public administration. It would be great if the federal government did the same, but that is, unfortunately, outside our control.

There were a number of recommendations about the ACT Electoral Commission which basically went to the point that there are issues of electoral finances and we need to look at them more.

As a member for Murrumbidgee, I just have one Murrumbidgee comment, on the old CIT site. We recommended that this should not be used for residential; it should be used for community facilities or employment generating facilities. I would like to float again the idea that it is ideally located adjacent to the Canberra Hospital. The Canberra Hospital is running out of space. The old CIT site in Woden could be an ideal place for the Canberra Hospital to extend over the road. I can see a covered walkway or something like that between the two. That could be the easiest way to solve some of TCH's problems.

There is much more I could talk about, but I have run out of time. I would like to thank all the secretariat and all my colleagues for this report.

**MS CHEYNE** (Ginninderra) (10.25): I also welcome the tabling of the estimates report and I want to acknowledge the collegiate way in which the committee worked, ably supported by Nicola and the many other committee secretaries. I especially acknowledge Mr Wall for chairing really quite ably during what I know was a tricky time for him personally, not least because he had a newborn. I also appreciate the many opportunities he gave me to chair.

Notwithstanding the collegiate way we operated as a committee, I do not think that Ms Orr or I would endorse a number of Mr Wall's statements this morning. I would ask the opposition to reflect on what things like commercial-in-confidence actually mean when they start going on yet again about Icon Water.

Madam Speaker, we covered a wide range of topics during this inquiry. I want to record my thanks to all officials and to ministers for their preparedness to appear and for what they offered to the inquiry. A lot of it was, I think we could say, quite illuminating. One issue was revealed that I think is particularly important, and I want

to underline it today. It was around sexual health. I note that the Chief Health Officer's annual report will be delivered later today. I will be very interested to see what it contains in respect of this issue.

During the inquiry we heard evidence that sexually transmitted infections are generally trending up in the ACT. This is concerning. I think we are probably the most sexually educated generation coming through, so the fact that this is the reality says that there is something not quite right here. It has made me, and I think the committee as a whole, reflect on whether there is more that we can be doing in this area. That is dealt with in our report, with numerous recommendations.

We have many excellent organisations in the ACT that are leading the way in promoting good health and good sexual health. But I do think there is more that we can be doing, including as leaders in this place. I look forward to the responses from the government to those recommendations.

We also asked a number of questions about women's safety, some of which Ms Le Couteur touched on before. This is incredibly important, not just for the committee but for the community more broadly, particularly in light of the tragedies in Victoria. I know that those recommendations will be taken very seriously by the government.

I want to take the time I have left to implore this Assembly, through the administration and procedure committee, to take very seriously the committee's comment about whether a select committee is the right choice for dealing with estimates. There are some clear benefits—I will acknowledge that there are—in one committee examining the entire budget over a dedicated time period.

However, the many drawbacks outweigh the benefits. Having lived through them, I can certainly attest to that. Drawbacks include members becoming unwell, either during or after the hearings, and how time consuming it is. It is important to point out that sitting days are generally shorter than estimates hearing days.

On top of this, our other work as members does not cease. This puts a very high amount of pressure on staff and on members, and arguably inhibits to some degree members' effectiveness. This is assuming situation normal, not taking into account changes in staffing or illness, or a member having, for example, a newborn in the family.

The potential inefficiencies are another major drawback. There were a number of times that select committee members were asking questions when an entire inquiry had already been done by a standing committee or when members of a standing committee well and truly knew the answer and nothing new was being examined or exposed. Another impact, of course, is that on our committee secretaries, who are always professional and who give their full commitment to this work but who are undoubtedly affected.

For these reasons, I think it makes a lot more sense for standing committees to examine the budget. It is exactly what they do up in the federal parliament. I am

confident that we could make it work here too. Standing committees would be more efficient, being across the key areas that need to be examined. It will mean all non-executive members in this place, rather than just a few, will closely examine aspects of the budget.

Members will not be at risk, or not so much at risk, of becoming worn out and losing their own effectiveness as time goes on. A smaller time commitment will allow them to prepare for the hearings more effectively and it minimises the risk of their becoming unwell or, if they do, they are not putting pressure for the overall examination of the budget on themselves or on their party. I hope that it would somewhat ease the pressure on our Office of the Legislative Assembly staff, which is also a very important consideration. I know, Madam Speaker, that this is something that is important to you as the leader in this place.

Finally, I know that my colleagues support this. I know that the Greens see the absolute sense in this. I know that a number of members of the opposition support this as well. I implore everyone in this place to see the sense of what I am proposing. It made sense when I first put it forward at the start of this year. It continues to make sense.

I say to the opposition: do not be bloody-minded about this. This is not about not examining issues thoroughly. It actually will allow for a more thorough, a more effective, examination of the budget. That could only be a good thing and something I am sure the Treasurer would welcome. For these reasons, I look forward to all party rooms' support for this by the time the administration and procedure committee meets to discuss it seriously.

Again, I would like to thank all the members of the committee for their work and also thank the Office of the Legislative Assembly for all the support that was provided to us. I commend the report, for the most part, to the Assembly.

Debate (on motion by **Mr Barr**) adjourned to the next sitting.

## **Privileges 2018—Select Committee Report**

**MR RATTENBURY** (Kurrajong) (10.33):

*Privileges 2018—Select Committee—Report—Newsletter circulated by two MLAs with links to a Third-Party Website, dated 20 June 2018, together with the relevant minutes of proceedings.*

The report was circulated on 21 June 2018, when the Assembly was not sitting. I move:

That the report be noted.

As I have commented, the committee was formed on 12 April by way of a resolution of the Assembly, after a motion moved by Ms Cody. Mr Wall, Ms Cheyne and I

formed that committee. It was in response to an allegation that a letter circulated by Ms Lee and Miss C Burch and its reference to the Liberals' have your say website was misleading, was interfering in the process of a parliamentary committee and was a conspiracy to control the process and possibly the outcomes of the public accounts committee.

Chapter 1 of the committee's report talks about what constitutes a contempt of the Assembly. Whilst I do not intend to reflect on that now, it is obviously a very important context for the committee to operate in, and it obviously informed our thinking on it quite a bit. Chapter 2 contains the background of the inquiry and outlines the contextual information, and chapter 3 goes to the conduct of the inquiry.

The committee wrote to Ms Lee, Miss Burch and Mr Coe, as Mr Coe had been referenced in the motion as well. We also wrote to UnionsACT and the Australian Christian Lobby in relation to their use of links on their websites to gather and forward submissions to Assembly committee inquiries into secure work and end of life choices, respectively.

All three MLAs individually met with the committee at hearings held in camera. The committee decided to hold its hearings in camera in the first instance, given the potentially very political nature of the discussion, but subsequently the committee authorised publication of the evidence taken in its entirety, to ensure that there was transparency about the process.

We also conducted a survey of users of the have your say website, because Mr Coe had provided all of their names and contact details to the committee, as is required. Those were redacted for publication of those documents, but we took the opportunity to canvass them as part of considering whether the PAC committee's inquiry had been compromised in any way.

Turning to the findings and recommendations of the committee, it is worth noting that in the newsletter that had been sent out, Miss Burch and Ms Lee stated:

If you are an owner or a tenant or just plain think this is unfair, we encourage you to make a submission to the Inquiry at ...

The website link given was [www.haveyoursay.net.au/strata/](http://www.haveyoursay.net.au/strata/). This was a Liberal Party website, and the key question was whether they should have provided the committee's website or whether this was appropriate.

When asked about this, both members were of the view that many people found the prospect of making a submission to a committee daunting. Their key submission to the committee was that they were trying to make it easier for members of the public to be engaged. They thought that was an important part of their role as members, which was a view that the committee certainly acknowledged.

The committee accepted that Ms Lee's and Miss Burch's newsletter was created and circulated as part of what they saw as their duties as members of the Assembly—to facilitate community engagement in an Assembly inquiry. While the omission of the

PAC contact details from the newsletter was undesirable, the committee does not believe it was a deliberate act intended to mislead people that they were directly interacting with the PAC.

Furthermore, the committee found there was no evidence to suggest that the evidence received by the committee was skewed as a direct result of the newsletter; thus it did not cause substantial interference with the inquiry being conducted by the public accounts committee. Accordingly, in the absence of key elements generally accepted as being necessary for a finding of contempt to be sustained, the committee found that no contempt had been committed by Ms Lee or Miss Burch.

Turning to the conduct of Mr Coe, he was questioned because he ran the have your say website. One issue which received media attention was that there was a discovery that not all of the submissions were automatically sent to the public accounts committee from the website. This was, of course, an issue of some concern. The fact that this was not discovered until after the privileges inquiry had been established also raised concern in that there was no active process for reconciliation between what was submitted and what was actually forwarded to the public accounts committee.

This deficiency in the process could have given rise to the perception that submissions may have been selectively forwarded. However, the committee is satisfied that the scenario depicted in item (1)(f) of its terms of reference—that is, that not all submissions were passed to the PAC, thereby corrupting the inquiry—did not in fact occur.

Mr Coe was also asked about the potential for confusion to be created by the name of the have your say website, because the government's main consultation portal is called your say. Clearly, the similarity of the names was an issue of concern. The committee does harbour concerns that, given the similarity of names, the website design and the lack of obvious party branding, the site may be mistaken for an official ACT government site. The committee felt that the fact that it was a political party's site could have been made clearer.

Another concern that the committee had with the website was the lack of information provided to potential users. Users were not told that the PAC may not necessarily accept their submissions, giving rise to privilege protection issues, nor were they informed how any information they provided would be treated, including that it would be held by the Canberra Liberals. Item (1)(d) of the terms of reference states:

- (d) the letter and the 'haveyoursay' website may combine to create a false impression that they are proceedings of the Assembly or its committees ...

The committee does not believe that this has occurred to the extent necessary to cause substantial interference with the inquiry being conducted by the public accounts committee, given that the website bears the heading that it is an initiative of the Canberra Liberals. The website provides details of the PAC inquiry and includes links to the Assembly's website and the email address of the committee, through which submissions could be made separately. The survey form was offered as an alternative

format which could be forwarded to the public accounts committee and a survey of responders indicated that a significantly large majority were fully aware that the site was not an Assembly site. Therefore the committee found that no contempt had been committed by Mr Coe.

The last issue canvassed by the committee was the guidelines for the use of third-party websites. One of the issues here is that we are seeing a number of different places seeking to generate submissions through their own portal in some form or another, of which this was one example. This leads to the one recommendation that the committee has made in our report, which states:

That the Standing Committee on Administration and Procedure, in consultation with the Committee of Chairs, develop guidelines for the use of third party websites in the preparation of submissions to Assembly inquiries.

... the guidelines should cover privilege aspects, should ensure that all submissions are forwarded automatically and without intervention, and be placed in a conspicuous place on the Assembly website.

Those are the key outcomes of the privileges committee process.

**MS CHEYNE** (Ginninderra) (10.41): As deputy chair of the committee, I rise today to welcome the tabling of the report and to commend it to the Assembly. As you know, Madam Speaker, privileges committees are very serious. I want to extend my thanks to the opposition members who were the subject of this inquiry for their willingness to respond and speak candidly about what occurred, to assist the committee and to make our job relatively easy.

I, too, note that the committee made no findings against any of the opposition members, but I do want to draw to the attention of members and underline a few points that Mr Rattenbury has touched on.

The process has raised the fraught position we find ourselves in with third-party websites. I think I speak for all of us in this place when I say that we do want to expand knowledge of and the community's access to committees and their inquiries. The use of third-party websites is one way that this can be achieved. However, there are causes for concern that were illuminated through this inquiry. The issues in particular are drawn out in paragraphs 4.15, 4.23, 4.24, 4.28 and 4.29 of the report. I will not read them out.

On the evidence we heard, which is reflected in the report, I believe that there were elements of recklessness in the Canberra Liberals' operation of their third-party website. This is something that we should take into consideration. My hope is that the administration and procedure committee will seriously take into account the following issues when looking at the possibility of guidelines to support the use of third-party websites: that third-party websites are not infallible, particularly where spam filters are employed; that appropriate reconciliation should be employed; that members of this place might want to consider carefully promoting third-party websites if they do not know or are not confident in how they work; and that persons engaging with third-party websites to make a submission should be made aware that committees do

not necessarily have to accept submissions that way. In the meantime I hope that the Canberra Liberals are reflecting on these issues in their own ongoing use of have your say as a third-party website.

I will conclude by thanking my colleagues Mr Rattenbury and Mr Wall for their conduct on the committee. Again, it was yet another committee in our festival of committees, and some more time taken out of busy days—in particular, for Mr Wall, who had a number of family commitments arising. I very much appreciate their support and willingness to make their time available. I especially thank the secretary, Max, for coming out of retirement to provide support for our work. I commend the report to the Assembly.

Question resolved in the affirmative.

### **Justice and Community Safety—Standing Committee Scrutiny report 19**

**MS LEE** (Kurrajong) (10.45): I present the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 19, dated 24 July 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 19 contains the committee's comments on eight bills, 32 pieces of subordinate legislation, one regulatory impact statement, six government responses, and proposed amendments to one government bill. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

### **Environment and Transport and City Services—Standing Committee Report 6**

**MS ORR** (Yerrabi) (10.45): I present the following report:

Environment and Transport and City Services—Standing Committee—Report 6—*Inquiry into a Proposal for a Mammal Emblem for the ACT*, dated 27 July 2018, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

**MS ORR:** Today the Standing Committee on Environment and Transport and City Services is tabling its sixth report for the Ninth Assembly. This report presents our

findings from the inquiry into a proposal for a mammal emblem for the ACT, which was referred by the Assembly in November 2017. The ACT currently has a floral emblem, the royal bluebell, and a bird emblem, the gang-gang cockatoo. However, we are the only Australian state or territory that does not have a mammal emblem.

In February 2018 the committee invited the ACT community to put forward suggestions for an ACT mammal emblem. In March the committee received 30 submissions which incorporated the views of more than 295 people or organisations. The committee decided not to conduct public hearings during this inquiry but, instead, to visit wildlife and conservation experts to obtain briefings on the range of animals native to the ACT. In May the committee visited Mulligans Flat woodland sanctuary and Tidbinbilla nature reserve.

All submissions to this inquiry expressed some support for the idea of a mammal emblem for the ACT, and the submissions nominated a range of animals for consideration. From the list of animals suggested by the community the committee identified a short list of two candidates: the eastern bettong and the southern brush-tailed rock-wallaby. We then invited the ACT community to express their views on these candidates via an online survey. This was notable as the first occasion on which an online survey has been used by an Assembly committee to engage with the ACT community. The survey was conducted for two weeks, from 7 to 26 June. Some 3,514 people in the ACT participated in the online survey, and the results were remarkably close, with only 40 votes between the two animals.

After considering the submissions, the information provided by wildlife and conservation experts and the results of the online survey, the committee makes three recommendations in this report. The first is that the ACT Legislative Assembly adopt a mammal emblem for the Australian Capital Territory. The second is that, given the extremely close result of the public survey, the ACT Legislative Assembly consider the possibility of granting mammal emblem status jointly to the southern brush-tailed rock-wallaby and the eastern bettong, and I would like to provide a little bit more information on this.

As a resident of Mulligans Flat, the eastern bettong has become synonymous with the north side of Canberra. The southern brush-tailed rock-wallaby, on the other hand, is clearly a south-sider, happily hopping around Tidbinbilla nature reserve. The eastern bettong, having been reintroduced from Tasmania, is illustrative of everyone who has moved from somewhere else but now calls Canberra home. The rock-wallaby, on the other hand, as documented through Indigenous rock art, has a long association with region. The rock-wallaby demonstrates the amazing conservation work that is undertaken in Canberra, while the bettong highlights how important restoring our biodiversity is. Each of these efforts to preserve the mammals shows a different but equally important part of the ACT's commitment to our environment.

The committee views the recommendation of dual mammal emblems as a very Canberran answer to what proved to be an incredibly difficult question. If, however, two mammal emblems are not considered an appropriate option the committee recommends that the ACT Legislative Assembly consider adopting the southern brush-tailed rock-wallaby as the mammal emblem for the ACT. The committee

ultimately chose the rock-wallaby for three reasons: it received slightly greater support in the online survey; it arguably has greater potential to benefit from the increased publicity that will come from being a territory emblem; and the species is endangered, while the eastern bettong has an established population in Tasmania.

The third recommendation the committee makes is that the committee notes the potential for the adoption of a mammal emblem to lead to the design of a coat of arms for the ACT and the possible redesign of the ACT flag.

The committee wishes to acknowledge a range of people who made an important contribution to the inquiry. The committee thanks all the individuals and organisations that made submissions to the inquiry, particularly the schools that facilitated the participation of their students. The committee thanks the staff at Mulligans Flat woodland sanctuary and Tidbinbilla nature reserve who shared their time and expertise with us. Finally, the committee thanks the thousands of Canberrans who participated in the online survey and shared the survey with their family, friends and communities to enable more people to have their say.

In conclusion, I also thank the other members of the committee—Miss Burch, Ms Lawder and Ms Cheyne—and I commend the report to the Assembly.

Question resolved in the affirmative.

## **Economic Development and Tourism—Standing Committee Statement by chair**

**MR HANSON** (Murrumbidgee) (10.51): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Economic Development and Tourism relating to statutory appointments in accordance with continuing resolution 5A. I wish to inform the Assembly that during the period 1 January 2018 to 30 June 2018 the standing committee considered no statutory appointments.

### **Statement by chair**

**MR HANSON** (Murrumbidgee) (10.51): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Economic Development and Tourism. The committee is inquiring into building quality in the ACT and has called for submissions to be received by 31 August. We have received 21 submissions to date and are aware of a number of organisations who are planning on making a submission. Following a request from the government for an extension to their deadline, the committee has decided to extend the deadline for all submissions until 30 September. The committee will look to hold public hearings for this inquiry early in 2019.

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

### **Statement by chair**

**MR PETTERSSON** (Yerrabi) (10.52): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Education, Employment

and Youth Affairs for the Ninth Assembly relating to statutory appointments in accordance with continuing resolution 5A.

I wish to inform the Assembly that during the applicable reporting period—1 January 2018 to 30 June 2018—the standing committee considered a total of 18 appointments and reappointments to the following bodies:

- Long Service Leave Governing Board;
- Board of Senior Secondary Studies;
- Children and Young People Death Review Committee;
- ACT Teacher Quality Institute;
- Governing Board of the Canberra Institute of Technology; and
- ACT Building and Construction Industry Training Fund Authority Board.

Madam Speaker, I present the following paper:

Education, Employment and Youth Affairs—Standing Committee—Schedule of Statutory Appointments—9th Assembly—Period 1 January to 30 June 2018.

## **Health, Ageing and Community Services—Standing Committee**

### **Statement by chair**

**MR STEEL** (Murrumbidgee) (10.53): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Health, Ageing and Community Services for the Ninth Assembly relating to statutory appointments in accordance with continuing resolution 5A.

I wish to inform the Assembly that during the applicable reporting period—1 January 2018 to 30 June 2018—the committee considered the proposed appointment of three members to the ACT Medicines Advisory Board. The committee has advised the minister it has no recommendation to make on the proposed appointment.

Madam Speaker, I present the following paper:

Health, Ageing and Community Services—Standing Committee—Schedule of Statutory Appointments—9th Assembly—Period 1 January to 30 June 2018.

## **Public Accounts—Standing Committee**

### **Statement by chair**

**MRS DUNNE** (Ginninderra) (10.53): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Public Accounts to advise the Assembly of statutory appointments considered by the committee consistent with continuing resolution 5A and to table a schedule of appointments considered.

The committee considered no statutory appointments in 2016. In 2017 in the period from 1 January to 30 June, the committee considered 13 statutory appointments to the board of Icon Water and its subsidiaries. In 2017 in the period from 30 June to

31 December, the committee considered five statutory appointments to the Territory Records Advisory Council.

Madam Speaker, I present the following paper:

Public Accounts—Standing Committee—Schedule of Statutory Appointments—  
9th Assembly—Period 2016 and 2017.

## **Integrity Commission Bill 2018—exposure draft Reference**

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism and Major Events) (10.54): Madam Speaker, for the information of members, I present an exposure draft of the Integrity Commission Bill 2018, together with a draft explanatory statement. Pursuant to standing order 214, I move:

That the exposure draft of the Integrity Commission Bill 2018 be referred to the Select Committee on an Independent Integrity Commission 2018 for inquiry and report, in accordance with the resolution of the Assembly of 6 June 2018 which established the Committee.

I table the exposure draft of the Integrity Commission Bill 2018, which establishes the ACT integrity commission. The establishment of the commission delivers on an election commitment, and a commitment in the parliamentary agreement of the Ninth Legislative Assembly. The government's response to the Select Committee on an Independent Integrity Commission report informed the policy development of the exposure draft. In support of these commitments, the government is appropriating funding of \$8.4 million over four years in the 2018-19 budget to establish the ACT integrity commission, prior to legislation being passed by the Assembly, to minimise the risk of any potential delays.

Through the policy development process, the government carefully considered each of the 79 recommendations of the select committee report. The government has since agreed, or agreed in part, to 63 recommendations which have been incorporated into the exposure draft. Eleven recommendations have been agreed in principle and five are noted.

The exposure draft establishes the commission to investigate corruption in public administration and to strengthen public confidence in government integrity. The exposure draft covers public servants, members of the Legislative Assembly and their staff, and other people.

The ACT integrity commission will be independent and led by an officer of the Legislative Assembly appointed by the Speaker. Importantly, the exposure draft also establishes an inspector who will be appointed by the Speaker. The inspector's main role will be to assess and report on the commission's legislative compliance, particularly in relation to its coercive investigative powers.

Public confidence in the commissioner's role in investigating alleged corrupt conduct is critical to their role, including that they themselves are free of any actual or perceived conflict of interest. Considerable work has been undertaken in the exposure draft to ensure the protection of a person's human rights, to meet the government's legislative responsibilities under the Human Rights Act 2004.

Where a human right may be limited by the operation of the bill, sufficient safeguards have been proposed to reduce any undue impact. Specifically, the commission must undertake a public interest test in determining whether a public or private examination should be held. The commission and the inspector of the commission must also have regard to any information they disclose in their reports and the impact it may have on a person's human rights. Achieving a balance between public interest in exposing corruption in public administration and public interest in avoiding undue prejudice to a person's reputation is an objective of this exposure draft.

An analysis of the human rights considerations is outlined in the explanatory statement. The exposure draft has been through the government's legislative scrutiny process from a human rights and criminal law perspective. Consultation and engagement on the exposure draft was undertaken with the ACT Auditor-General, the ACT Ombudsman, the ACT Electoral Commission, the Clerk of the Assembly, the ACT Public Sector Standards Commissioner, the Director of Public Prosecutions, the Human Rights Commission and the Chief Police Officer.

Stakeholders provided valuable feedback, and the government has taken this feedback into consideration in developing the exposure draft. Specifically, the exposure draft provides the commission with a power to investigate, dismiss or refer corruption complaints. Where the commission refers a complaint to a referral entity, the entity's inherent statutory independence in deciding whether to investigate the matter remains. As recommended by the select committee, the exposure draft provides that the commission's jurisdiction extends to members of ACT Policing.

I have also received correspondence from the Prime Minister about the coverage of ACT Policing. I can advise the Assembly that the Prime Minister has formally agreed to the commencement of discussions between senior officials in the ACT government and the Department of Home Affairs and the Attorney-General's Department. These discussions will explore avenues to amend relevant commonwealth legislation for the inclusion of ACT Policing in the scope of the integrity commission. The commencement of these provisions in the exposure draft has been delayed by 12 months to allow for these negotiations.

The exposure draft applies to any conduct that happened at any time before the bill commences but will not apply to conduct that happened before self-government in 1989. There are safeguards in the exposure draft to ensure that the commission does not expose a person who has already been punished or disciplined to additional penalties for the same matter.

It also ensures that the commission does not investigate a matter that has already been investigated by another body unless there is reliable, substantial and highly probative

evidence that was not considered by that investigatory body. The exposure draft does not create any new offences in relation to any retrospective conduct being investigated or change the law. It simply creates a mechanism to investigate breaches of the law.

The exposure draft provides for the Assembly to determine what is subject to parliamentary privilege. Similar to the arrangement between the Australian Federal Police and the Assembly, a memorandum of understanding between the integrity commission and the Speaker will be developed to ensure that parliamentary privilege arrangements are matters for the Assembly. The MOU will be supported by processes outlined in the standing orders and continuing resolutions.

The government proposes that the Standing Committee on Administration and Procedure be the relevant Assembly committee that will have oversight functions over the integrity commission and the inspector, instead of creating a new standing committee to undertake this role. The Legislative Assembly Commissioner for Standards is currently reporting to the Select Committee on Administration and Procedure, so it is appropriate that the same arrangements apply to the ACT integrity commission and inspector. Other jurisdictions do have a special and separate parliamentary committee that oversees the relevant integrity commission, which is the reasoning behind this approach.

The government's response indicated that the draft legislation would be referred to a select committee before being presented to the Assembly later this year. The government is on track to meet this time frame, with the select committee reporting by the end of October.

This exposure draft is a significant piece of legislation developed in a short period within an existing and complex integrity environment. The government looks forward to the select committee's inquiry and report to allow the introduction and possible debate on legislation later this year.

Question resolved in the affirmative.

## **Government priorities—spring 2018**

### **Ministerial statement**

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism and Major Events) (11.03): I am pleased this morning to outline the government's policy and legislative priorities for the second half of 2018. The government will focus on strengthening our city and supporting our community. We are delivering new local schools and more places for kids at our existing schools. We are strengthening care in our hospitals and rolling out better health services for Canberrans across our city. We are increasing investment in services for our city and suburbs and boosting our police and emergency services to keep Canberrans safe.

Across our community we are delivering more places for women to seek safe and secure accommodation. We are working on a new housing strategy to lay out the next phase of our investment in public, community and affordable housing. And we are

investing in a dedicated team to improve our adoption processes. As a progressive government we will continue to support Canberra to become even more inclusive, progressive and connected.

We are well positioned to invest in strengthening our community and building a better Canberra because of our strong economic management. Our unemployment rate is the lowest in the country. Thousands of new jobs are being created each year and our economy continues to diversify, attracting new workers in industries that will help Canberra over the longer term.

The budget the government handed down in June is in balance this year and across the forward estimates. That means we can meet the city's needs today whilst investing for Canberra's growth into the future. This includes meeting needs like new and expanded hospital facilities and more walk-in centres, a more connected and efficient transport network, the delivery of the light rail network and boosting the equality of educational opportunity for young Canberrans.

The Assembly will consider a range of important pieces of legislation during the second half of this year to continue making Canberra more inclusive, more progressive and more connected. An inclusive community supports each other. Whether it is protecting our children from institutional child abuse or limiting the harm of gaming machines, the government will strengthen our support for Canberrans.

We have been strong and decisive in our commitment to implementing the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. We want to change the status quo to effect cultural change within organisations and to ensure that the failures of the past cannot continue. During the spring sitting period, across two bills, the government will move to implement the recommendations to protect Canberra's children.

Inclusive communities stand up for those who need help the most. The government will ensure that Canberrans involved in motor vehicle accidents get the care and support that they need. We have undertaken a significant community consultation process to design reforms to the ACT's compulsory third-party insurance scheme. The citizens jury has given its verdict and, as promised, the government will seek to implement its decision by introducing legislation on CTP reform by the end of this year.

We will also help people to be included in society through improving the effectiveness of the ACT restorative justice scheme and responding to the recommendations of the legislative review of the working with vulnerable people scheme, taking into account the royal commission's recommendations and the implementation of nationally consistent worker registration arrangements for the national disability insurance scheme.

Progressive communities think differently. They challenge received wisdom and face new challenges with optimism and with goodwill. During this spring's sittings the progressive government that Canberrans voted for will continue to lead the nation through a series of major reforms.

We will continue our plan to reduce the number of poker machines in the territory to 4,000. This week, as Treasurer, I will introduce legislation to implement a new betting operations tax to ensure that major betting operations pay their fair share of tax in the jurisdiction their customers live in. Later in the year Minister Ramsay will reform our gaming machine community contribution scheme, ensuring that these contributions go to those in the community that need it most.

Progressive societies tackle climate change. With our city less than two years away from being powered 100 per cent by renewable electricity, we are looking beyond 2020. Minister Rattenbury will introduce legislation to bring forward our target of achieving zero net emissions by five years, from 2050 to 2045. This is a world-leading target and something that Canberrans want action on.

The government is progressive in how we think about the rights of local workers. While the federal government has cut rights, we will stand up for working Canberrans. This week Minister Stephen-Smith will move to ensure that the ACT government awards contracts to businesses that meet the highest ethical and labour standards, through the secure local jobs code. This is an important reform. Workers deserve fair pay and secure entitlements. They have the right to organise and to be represented by their union. We will ensure that the companies and organisations that we award work to will uphold these rights.

During this sitting period we will also introduce the necessary legislation to support the territory in becoming a self-insurer under Comcare. Self-insurance will streamline workers compensation claims, currently managed by Comcare, and enable us to support ACT public sector employees better with the same entitlements but a simpler system for injured workers.

Connected societies work best when people are well informed and have equality in services and life opportunities. Housing tenants will be better connected to important information about their tenancy agreements. A bill to be introduced by the Attorney-General will improve protections for both residents and landlords and will reform issues of security of tenure, pet ownership and rent increases.

Canberrans voted for a progressive and inclusive government in a connected city. We will continue to deliver on our commitments.

I present a copy of the statement:

Government priorities—Spring 2018—Ministerial statement, 31 July 2018.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

## **Waramanga playground—government response**

### **Ministerial statement**

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (11.10): It is a pleasure to report back to the Assembly today on the government's response after the motion of 21 March this year. I recall at the time of the motion that a robust debate ensued in which the value and importance of playgrounds to the community was well illustrated, as was the government's track record in managing the very large number of playgrounds we have across our city. I was also pleased that the debate went beyond the somewhat simplistic and narrow considerations of local interests and extended to an intelligent debate about prioritisation and where our finite resources are best placed to serve the community across many competing priorities.

This government understands the important role community play spaces have in the development of children, such as the many health benefits associated with exercise, the development of social skills and connecting with the natural environment. Importantly, play spaces also provide a social space for parents and carers, and we want to ensure our playgrounds are in places that are of benefit to the community.

In this year's budget we have committed \$310,000 for the adopt-a-park program commencing in 2019-20. This program will be carefully designed in the coming year and ready to roll out next financial year. The government also allocated \$1.9 million in 2018-19 as part of the better infrastructure fund for community and neighbourhood priorities. As I will explain, these funds will primarily be allocated to improve our play spaces, with extensive community input.

The government recognises the need to better engage the community and take more meaningful approaches that tap into the experience and skills of our community to inform our decision-making. We also recognise that the delivery of city services is very much at the forefront of interest for many in the community and that every Canberran uses a range of city services every day.

We have implemented an innovative and challenging community engagement process through the better suburbs program, which will inform the delivery of future city services in Canberra. A citizens forum commenced on 21 July and will continue into August to develop a community authored better suburbs statement to set the vision and priorities for the improved delivery of city services in the ACT to 2030.

As part of this citizens forum, on Sunday 19 August better suburbs will also host a one-day play spaces forum. The intention is that this forum will be the beginning of a new phase in community decision-making about play spaces in our city. The play spaces forum is a type of deliberative engagement, with participants coming together for a period of time, being given credible and reliable information on the topic under review, discussing and deliberating the subject at length and arriving at a shared view on the way forward.

The members of the forum will be a representative cross-section of the Canberra community. There will be up to 65 members of the play spaces forum, including original members of the better suburbs citizens forum, which will have already met for four days to create a better suburbs statement for Canberra; up to 10 additional members with a particular interest in play spaces, including parents whose children love using our playgrounds; and representatives from stakeholder organisations such as non-profit and community organisations and community councils.

In order to be ready to make decisions at the forum, members will be provided with information about the role of the play spaces forum and decisions they will be making; the primary challenges relating to the management of play spaces across Canberra; how play spaces are currently prioritised and how decisions on play spaces are currently made; research and evidence on best practice in play spaces and their value to children's development and enhancing community; community feedback on the quality and importance of play spaces; and changes in urban growth and demand and how these drivers affect the need for play spaces.

Importantly, the play spaces forum will aim to identify community criteria for allocating funds towards play spaces and make recommendations on how the community and government could work together into the future to ensure that playgrounds are provided equitably and located conveniently.

Through the forum the better suburbs team will facilitate a process to allocate funding for a range of different play spaces and outcomes. I am pleased to confirm that Waramanga, along with Farrer, Torrens and Higgins, will be included in this process, in recognition of the community-led advocacy for consideration of improved play spaces in these suburbs. Representatives of petition groups from each of these suburbs will be invited to present to the forum as part of a panel. Each group will be allocated time to present the criteria they believe should be used to determine play space priorities and why they believe their specific request is important.

I commend the process I have outlined, which addresses comprehensively the government's response to this Assembly motion. It is important to remember that other communities also would like new playgrounds or upgrades, so this process will give an opportunity for community-based groups to pitch their ideas and for those ideas to be considered in a broader context.

It will enable direct participation by the community in allocating real resources to play spaces in the current financial year, through a participatory budgeting mechanism, and it will respond to community concerns and requests in a systematic and thoughtful manner that not only addresses issues of immediate concern but, importantly, provides a mechanism for ongoing community engagement and dialogue.

I am proud that this will be the first time we will have such a mechanism in place to understand and meet the changing needs of our community in relation to the provision and management of our play spaces. I look forward to seeing the outcomes very soon.

I present a copy of the statement:

Waramanga—Provision of a playground—Ministerial statement, 31 July 2018.

I move:

That the Assembly take note of the paper.

**MR HANSON** (Murrumbidgee) (11.16): This is a sad day, I would have to say, for the people of Waramanga, and with regard to the community's trust in the government and in this minister. I go back to the reason the minister is making this statement today, which is the motion that was agreed to unanimously by this Assembly on 21 March. It is disappointing that the minister now walks away rather than hearing what the community's concerns are, as I have spoken to the community this morning.

As she walks away, let me remind members of what was agreed to on 21 March. The agreement by this Assembly was that the government would commit to the establishment of a new playground at Waramanga shops. This was not some ambiguous "there'll be a further process and Waramanga can fight for scraps of what's in the budget, to see if they might get some money allocated to their playground". It was a commitment to fund, a commitment to build, a new playground at Waramanga.

As you would be aware, Mr Assistant Speaker, and as other members would be aware, the Waramanga community, led by Elizabeth Hoyt, had put together a comprehensive proposal for a playground at Waramanga. They had good reason for doing it, they had good cause and they had done a lot of work. That was articulated both here in the Assembly and in a number of other forums. You are aware of it, Mr Assistant Speaker, and Ms Le Couteur is aware of it: they have done tremendous work.

We came into this place on 21 March and we had an extensive debate about broader requirements for playgrounds, about their use and application across the city, but, when it came to it, it was specifically about Waramanga.

I refer back to the debate that we had on 21 March. There were a series of amendments. There was an amendment put by Ms Le Couteur. There was then an amendment that I put. That amendment that I put was done by negotiation with the minister. There was some to-ing and fro-ing, and that was referred to in the debate. You can look at the *Hansard* and see it. There was some to-ing and fro-ing, but the minister agreed to support the amendment that I put forward. She agreed that the government would support the amendment that, at the end of the day, called on the government to commit to the establishment of a new playground at Waramanga shops.

The minister said, in regard to that, "I think we have reached a good conclusion." There was no ambiguity. As Ms Le Couteur will recall, I was surprised by the minister's decision. Ms Le Couteur is nodding. There was a long debate, but at the end of the day we were surprised, and I was personally delighted. I know the members of the community who were in the Assembly that day were delighted that the minister said that the government was committed to building a playground at Waramanga.

That was the conclusion of the debate. There was a lot of other stuff in the motion—some good stuff, I would say, but that was what it all boiled down to. Certainly, the

members of the community that were here that day, as well as me, Ms Le Couteur and anyone else that listened to that debate, would not have walked away with anything other than a very clear understanding of the commitment from the government to the establishment of a playground at Waramanga.

I turn now to what has happened today. The minister has backtracked; she has backflipped. What we now know is that there is no commitment to a playground at Waramanga; it is off the table in terms of a commitment. What will now happen is that members of the community of Waramanga will have to go along to a government-led process, with a bunch of other representatives from different suburbs, and they will have to fight for the scraps. My understanding is that there is \$1.9 million in the budget for playgrounds, but the bulk of that is for maintenance of the existing playgrounds, which then leaves an amount to build new playgrounds, perhaps, or enhance existing playgrounds. Certainly, it is very unlikely that there will be a sufficient amount to do everything the government is talking about, and it will certainly not provide a new playground in Waramanga.

Members of the Waramanga community now have to go along with a whole bunch of other people to this government-led forum and argue their case again. They have to argue their case again in a government process when they have already received a commitment—on 21 March this year—that has now been reneged on by the government and by the minister. She was in this place saying, “I commit to a playground,” and that was not true. What she has done is that she has misled the community. The community were going away and thinking they had a commitment and now they have to come back and go through some process and bid for the scraps.

Whether the decision of the minister on the day to commit to that playground or not was right—I personally thought it was—the fact is that she did it. She said that she would commit to that playground, and she has lied to the community. She has come back into this place with a process—

**Ms Cheyne:** A point of order.

**MR ASSISTANT SPEAKER:** A point of order, Ms Cheyne.

**Ms Cheyne:** Mr Assistant Speaker, Mr Hanson has now used a number of terms which are unparliamentary, including “liar”, “lied” and “misled”.

**MR ASSISTANT SPEAKER:** Mr Hanson, do you want to withdraw?

**MR HANSON:** I am certainly happy to withdraw the word “lied”, in terms of parliamentary language; I am happy to withdraw that. In terms of “misled” and that she has misled the community, that is not deemed unparliamentary. If I had said she had misled the Assembly, it would be, but I am certainly happy to withdraw the word “lied”, Mr Assistant Speaker.

**MR ASSISTANT SPEAKER:** Okay, Mr Hanson.

**MR HANSON:** Thank you. I have spoken to members of the Waramanga community today and I have explained what has happened in this process. It is fair to say that they are disappointed because they have put a lot of work into this. They have put their trust in the government, they have put their trust in their minister, and that minister has abused that trust. She has put the community in a position where they have been strung along. Why didn't the minister have the fortitude, the strength or the honesty to look the community in the eye on that day, on 21 March, and say, "No, I'm not going to commit to this; you're going to go along to the process with everybody else"? She could have said that, but she did not.

**Mrs Dunne:** She could have been more honest.

**MR HANSON:** She could have been more honest, Mrs Dunne. She did not do that; she committed to it and misled the community.

This is unsatisfactory. But moving forward from here, what happens? The community now have to go along to a process. They have to start again. They have to go along and bid for what is a paltry amount, when you consider all of the work that needs to be done to our playgrounds across this community. You only need to listen to Mrs Jones in this place. She is away today, looking after her new child, but you only need to listen to Mrs Jones to understand the need for new playgrounds, the need for maintenance of existing playgrounds, and the paltry amount that is on offer from the government to do that.

They have to go and fight their battle again. Although the government said that they would commit to it, that is not true. They now have to go and bid for that again. Let me make it very clear: having made that commitment in this place, if, after going through that process and jumping through more hoops, the people of Waramanga are told, "No, the government is not committing to a new playground," what is very clear is that the minister will have misled this Assembly. She said she had committed to it, and if that process does not eventuate in a new playground for Waramanga then it is very clear that she will have misled this Assembly and it is quite possibly the case that she would be in contempt of the Assembly. She would be in contempt of her own support for a motion by backflipping.

We will wait for that process to roll out, because my objective here, and my desire, is to make sure that we get a new playground for Waramanga, rather than play politics on this. But let me be very clear: at the end of the day, if the Waramanga community go there and jump through more hoops, having been misled by the minister, and if that does not eventuate, the minister had better watch out, because I will be back in here and I will be confronting her with what will then be very clear to have been a misleading of this Assembly and potentially—it will be a matter for the Assembly to decide—a contempt of this Assembly.

**MS LE COUTEUR** (Murrumbidgee) (11.26): I am pleased, in a way, that I have become the third speaker because we all have different takes on what happened here. Minister Fitzharris, Mr Hanson and I were all part of the debate about a Waramanga

playground. I can probably say, without verballing anyone, that we all thought that Waramanga had a good case for a playground. I do not think that is in question here.

During that debate I went to some lengths to point out that debating in the Assembly which playground should be funded, rather than another one, was not the way to do this. I pointed out that we had a limited amount of ACT government budget money to spend and that it needed to be allocated on a basis other than just convincing an MLA that they should move a motion on it. I spoke at length about how this was not the appropriate process, despite my appreciation of the good case that the people of Waramanga, and in particular Elizabeth Hoyt, as Mr Hanson mentioned, have put for this.

As Mr Hanson said, a late amendment by him was agreed on the floor of the Assembly with Minister Fitzharris. I then saw no point in disagreeing. My statements had been fairly clear as to what I thought was an appropriate process. As I do think it is a reasonable place for a playground, if the minister had decided that she was going to commit to a playground in Waramanga, I was not going to stand up and say, "You shouldn't commit to it." I think I made my position regarding the process fairly clear. A process of moving motions in the Assembly to determine the priorities for playgrounds across the ACT is not a good process. I said that at that the time, and I stand by those comments.

Having said that, I think that the process that Minister Fitzharris outlined in her statement is, without a doubt, a better process. I think it is very regrettable that we went through the debate that we went through in the Assembly earlier. I think that the expectation that was quite reasonably formed by members of the community as a result of that motion is very unfortunate. I agree with Mr Hanson's comments about the potential finding that there has been a misleading of the Assembly. I do not think we went through a good process at all.

The process, as I said, that Minister Fitzharris has outlined for the future would appear to be a much better process. As members will remember, the Greens have been big supporters of deliberative democracy. I am very pleased that we did the citizens jury process. Members will remember that last year we passed a motion talking about participatory budgeting methods being used for about 20 per cent of the TCCS budget. I believe that the process that Minister Fitzharris is talking about is a direct result of that. It is part of how we are going to do deliberative democracy and participatory budgeting.

The comments that Mr Hanson has just made really go to the heart of why we need a better process than what we have had in the past. What we have done in the past has created unreasonable expectations and hurt, and has pitted one community against another.

I would point out, on this particular process, that I am aware that Weston Creek Community Council does have a representative in the citizens group. I would be confident that Elizabeth Hoyt and the people of Waramanga would be in an excellent position to ensure that the virtues of their proposal are well and truly canvassed as part of the deliberative democracy exercise that the minister has outlined.

I am standing here in favour of playgrounds. We should have more of them—and, as the estimates committee said, with trees to shade them. I note that there are trees near the proposed Waramanga site. Also, we have to have a respectful process that enables the community of Canberra as a whole to make a decision about how we prioritise our limited government resources, which playgrounds are fortunate enough to be supported and which communities, unfortunately, will have to be told, “You’ve got a good case but there is a limited amount of government funding and your playground is not going to be one that is funded this year.”

Question resolved in the affirmative.

## **Ministerial delegation to the USA and American Planning Association study tour**

### **Ministerial statement**

**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) (11.32): It is with great pleasure that I report back to my Assembly colleagues on the delegation that I led to the United States of America in April this year, primarily to attend the American Planning Association national congress in New Orleans. It is recognised as one of the leading gatherings of planners and allied professionals from across the world.

The delegation consisted of me and my Chief of Staff, Daniel Landon, together with the ACT Chief Planner and Director-General of the Environment, Planning and Sustainable Development Directorate, Ben Ponton.

Between 15 and 29 April this year, we visited four cities in the United States. This included attending the congress in New Orleans over four days and learning from a range of city officials, politicians, and planning and allied professionals about how they addressed a variety of planning, housing and city growth challenges, many of the same challenges that we are facing here in Canberra.

I find it extremely valuable to talk to others and share experiences so that we can provide for the best possible outcomes for the people of Canberra. Experiences such as this allow us to share with others some of the leading work that we are doing and build strategic networks so that we can continue to collaborate with people from across the world as we should, as a growing global city.

We began with a visit to Detroit, which has experienced the full force of the global financial crisis and the loss of its major industry, car manufacturing. It still has a long way to go on its journey to recovery. The city’s population has gone from around 2.5 million people to just 700,000 people over the last 10 years. What we observed was an extreme example of a city in decline, with many derelict buildings and clear evidence of major social decline. Many hundreds of thousands of abandoned homes have been demolished.

This has presented an enormous challenge. Detroit's local government must now work with its community to pull the city back from the brink, diversify its economy and ensure its long-term sustainability. The city's local government is focusing its efforts on some of its most derelict areas, acknowledging that it cannot do everything all at once. In the most derelict of areas, where entire neighbourhoods of homes have been demolished, the city is doing simple things like planting wildflowers and putting up good-quality residential-style fences and the like to demonstrate that areas are being loved and cared for.

The city is working genuinely with communities to build up pride in their neighbourhoods. It may be many years before the population grows sufficiently to sustain the redevelopment that is now required. These small, low-cost interventions assist in maintaining pride until that redevelopment can occur, rather than allowing large tracts of previously developed land to become wastelands full of weeds. They are working with industry and local communities to provide incentives for demonstration precincts, again focusing their energy on a few areas so that success can be demonstrated before moving to the next area.

The city is focused on demonstrating success in areas of greatest need and ensuring the best use of its limited resources, making sure that it does not spread those resources too thinly. In the city centre they are linking arts and culture with planning and encouraging start-ups to inhabit forgotten parts of the city. Microbreweries and artists are starting to come into these formerly abandoned spaces, and with that bringing people and revitalising otherwise abandoned areas. There is a recognition that it is people that make a successful city.

While Detroit was an extreme example, it did demonstrate the importance of long-term planning on the social fabric of a city. In the past, decisions had been made that segregated different parts of the population, creating areas of social and economic divide and reducing equity. These past decisions, including the red-lining policy, have now come back to haunt the city. The failure of past planning decisions was openly acknowledged by the people we spoke to. We were impressed with the openness and willingness of those people to learn from the past. We noticed a growing sense of pride in the city. While looking over their shoulders to learn from past mistakes, the city and its people were clearly focused on the future of the city.

A key finding from our visit to Detroit was how important it is for art, history and planning to work together to achieve good quality city revitalisation. While Canberra is a relatively young city, further tapping into art, culture and history and linking this with our planning policy is something that we could also do. Indeed, we already have successes in this regard. Our own annual Heritage Festival is a good example, and I am excited at the opportunity to do more in this area.

Perhaps most importantly, our visit to Detroit reinforced the importance of a strong and diverse economy in guaranteeing the resilience of a city in the face of national and global trends. Detroit's reliance on the automotive industry was part of its downfall, and it is a great example of why this government is committed to diversifying the ACT economy.

By contrast Savannah, in the state of Georgia, is a thriving and dynamic city. It has a diverse economy with the manufacturing, transport, military, public sector, higher education and tourism industries forming the basis. It has capitalised on its port, the fourth largest in the US, and has capitalised on the unique heritage and history of the city.

Savannah is the United States' first truly planned city, founded in 1733. Its city centre is based on the Oglethorpe plan. The original plan sets out a city in 24 squares. Sadly, only 22 of those remain, although plans are afoot to reinstate the missing two squares. Each of the squares is surrounded by civic buildings and beyond that are private homes. There is a strong focus on high quality public spaces, and it was evident that people use and highly value those spaces and enjoy the environment of their communities. The original plan had a strong emphasis on equity, in particular with respect to equal access to high quality open spaces and civic buildings, and all lots for residential use were the same size.

There is strong citizen involvement in the city centre. A self-funding foundation helps the community and local government to protect and preserve this unique plan and the buildings within its historic core. Savannah residents are very proud of their city; that is clear. However, they do not want their city to become a museum and they recognise that it needs to move with modern times.

Interestingly there is now such great demand to live in the city centre that they are looking to expand, replicating its desirable characteristics. As part of that work they have reviewed the planning rules around the city centre and found, ironically, that those rules would in fact prevent development in the style of the Oglethorpe plan which is so strongly desired and valued by the community.

This resonated with the Chief Planner, Ben Ponton, who recently announced a review of the Territory Plan, due to commence in 2019, following the completion of the planning strategy refresh later this year. Mr Ponton has made public statements, with my support, about his desire to get us all thinking more about the outcomes we want for our city. We need to think more about outcomes and be less focused on a multitude of quantitative rules that may not necessarily deliver on what we all aspire to for our great city. But to do this well, we need to make sure that we have the right tools in place. The government is already doing the groundwork in this regard.

I remind my colleagues in this place and the broader Canberra community that the government announced funding to establish the capital city design review panel in the recent budget for 2018-19. This is an important first step in building confidence as we move towards an outcomes-based planning system. It is an exciting time for planning in the ACT.

In Savannah there was strong recognition that new construction must allow for affordable options for young people and for service workers, who are the foundation of their thriving tourism industry. That includes affordable accommodation close to their place of work in order to reduce travel time and costs. Some of our learnings here also will find their way into the government's draft housing strategy being led by

my colleague the Minister for Housing and Suburban Development, Yvette Berry. This also lends weight to the focus I have just mentioned on developing an outcomes-based planning system for the ACT where people, and their desire to live a sustainable, healthy and connected existence, are at the heart of planning, rather than the rule book.

We then travelled to New Orleans to attend the American Planning Association national congress. Sessions covered a diverse range of topics from dynamic partnerships between cities and regions and a session exploring whether zoning should be simple—and, for the record, the answer is yes—to affordable housing plans in action, designing for density, and a very useful session on a planner-artist partnership for creative place making, to name but a few. The opportunity to network with some of the 5,700 delegates from 22 countries around the world was also invaluable.

I also attended a session about designing for safety, in my capacity as police and emergency services minister. This session, particularly as it related to designing public spaces for security, reinforced to me the importance of planning early for security requirements so that they can be integrated and not an afterthought. The best security interventions are those that people do not even notice, of course.

Of particular interest were the sessions on public participation and engagement in planning. We are already doing some great work in this space but it was great to hear that we are on the right track and, importantly, that we are not alone in the challenge to capture the missing voices in community engagement. These sessions were often practical and shared examples of innovative techniques and new approaches, which we are working to bring to communities in the broadest possible sense and into the planning space.

This is a challenge for our community, one which I hope we can address through the current conversation on housing choices, the refresh of the planning strategy and, of course, the review next year of the Territory Plan. We need to engage more people in planning to simplify the system so that it can focus on and support high quality planning outcomes to create a city for people. I look forward to continuing the conversation with the Canberra community as we plan for our growing city.

Another interesting learning from the congress was the use of innovative funding models to support city activation projects. For example, the city of Lynn near Boston showcased an example of revitalisation and use of crowdfunding to support a 10-day arts festival called Beyond Walls. The group raised \$80,000 in around a month and was granted \$50,000 by the city for the festival. This arts festival was a catalyst for significant change in the city. Before the festival, the city was not on the must-visit list of most Americans, but now the city is energetic and its residents are filled with pride for what they have achieved. This all started with a relatively simple city revitalisation intervention.

Following the congress we travelled to San Francisco, where we gave a presentation to the City and County of San Francisco Planning Department on the great work that

we are doing here in Canberra, with a strong focus on engaging with the community. They were keen to understand our learnings on the revitalisation of the city.

While we took particular interest in the redevelopment of the historic Pier 70, a key part of the city's industrial and military history was shown there too. The area is being brought back to life in a restoration that will again see an employment hub with light industrial, technology and artisan businesses, residential areas and restaurants, and public areas San Franciscans and the city's many visitors can enjoy. Again we saw the benefits of investing in high quality public spaces.

Following San Francisco we took an opportunity to visit the headquarters of Project Wing, formerly known as Google X, which runs Project Wing, where we met a number of representatives and spoke to them about the next stage of the project here in Canberra. I am sure that you are all aware of Project Wing, a drone delivery initiative being piloted here in Canberra and testing in Bonython at the moment. We were chosen by X as a place to trial this technology, given the ACT government's progressive approach and commitment to innovation, which is becoming more and more recognised around the world.

We were fortunate enough to have the co-founder of Google Sergey Brin join us for the meeting at X. Mr Brin was impressed with the ACT's strong commitment to innovation and our progressive attitude to change. I have since written to Mr Brin offering them further assistance should Google X wish to establish further businesses in Canberra.

Finally, with Canberra the test ground for drone delivery, the team at X facilitated a visit to NASA to see the work that they are doing on managing airspace for drones, similar to current air traffic control but for what is expected to become a very congested space as the drone delivery business continues to grow. This was a fascinating part of the visit and was directly relevant to our leading-edge work with X on the development of drone technology for mainstream delivery.

Overall I found the visit extremely valuable and was reassured to learn that others are facing similar challenges to those that we are in Canberra and, importantly, that we are on the right track to tackling those issues.

I present a copy of the papers:

USA delegation and American Planning Association Study Tour—April 2018—  
Ministerial statement, 31 July 2018.

Canberra Urban Renewal Delegation—United States of America.

I move:

That the Assembly take note of the papers.

Question resolved in the affirmative.

## Children and Young People Amendment Bill 2018

Debate resumed from 10 May 2018, on motion by **Ms Stephen-Smith**:

That this bill be agreed to in principle.

**MRS KIKKERT** (Ginninderra) (11.46): I rise today to resume debate on the Children and Young People Amendment Bill 2018 which was first presented to the Assembly on 10 May this year. This bill seeks to amend the Children and Young People Act in two main ways: first, it clarifies that a limited care and protection appraisal may be carried out without the permission of the child's parents or the person or persons with daily care responsibility for the child, if the parent or carer is the alleged perpetrator of abuse or violence.

This legislative clarification is a direct response to recommendation 9A of the Glanfield inquiry. Mr Glanfield specifically recommended that in such circumstances, the director-general should not be required to obtain agreement to the appraisal from each parent or each other person with daily care responsibility or seek an appraisal order from the Children's Court.

The report of the inquiry somewhat incorrectly notes that child and youth protection services, or CYPS, is currently required to obtain permission from each parent or carer in order to undertake an appraisal. This has resulted in a situation where parents often refuse to agree to an appraisal and their children being interviewed without their presence. In cases where the parent is accused of inflicting violence and the parent is present disclosure from the child is unlikely to be obtained.

In actuality, section 368(3)(b) of the current Children and Young People Act already provides an exception to this requirement specifying that the director-general must take reasonable steps to obtain the agreement of each parent or carer unless it is not practical or not in the best interest of the child or young person to do so. In addition, section 370 of the act specifically exempts the need to seek the agreement of a parent or carer if the director-general suspects on reasonable grounds that doing so would be likely to put the child or young person at significant risk of abuse or neglect, or jeopardise a criminal investigation.

This appears to be another situation where disinclination to do the right thing within CYPS has been based more on misguided workplace culture led by this government than on the actual legislation. A similar situation was identified by Mr Glanfield in the area of misinformation sharing. According to the report of the inquiry, adequate avenues for the information sharing that is required to properly assess and manage family violence cases already existed in the territory's legislation but workers nevertheless felt they lacked the authority to share and did not have an information-sharing culture in the workplace. Mr Glanfield, therefore, strongly recommended changes to law that would both clarify the need to appropriately share information and emphasise the authority to do so. This he hoped would help shift the information sharing culture in the ACT.

For this reason, two reportable conduct and information-sharing legislation bills have been approved by this Assembly over the past two years. I sincerely hope their additional clarity is having the intended impact when it comes to sharing critical information in the areas of child protection and family violence.

It appears that we have a similar need to shift the misguided workplace culture that has resulted previously in the kinds of situations described in the explanatory statement for this bill. Where a violent parent endangers the safety and wellbeing of a child and intimidates CYPS, as noted in the briefing obtained by my office, perpetrators of domestic violence are often skilled at coercive, controlling behaviours and too many child protection workers have apparently fallen victim to this behaviour. It is shameful that this and previous Labor-Greens governments have overseen the development of such situations without swift correction.

Staff inside CYPS have extremely difficult jobs. If they have been threatened with violence as a result of false assumptions about what they were required to do, where was the training to correct the workplace culture? If the end result of leaving CYPS workers to be unnecessarily intimidated by violent parents was also leaving children in danger, where were the Labor governments on this point? If overworked staff do not grasp the legislation, should we not expect that at least the Labor ministers they work for understand it? This appears not to have been the case.

It is wise, therefore, to improve the language of the Children and Young People Act in order to clarify that a limited care and protection appraisal may, indeed, be carried out without the permission of the child's parents or the person or persons with daily care responsibility for the child if the parent or carer is the alleged perpetrator of abuse or violence. Significantly, this amendment also clarifies the threshold of carrying out unlimited appraisal without agreement. As I have already noted, section 368(3)(b) of the current act sets this threshold as the best interest of the child or young person. Section 370 speaks only of the need to avoid putting the child or young person at significant risk of abuse or neglect. This bill makes best interest the consistent benchmark across all sections.

The Canberra Liberals regret the failure of this government to adequately train and support its child protection workers in this space resulting in unfortunate situations where CYPS staff have clearly been threatened and intimidated by violent parents or carers, leaving vulnerable children at risk. This never should have been allowed to occur. It is time to make this long overdue change, so the Canberra Liberals will be supporting this amendment.

The second main purpose of this bill is to allow for the sub-delegation of functions in care and protection decisions. Currently the director-general can delegate specific decision-making to responsible persons within approved kinship and foster care organisations as well as approved residential care services. Under A step up for our kids the stated plan was for these decisions to be made speedily and closer to the child or young person and their carer. The Legislation Act 2001 does not allow a delegate to sub-delegate responsibilities. However, blocking this intention and turning

responsible persons into bottlenecks effectively slows down decision-making instead of speeding it up.

This amendment changes the act in order to list all delegations in a single place, making the law much clearer. It also specifies that responsible persons within approved organisations can sub-delegate these enumerated functions. This means that the caseworkers who work directly with children and young people will be able simply to take what they deem to be the most appropriate actions. The proposed changes specify that the responsible person still bears responsibility for ensuring that the sub-delegated functions are properly exercised. The sub-delegate must also be an employee of the organisation who has skills and qualifications appropriate to the function to be exercised.

I have been assured that the authority to sub-delegate specific functions in no way alters the complaints process. If a parent or carer has concerns about a decision, she or he can still raise that concern. This touches upon a significant point, however, that is, specifically the way in which complaints and concerns are handled within this territory's care and protection system. I have raised this issue in this chamber on more than one occasion previously, but I remind this Assembly that it is a real issue and that it has not gone and will not simply go away.

In an ABC radio interview with Genevieve Jacobs on 5 October last year, Dr Helen Watchirs, the Human Rights Commissioner, addressed this very concern. Jacobs specifically queried the lack of accountability for decisions made in the care and protection system and Dr Watchirs responded by noting that in the ACT a lot of decisions are not reviewable on their merits as they are in other jurisdictions. This is a problem the Human Rights Commissioner went on to suggest undercuts this government's alleged commitment to making Canberra a restorative city.

Mr Glanfield himself found specifically that certain CYPS decisions have only a limited form of internal merits review, and some important decisions that are externally merits reviewable in other jurisdictions are not reviewable in the ACT. In addition, decisions made early in the process, such as intake assessment, are not subject to merits reviews and, therefore, there are no formal internal, dedicated and regular quality assurance mechanisms for CYPS decisions. For these reasons the report recommended a review of CYPS decisions that should be subjected to either internal or external merits review.

I was informed in budget estimates hearings a few weeks ago that release of this review is imminent, and I look forward to seeing significant improvements in this area. I also look forward to greater clarity from CYPS itself. Again, in budget estimates hearings, I was told that even the current inadequate complaints process is unclear with parents and carers often not understanding the multiple pathways they might choose around having a decision reviewed, accessing advocacy or taking a complaint process. The assurance is that this clarity will be provided in an updated carer handbook, also imminent.

I and the rest of the Canberra Liberals understand that not all decisions affecting children in out of home care can be made by a single person or even by a small

handful of people, so we will support this amendment. At the same time, we emphatically restate our support for the unified voices of parents, carers and experts alike that have long been calling for greater accountability and clearer, easier access to fair and open review of care and protection decisions. In consultation with stakeholders this was the single greatest worry raised by this bill. If this government is going to make important decisions on behalf of children and young people—decisions that sometimes involve quite literally matters of life and death, as the very existence of the Glanfield inquiry reminds us—it does not matter how many people are charged with making them, those decisions need to open to review. The dedicated and hardworking staff charged with making such decisions need to have the full support and commitment of this government so they no longer find themselves in dangerous situations that the legislation was designed to avoid.

Having once again raised these serious concerns, I commend this bill, as drafted, to the Assembly.

**MS LE COUTEUR** (Murrumbidgee) (12.00): The Greens, of course, support the objectives of the government's out of home care strategy, *A step up for our kids*, and we support the importance of these amendments to give full effect to the strategy and to ensure that the recommendations of the Glanfield inquiry are followed through as intended. The bill does this by enabling, in limited circumstances assessment of allegations of abuse or neglect by a parent or a person with daily care responsibility, child and protection services to undertake an appraisal without being required to obtain agreement from a parent or a person with daily care responsibility.

As part of our commitment to social justice and social inclusion, the Greens are committed to minimising the harm to children and young people in the child protection system, and we firmly support efforts to ensure that decisions are made in the best interests of the children affected. This, of course, includes ensuring that decisions about care and protection are made by those who best know and understand the child or young person's individual or family circumstances.

We are satisfied that the decision-making and delegation functions of this bill support decisions being made in the best interests of children and young people with appropriate safeguards to ensure that it occurs only where necessary to ensure the safety of the child or young person. The Greens, therefore, are happy to support this bill.

**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) (12.01), in reply: I do not intend to speak for very long given that this bill has the support of the Assembly, and I thank members for that support and their contributions. I also take the opportunity to thank the scrutiny committee for their consideration of the bill, and the officials who worked on drafting the bill.

I will not go through all of the bill again, but I will comment on a couple of assertions Mrs Kikkert made. As Mrs Kikkert said, the act allows for limited appraisals without

parental agreement in certain circumstances, but the structure of the act and the inconsistent language in those particular sections has caused interpretation issues. That is exactly what we have said; that is exactly why we are moving this amendment bill. There is nothing new in that assertion. However, I completely reject Mrs Kikkert's assertion that CYPS fails to train staff in their rights and responsibilities and that this failure places them in a dangerous situation. That is completely unfounded rhetoric on her part.

As you are well aware, Madam Speaker, child protection staff do a very difficult job and they are sometimes in very difficult and potentially dangerous circumstances because they work with some of the most vulnerable families in our community. They work with families who are in extremely stressful and difficult situations. Sometimes those families do not respond well to having a child protection worker turn up at their home or to be made aware that child protection has an interest in their lives. The senior officials I work with have an absolute commitment to the staff in CYPS and ensuring they are supported to do their work. I want to thank them very much for the hard and difficult work they do every day.

That said, once again I thank everyone for their consideration and support of this bill, and 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.

## **Prostitution Amendment Bill 2018**

Debate resumed from 7 June 2018, on motion by **Mr Rattenbury**:

That this bill be agreed to in principle.

**MRS DUNNE** (Ginninderra) (12.04): Madam Speaker, I am sure you and other members know that I do not embrace the claimed legitimacy of prostitution, which was decriminalised in the ACT some years ago. I have reservations about the way that prostitution is administered, or not, in the ACT. Has decriminalisation made prostitution safer? Perhaps in some respects it has, but it remains in any event a risky enterprise, primarily for the workers in the industry but also for the clients.

There have been recent media reports about a raid on a Canberra brothel, leading to an investigation of human trafficking. WorkSafe ACT has issued prohibition notices. According to media reports, WorkSafe ACT has issued a number of prohibition and improvement notices on escort and associated businesses in Fyshwick after identifying serious safety issues, including electrical safety, fire risks and hygiene, such as high levels of mould.

The recognition that the sex work industry attracts criminal behaviour is well-known across the globe. There are claims that quite contrary to the claim that decriminalising prostitution keeps sex workers safe, it actually creates more dangers for them.

Politicians across the globe are now starting to realise this and take action. Some countries have considered the so-called Nordic model, and its popularity is expanding, especially in the non-English speaking world. This was an issue that I looked at with some colleagues from this parliament and elsewhere in a study tour in 2014. This model decriminalises prostitution from the sex workers' viewpoint but makes it a criminal offence to purchase sex. It also offers help to sex workers, especially those wishing to exit the industry.

Closer to home, Madam Speaker, the Victorian Liberal Party rank and file has voted to introduce the Nordic model in Victoria. Putting it simply, other countries and other parts of Australia are seeing the sex industry as a magnet for violence, as well as for drug, human and sex trafficking. Inherently, prostitution is an unsafe activity on many fronts.

I am pleased to see that the Prostitution Amendment Bill does a bit of tightening up and the Canberra Liberals will not oppose those amendments. We will, however, be opposing those parts of the bill that seek to deregulate the industry even further and to open it up to more potential risks. I will address those issues specifically in the detail stage.

This bill comes about primarily as the result of an inquiry into the Prostitution Act by the Assembly's Standing Committee on Justice and Community Safety in 2010-12. I had the privilege of chairing that inquiry. In that inquiry, the committee received 58 submissions. Five exhibits were received and the committee made 17 recommendations of which 11 were unanimous and six were from the majority of the committee.

The amendments proposed in this bill reflect much of the government's response to the inquiry report, but not all of it. Some parts of the inquiry report are not acted on in this bill. I welcome that, especially the recommendation to allow two sole operators to work together, thus creating mini-brothels in the suburbs. I do not think that has received support from the community. It certainly did not receive support from the community at the time. I am glad that has not been brought forward. But there are other aspects that should have been brought forward, and I regret that they have not.

The issue in relation to multilingual signs, which was a unanimous recommendation of the committee, would have alerted people to the issues of sex trafficking and the like and how they might take steps in relation to sex trafficking. This has not made it into this legislation, apparently, according to media reports, because the very limited reference group could not agree on the wording.

This bill seeks to make some changes to the language used. It will change "prostitute" and "prostitution" to "sex worker" and "sex work" respectively. This will mean that the name of the act will change. It will become known as the sex work act 1992. The

change in language is justified on grounds that the existing language is pejorative, derogatory, stigmatising and discriminates against sex workers. But there is no discussion as to how the new language will change those labels. While the proposal is not offensive in itself, it seems based more on ideology than evidence. Nonetheless, the Canberra Liberals will not oppose it.

This bill also deregulates the industry such that sole traders will not be required to register or to provide annual notices to the Commissioner for Fair Trading. The Canberra Liberals will be opposing these proposals. I will address the reason for that further in the detail stage of the debate.

Another amendment contained in this bill would seek to make the offence of causing a child to provide commercial sexual services an absolute offence, regardless of the child's age—that is, so long as they are under 18. Currently, it is an absolute offence when the child is 12 years or under. But the recommendations of the committee of inquiry, and these provisions here, will remove the defence of mistake of fact as currently exists for strict liability offences relating to children over 12 years.

However, a possible defence remains available to a defendant if they can establish that they took reasonable steps to ascertain a child's age and believed on reasonable grounds that the person was over 18 years of age. In his presentation speech, the minister noted that the argument for reasonableness is a matter for the courts. But he did suggest that “sighting a drivers licence or other proof of age document” may be sufficient.

The question still arises: is this enough? The tragic death of an underage girl who died of a heroin overdose in a Fyshwick brothel, which contributed to the decision of the JACS committee to conduct an inquiry in 2012, raises questions. In that case, the brothel operators were charged with offences under the act. In their defence, their lawyer argued that they had taken reasonable steps. So the question remains very much open as to what constitutes reasonable steps and coming to a position on reasonable grounds. Nonetheless, it does provide some tightening; so the Canberra Liberals will not oppose it. Future events, no doubt, will test its usefulness.

Another amendment in this bill would remove the offence for a sex worker to give, or a client to receive, commercial sexual services if either is infected with a sexually transmitted infection. However, section 27 will remain in force. That requires the sex worker and the client to use a prophylactic as relevant. It also remains an offence under the public health regulation if the individual fails to take reasonable precautions against transmitting a notifiable condition. Once again, I believe the government has failed to consider all the possibilities. The Canberra Liberals will be opposing this amendment. I will address this matter further in the detail stage.

This bill also requires operators of brothels and escort agencies to provide appropriate personal, protective and safety equipment, including prophylactics, to sex workers free of charge. While this does go some way to improving the safety of sex workers, it does not alter our position on the amendment that would allow infected workers and clients to provide and receive sexual services.

Finally, this bill would make a number of minor and consequential amendments, as well as to other legislation, primarily associated with language. For instance, the Prostitution Regulation 1993 will be replaced by the new sex work regulation 2018.

The Canberra Liberals will not oppose these minor consequential amendments except insofar as they relate to the elements of the bill that the Canberra Liberals will be opposing. I will address those in the 19 amendments that I propose to move in the detail stage. Don't panic; we can move them all together.

Madam Speaker, this bill is, I believe, somewhat schizophrenic. On one hand it tightens up some areas but relaxes others. In relaxing some areas, the bill opens the sex industry and its workers to risk. Some might be new, but many others do not change fundamentally. It does not seem to follow the trend of other countries where prostitution is seen as being something of a victim in itself, especially when it comes to such heinous crimes as violence against women, drug, human and sexual trafficking.

It seems that once again the ACT government is not as progressive as it would claim but is catching up with the past based on ideology rather than real evidence. There are issues that I will address in the detail stage. I suppose the summation is that there are some parts of this legislation that the opposition will not be opposing.

**MS CHEYNE** (Ginninderra) (12.15): I rise today to speak in support of this bill and in support of a group of women and men in our community who are working hard to make a living. Like anyone in private business, these people seek an employer or find a premises to establish their business. They develop their brand and create rapport with their clients to build a strong reputation. The only difference between these men and women and others in private business in Canberra is that they are sex workers.

The key word here is that they are workers. Like any other type of worker in this city, they should be respected as coming from a legitimate profession, they should be able to stay safe at work and in their workplace, and they should be able to carry out their business without being overly burdened by bureaucracy.

The bill before the Assembly today reforms our legislation to reduce stigma and discrimination around sex work. It cuts red tape for sex businesses and mandates new safety measures for sex workers.

One of the important changes this bill achieves is to change references to "prostitutes" and "prostitution" right across our statute book to "sex worker" and "sex work" respectively. "What is in a name?" you may ask. Well, quite a lot. If you do a quick google of the term "prostitute", the first hit, as you would expect, is a reference to engaging in sexual activity for payment. There is another definition given, though, and that is to:

Put (oneself or one's talents) to an unworthy or corrupt use for personal or financial gain.

I know that politicians are not always held in the highest regard, but the name of our profession is not a verb meaning to sell your soul. It is simply common sense and basic decency that lead to the conclusion that the term “prostitution” is no longer appropriate for a legitimate work endeavour. It is steeped in stigma and it needs to go.

This bill will not only amend all instances of “prostitute” and “prostitution” in what has until now been known as the Prostitution Act: there will also be consequential amendments so that our whole statute book is brought up to date.

Another challenge for sex workers is that they are targeted by criminal offences which do not apply to the general public. It is currently an offence for a person to provide or receive commercial sexual services when infected with a sexually transmitted infection. Note that it is not an offence for everyone in our community to engage in sexual activity when they are infected with an STI, only sex workers when they are conducting their business. The very targeted nature of this offence means that it does actually discriminate against sex workers.

Don't get me wrong, Madam Speaker: this Assembly knows, and I alluded to it this morning, that I am passionate about the health of our community, including sexual health. I firmly believe we should be bold in talking about sexual health and bringing it into the light of everyday health discussions.

However, the way to do that is not to criminalise the behaviour of only a specific group. Discrimination has no place here. Sex workers will now be subject to the same obligations as the rest of the community. Under our public health regulations, it is an offence for anyone to fail to take reasonable precautions against transmitting certain conditions. These include particularly serious STIs such as HIV, chlamydia and syphilis. This approach means our legislation sets the same public health standard for everyone in the community.

These changes to how the transmission of STIs is criminalised are coupled with additional measures to ensure sex workers are safe at work, and so are their clients. Under the current act there are a number of offences relating to practising safe sex. Brothel owners must take reasonable steps to make sure no-one is engaging in penetrative sex without the use of a prophylactic, such as a condom. And a person must not provide or receive penetrative sex without a prophylactic.

The bill before the Assembly will introduce new offences to make sure that sex workers have access to the personal protective equipment they need to meet their legal obligations regarding safe sex and to make sure that they have access to the equipment they need to conduct their work safely, more generally. In particular, a commercial brothel will have a new obligation to provide a sex worker employed at the brothel with sufficient prophylactics and with personal protective equipment free of charge.

Personal protective equipment is defined to mean anything used or worn by a sex worker to minimise risk to the sex worker's health or safety. It includes things like dental dams, latex gloves, water-based lubricants and sponges. These amendments put

the emphasis on creating a safe working environment for sex workers, and ensure that they are in a position to meet their own legal obligations.

This bill will also make changes so that it is easier for sole operators who are sex workers to carry on their business. At the moment, sole traders who are sex workers have to register with the Commissioner for Fair Trading. That requires several administrative steps and hundreds of dollars. It is a far cry from the usual steps that sole traders in other businesses have to carry out to set themselves up, where getting an ABN and registering your business name is sufficient to open your doors.

With these amendments before the Assembly today, sole trader sex workers will no longer have to register with the Commissioner for Fair Trading. Not only will this save time and money; it will also address privacy concerns, as the Commissioner for Fair Trading will no longer have a database of sole trader sex workers.

It is worth bearing in mind that the reality is that there are sex workers in our community who are not registered with the Commissioner for Fair Trading. Having failed to comply with the requirement to register, these sex workers may be hesitant to identify themselves to other government services. By doing away with the need to register with the Commissioner for Fair Trading and legalising the unregistered status of some sex workers, we will be bringing these workers into legitimacy and facilitating engagement with outreach and health services.

Madam Speaker, sex workers in our community are pursuing a legal and legitimate profession, and deserve to be treated as such. The bill before you today will extend decency and respect to sex workers, increase the ease of doing business, and take steps to improve their safety at work. I commend this bill to the Assembly.

**MS CODY** (Murrumbidgee) (12.22): The Prostitution Amendment Bill 2018 is a fantastic opportunity for us to talk about the good work that our sex worker community undertakes. My colleague Ms Cheyne has spoken about a number of areas I would have loved to speak about, but let us not repeat ourselves today.

As we know, prostitution has many different names, and has often had many different names, some of which I am able to repeat and some of which I am not able to repeat. It is really good to see that this Assembly is working hard to remove the stigma that is sometimes attached to a line of work that people often frown upon. It is a legitimate form of business. It is a legitimate way to make money. It is a legitimate way for people in our community to be able to earn a living to support themselves and to support their families.

I agree with the removal of red tape for sex workers; the reduced stigma, which I have just spoken about; and the fact that discrimination around sex work will start to diminish, I believe, the more we talk about this and the more we continue to bring it into the daylight.

Another area which I believe is very important is safety. Workplace safety is a huge bugbear. We should be fighting hard to ensure that there is workplace safety on every worksite and in every place of business that we have. Removing the onus from the sex

worker and putting the onus on the brothel owner to provide personal protective equipment is one area that I believe is a really positive step. It is just reinforcing the work health and safety of all workers.

I personally think that sex work is work. It is work like any other work, and it should be regulated as such. This bill is trying to address that. Criminalising prostitution and other forms of sex work drives them underground and makes them dangerous in terms of risks to the sex worker, risks of disease in the community, and risks of corruption of police and other law enforcement personnel. No society in the history of the world has succeeded in preventing sex work. All such attempts have done is make it dangerous and make the lives of sex workers worse.

I share Mrs Dunne's concerns about trafficking and slavery. Forced prostitution and sexual slavery are very serious issues, and ones we should have zero tolerance for. Having a safe, legal and open sex industry is one of the best methods of preventing those practices in our community. As we have discussed, sunlight is the best medicine. Having our sex industry out of the shadows means there is no place for the criminal element in it. It will allow the police to focus their resources on the real issues.

I do not necessarily agree that there is a natural connection between sex and violence, and I do know a bit about both. I do recognise, however, that there are far too many cases of domestic and sexual violence in our community. One of the most important ways to tackle that violence is to teach our young people that sex and violence are not, and should never be, connected, and that violence is not, and never will be, acceptable in any circumstance or situation.

Children should never be exposed to the sex industry, but they should be taught to be open and comfortable about sexuality. I hope that our parents, our schools and our community are achieving this. I believe that this bill will assist in that. Earlier this year I spoke about National Condom Day and why it is important for every member of the community to think about their sexual health. This bill helps to reinforce those really important messages.

I, too, would like to congratulate Mr Rattenbury for bringing these amendments forward. I look forward to the continuing debate.

**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) (12.27), in reply: I table a revised explanatory statement for the Prostitution Amendment Bill 2018 which takes into account some minor editorial changes.

The Prostitution Act is one of many acts in the ACT that regulate professional industries. Like other legislation, such as the Legal Profession Act 2006, the Architects Act 2004, and the Veterinary Surgeons Act 2015, the Prostitution Act has an objects provision. Three of the key objects of the Prostitution Act are to safeguard public health; to promote the welfare and occupational health and safety of sex workers; and to protect children from sexual exploitation. The Prostitution Amendment Bill supports these objectives by making a range of amendments to

reduce stigma around sex work, remove discriminatory offences, better protect children, and align the Prostitution Act with work health and safety legislation.

In April 1991, the Select Committee on HIV, Illegal Drugs and Prostitution released an interim report into prostitution in the ACT. The chairman of the committee, Michael Moore, opened the report by noting:

It is incumbent upon any person, who is concerned with civil liberties, to ensure that no individual or group loses their basic human rights, particularly through the moral position of others.

While the purpose of the committee was to examine the role of the sex work industry in spreading HIV in the wake of the AIDS pandemic of the 1980s, the report ultimately led to broad-reaching recommendations for law reform. The recommendations took into account the public health of the community, the protection of children, and the rights of sex workers to safe and equitable working conditions.

As a result of these recommendations, the regulation of sex work in the ACT was consolidated into a single act, and the ACT adopted a licensing system which the committee believed to be the most appropriate mechanism for regulating sex work. The Prostitution Act was an important step towards protecting the rights and welfare of sex workers. However, in the 26 years since the act was introduced, our understanding of how to protect the rights and welfare of sex workers has continued to evolve. Since 1992, the ACT has become a human rights jurisdiction, with the introduction of the Human Rights Act in 2004, and it updated its framework for protecting workers in the workplace with the Work Health and Safety Act 2011.

Another big change is the way that governments consult with sex workers themselves. In 2016 Amnesty International published its policy on state obligations to respect, protect and fulfil the human rights of sex workers. In this policy, there is one line of particular relevance to this bill:

In establishing laws and policies relevant to sex work, whether they relate to entry, participation or exit, governments should ensure the meaningful participation and consultation of sex workers, including, in particular current sex workers.

This bill represents many years of consultation, from receiving submissions from sex workers themselves during the Standing Committee on Justice and Community Safety's inquiry into the Prostitution Act, which commenced in 2010, to the detailed discussions with key stakeholders this year, including sex worker advocacy groups. It is critical that when legislating about an industry, we consult with the people who actually work in that industry and who are most affected by changes to the laws. Madam Speaker, we have done that, and as a result, we recognise that some aspects of the government's regulation of the sex work industry could be improved.

Although the requirement for sole operators to register with Access Canberra was intended to better protect sex workers, unfortunately it has not been the case in practice. Concerns about privacy have meant that compliance with this requirement has historically been very low, and the criminal sanctions mean that this requirement

has become a barrier to sex workers accessing important health and outreach services. This bill will remove the requirement for sole operators to register with Access Canberra and, in doing so, improve social inclusion and the health of sex workers.

This amendment will also reduce red tape for sole trader sex workers.

The prohibition against providing or receiving commercial sexual services while infected with a sexually transmissible infection has also been removed. Up until now, the legislation has treated sex workers with STIs differently from other members of the community who have STIs. This bill will remove this offence. Instead, sex workers and their clients will be subject to the same requirement under the Public Health Regulation 2000 as the rest of the community, which is to take reasonable care not to transmit a transmissible notifiable condition.

Transmissible notifiable conditions are either determined by the health minister or declared by the Chief Health Officer as reasonable and necessary to protect public health. The Public Health (Notifiable Conditions) Determination 2017 includes a number of STIs such as chlamydia, gonorrhoea, hepatitis C, HIV and syphilis.

Sex work advocacy groups have told us that they strongly support this change. It not only removes discriminatory provisions but also recognises that there are members of the community with STIs who would proactively seek commercial sexual services from sex workers with the same health condition. This change recognises the legitimacy of the social and sexual needs of clients with STIs and the right of sex workers with STIs to continue to work in their occupation.

Sex workers will still be required to comply with the requirement under section 27(3) of the act that makes it an offence to provide or receive certain commercial sexual services unless a prophylactic is used. They will be required to take reasonable care not to transmit a transmissible notifiable condition.

There are also offences that protect sex workers and their clients from risk of exposure to STIs through damaged prophylactics. Brothel and escort agency owners and operators are also required to take reasonable steps to ensure that no person provides or receives certain commercial sexual services at the brothel or escort agency unless a prophylactic is used. It is an offence for brothel owners or operators to discourage the use of prophylactics.

As with other regulated professions in the ACT that engage with sections of the community, there are areas where government regulation of the sex work industry is of benefit to sex workers and their clients and necessary for the protection of children. However, one of the best ways to support sex workers is to ensure that their places of work are safe. This bill introduces a clear obligation for brothels and escort agencies to provide personal protective equipment, including prophylactics, to sex workers free of charge.

This bill also strengthens the laws protecting children from sexual exploitation by changing the offence of causing a child to provide commercial sexual services to an absolute liability offence, regardless of the child's age. Currently, the act provides for

an absolute liability offence for children under 12 and a strict liability offence for children over 12. The practical effect of this change is that the mistake of fact defence under the Criminal Code 2002 will no longer be available in relation to offences against children over the age of 12 years. Instead, someone who is accused of this offence would have to prove that they took reasonable steps to ascertain that the child was an adult, not just that they had a reasonable but mistaken belief that the child was an adult.

As has been touched on earlier in the debate, another critical change in this bill is to update terminology across the statute book, including renaming this act the Sex Work Act 1992 in order to reduce stigma which attaches to workers in this profession.

This bill enhances and modernises the regulatory framework which applies to sex workers in the territory and furthers the objects of the act to protect children from sexual exploitation, promote the welfare and occupational health and safety of sex workers, and safeguard public health.

I commend the bill to the Assembly.

Question resolved in the affirmative

Bill agreed to in principle.

### **Detail stage**

Bill, by leave, taken as a whole.

*Debate interrupted in accordance with standing order 74 and the resumption of the debate made an order of the day for a later hour.*

**Sitting suspended from 12.36 to 2.30 pm.**

### **Questions without notice**

#### **Land—Dickson land swap**

**MR COE:** I have a question for the Chief Minister. On 6 June I asked you a question about documents that were alleged to be missing regarding the economic development directorate's dealings with the CFMEU regarding the land swap and the Tradies. You stated, Chief Minister:

I am not aware of an internal investigation on this matter. I will seek advice from the directorate. It is not my directorate, as the Leader of the Opposition would be aware.

Chief Minister, why did you claim that your directorate was not responsible for this land swap?

**MR BARR:** I did not. The Leader of the Opposition has misinterpreted my answer.

**MR COE:** Chief Minister, has an internal investigation been held into the missing documents from the Tradies land swap?

**MR BARR:** The claim has been made that there are missing documents. That has yet to be verified.

**MS LAWDER:** Chief Minister, why was the records management of your directorate related to this issue so poor?

**MR BARR:** That is a matter that the directorate and the Auditor-General have examined.

### **ACTION bus service—Xpresso services**

**MS LE COUTEUR:** My question is to the Minister for Transport and City Services and it is about Xpresso bus services. I have attended three public meetings where officials stated that Xpressos were only four per cent of bus patronage but have not given information about which Xpresso services are busy and which are not. Minister, will you release the patronage data for all Xpresso services so the community can make an informed decision or have informed views about which Xpresso services are valuable?

**MS FITZHARRIS:** Yes, we can do that in the context of the consultation on the new bus network. There is a lot of information available on the your say website. We are looking to supplement that information. I will include the patronage data on Xpressos with that.

**MS LE COUTEUR:** Minister, some of the new rapids will largely replace the Xpresso services, for example the—

**Mr Hanson:** Preamble!

**MADAM SPEAKER:** To the question, Ms Le Couteur.

**MS LE COUTEUR:** Will you release travel time comparisons between the previous systems for the Xpressos and the new ones planned, so that passengers can see how much quicker or slower the new service will be?

**MS FITZHARRIS:** I thank Ms Le Couteur for the supplementary question. I will take that on notice. We will do our best to provide like for like travel time comparisons.

**MS CODY:** Minister, could you please expand on the consultation process and how that is going along?

**MS FITZHARRIS:** Thank you, Ms Cody. It is a wonderful opportunity to outline this. This is exactly the kind of public discussion that we want to have about our transport network. We want to have a public discussion with the Canberra community about the types of bus services that will best service our community.

**Mr Coe:** You also said in your document that you weren't open to changing it.

**MS FITZHARRIS:** Madam Speaker, the very point of consultation is to receive feedback. I have also said publicly that there may well be changes that will be made, but we do not—

*Opposition members interjecting—*

**MADAM SPEAKER:** Members on my left!

**MS FITZHARRIS:** As I have said publicly, and as has been clear, as I understand it, from the many community consultations, workshops and meetings that have been attended, we are seeking feedback in order to design the network. That is exactly the purpose of public consultation. For those members of the public who have contacted me, we are keen to get as much information as we can through the your say website, through the huge variety of public consultation activities that are underway, so that we can further refine the proposed network that has gone out. That is exactly the purpose of genuine consultation. That is exactly what the government is doing.

With these changes, for those people who are current users of the system, we want to do everything we can to retain their confidence. This is one of the most significant changes to our public transport network that we have seen in this city. It is based on significant previous community consultation where Canberrans have told us very clearly that they want more frequent, more reliable bus services seven days a week. That is what the new network will deliver. It will deliver 10 rapid services, an increase on the government's previous commitment, as well as our commitment to deliver light rail. We really look forward to bringing all of the feedback together and releasing a new design of the network following assessment of that feedback.

### **Land—Dickson land swap**

**MS LAWDER:** My question is to the Chief Minister regarding the Territory Records Act. Chief Minister, what action have you taken to ensure that missing documents related to the land swap with the Tradies club are found?

**MR BARR:** There is an allegation that there are missing documents, and that is being investigated.

**MS LAWDER:** Chief Minister, which agency or directorate was responsible for maintaining those records, the LDA, the economic development directorate or which other directorate?

**MR BARR:** It would depend on the nature of documents we are being asked to speculate on. Certainly those two agencies, the LDA and the economic development directorate, may indeed be the most likely agencies to have the documents that are alleged to be missing. But it is really difficult for me to speculate on that at this point.

**MR COE:** Chief Minister, is it your understanding that there are missing documents or that there is a chronic shortage of documentation regarding your property deals?

**MR BARR:** I am aware of an allegation that was aired by a member of the opposition in a committee hearing. I am aware of a media report in relation to a former official who has indicated that he believes that there may be some notes of his that have not been forwarded to the Auditor-General. That is the extent of the allegations at this point. There are, of course, processes underway. I am obviously not personally seeking to find these documents. These matters are appropriately being investigated by the relevant directorate.

### **Trade unions—CFMEU**

**MR WALL:** My question is to the Chief Minister. I refer to media reports on 26 July 2018 about the CFMEU campaign on the so-called local jobs code. How much influence is the CFMEU seeking over ACT government contracts and purchasing decisions?

**MR BARR:** None.

**MR WALL:** Chief Minister, was your statement on the local jobs code in your speech this morning prompted by the pamphlet distributed last week by the CFMEU in your electorate?

**MR BARR:** No. It was prompted by the deeply held values shared by all members of the Labor Party about the rights of working people to be represented by unions.

*Opposition members interjecting—*

**MADAM SPEAKER:** Resume your seat. Members, you asked a question. Allow the answer. Chief Minister.

**MR BARR:** Thank you, Madam Speaker. All members of the Labor Party share that important value that we believe that working people should be able to be represented by their union. That is a very straightforward statement of principle. It is interesting that those opposite who proudly profess to believe in freedom of association support laws that restrict the ability of workers to be members of and to be properly represented by the unions. What we see—

*Mr Coe interjecting—*

**MADAM SPEAKER:** Mr Coe, that is enough.

**MR BARR:** What we see is the far right of the Liberal Party once again on display: the extreme right wing agenda, the industrial relations agenda of Mr Wall writ large yet again. He hates unions. The Canberra Liberals hate unions. This is what we have come to expect from the conservatives in ACT politics.

**MRS DUNNE:** Chief Minister, does the CFMEU still have the capacity to threaten preselection of government members if they do not get what they want in the local jobs code?

**MR BARR:** Mrs Dunne, I am sure, would be aware that the Labor Party has a very democratic system of rank and file preselection.

*Opposition members interjecting—*

**MADAM SPEAKER:** Mr Coe, I know we have had several weeks away from question time, but please control yourself.

**MR BARR:** Decisions on preselection for the Labor Party are made by the rank and file members of the Labor Party.

*Opposition members interjecting—*

**MADAM SPEAKER:** Members of the opposition—

*Mrs Dunne interjecting—*

**MADAM SPEAKER:** Mrs Dunne, side commentary—please leave it for after adjournment. Ms Cody, you have a question without notice.

**Ms Cody:** I certainly do.

*Members interjecting—*

**MADAM SPEAKER:** Members! I am going to start warning folk soon. Ms Cody has the call.

### **Economy—performance**

**MS CODY:** Thank you; I could barely hear you, Madam Speaker. My question is to the Chief Minister. Chief Minister, the most recent Deloitte Access Economics business outlook report describes Canberra's economy as being "on a roll". What do recent indicators say about the performance of our economy?

**MR BARR:** I thank Ms Cody for the question. We have seen a period of sustained economic growth for the territory. Our annual gross state product is expected to reach 4½ per cent in the 2017-18 fiscal year, following growth of 4.6 per cent in 2016-17. This means that the ACT's economy is growing faster than that of any other Australian state or territory.

Commensurate with that economic growth has been a very strong result for the labour market. Employment has risen by almost three per cent, with 6,600 more jobs added during the 2017-18 fiscal year. Residential building approvals are up through the year. Our population is growing very strongly. People are coming here for work and we

have also seen another record year of international visitation, with tourist numbers rising almost 17 per cent.

In describing Canberra's economy as being "on a roll", Deloitte has also forecast that our strong growth will continue into the coming years. The combination of continued growth of our education sector, more people being attracted to Canberra and the territory government's investments in major infrastructure works are all supporting a very positive outlook for the territory's economy.

**MS CODY:** Chief Minister, how are Canberrans seeing the benefits of sustained, strong growth in our local economy?

**MR BARR:** The latest data shows that Canberra's unemployment rate is now 3.5 per cent. This is not only the lowest unemployment rate in the country but also the lowest rate locally for more than six years. The number of job vacancies in Canberra rose by almost 25 per cent over the past year, even as our population grew very strongly. We are very pleased to see that our strong economy is delivering more jobs for younger Canberrans. I was particularly pleased to see that our youth unemployment rate is now at six per cent, which is significantly lower than 12 months ago and is five percentage points lower than the national average. Our youth unemployment rate is six per cent; nationally it is 11 per cent. More Canberrans are working because our economy is growing strongly and we are sharing the benefits of that growth right across our city.

**MS CHEYNE:** Chief Minister, what steps is the government taking to see strong economic growth and job creation continue into the future?

**MR BARR:** We will over the coming sitting weeks in August be debating the territory budget. That budget has a very clear plan to keep strengthening the territory economy by investing in Canberra. The government's investment in new health and hospital infrastructure, better transport link, and new and expanded education facilities will create more opportunities for local businesses and workers.

Our land release program of over 17,000 dwelling sites over the next four years will boost building activity while continuing to grow the supply of affordable and diverse housing for Canberrans.

Our focus on expanding major events, investing in new innovation businesses, supporting tourism and partnering with the higher education sector will continue to diversify the territory's economy and create more jobs for Canberrans, whatever their line of work. The 2018 budget presents a strong economic plan for Canberra and builds on our past achievements, strengthens this city and creates even more good jobs for Canberrans.

### **Land—rural property acquisition**

**MS LEE:** My question is to the Chief Minister and Treasurer. In the report on rural land sales the Auditor-General found that you approved the purchase of Milapuru for \$7 million despite the land being valued at \$4 million. The media has reported that

you did not read the business case before signing the brief. Chief Minister, why did you approve the purchase of Milapuru for \$7 million when it was valued at \$4 million?

**MR BARR:** The Land Development Agency, its chief executive, its board, the treasury directorate and the Under Treasurer assessed the detail of the proposition and provided me with a briefing that recommended, in accordance with the land acquisition policy framework, that the ACT government secure that land. I was happy to accept that recommendation following that process and I agreed to the purchase.

**MS LEE:** Chief Minister, why did you or anyone from your office not actually read the business case before you took that decision?

**MR BARR:** I was provided with a detailed brief that outlined the rationale for the purchase. That included a letter from the Under Treasurer and an exchange of letters between the Under Treasurer and the director-general outlining treasury support for that land acquisition. Together with the detail contained within the brief, that was sufficient, noting that the particular land acquisition had both been through a Land Development Agency board internal process and been assessed by treasury and that there had been advice between the heads of the two agencies and a recommendation to me in a brief to support the acquisition. That was sufficient for me to approve the land acquisition.

**MR COE:** Chief Minister, what is the point of requiring ministerial oversight if you are just going to blindly go with the recommendation?

**MR BARR:** I read the brief; I discussed the matter with relevant officials; and approved the acquisition.

### **Land—rural property acquisition**

**MR PARTON:** My question is to the Chief Minister. Chief Minister, you have admitted that you did not read the business case for the purchase of Milapuru. Business cases were also prepared for the sale of Huntly and Winslade as the purchase price was over \$5 million. Did you read the business cases for the purchase of Huntly and Winslade?

**MR BARR:** I read all of the information provided to me in accordance with the land acquisition framework. That will include a range of background material, including business cases, for particular land acquisitions.

**MR PARTON:** What confidence, Chief Minister, can the community have that you will read the business case for the purchase of a property valued at \$5 million when you did not read the business case for the purchase of a property worth \$7 million?

**MR BARR:** The value of the property acquisition is not the important consideration. It is obviously related to levels of risk, and the associated briefing material that comes with a recommendation to the Treasurer. The treasury provides and assesses probably 300 or 400 business cases across budget bids and other areas of business case

assessment across the ACT government over the entire year. I do need to rely upon the officers within treasury and on the Under Treasurer, as part of the briefing material that they provide to me. I cannot read every single business case that is presented to the treasury throughout the course of the year. But I can be, and am, accountable for the briefs that I read and sign. In this instance that is exactly what I have done, and that is the practice that I will continue to pursue. If I am provided with detailed briefing material from my agency, I will read that, of course, and make an appropriate decision.

**MR COE:** Chief Minister, by the end of today will you please provide to the Assembly the date on which you received the business cases for Huntly, Winslade and Milaparu and also when you received verbal briefs.

**MR BARR:** I will take that on notice. It may take some time to assemble that information.

### **University of Canberra Hospital—services**

**MS CHEYNE:** My question is to the Minister for Health and Wellbeing. Minister, what preparations have been underway for the University of Canberra Hospital to receive patients?

**MS FITZHARRIS:** I thank Ms Cheyne for the question about the UC hospital in the very heart of her electorate of Ginninderra. As members will know, the University of Canberra Hospital is now operational, with the first patients admitted on 17 July. This is a major milestone for health in the ACT and marks the culmination of almost seven years of planning, community consultation and construction work to deliver Canberra's third public hospital.

During this period, clinicians worked closely with health-care consumers to develop models of care and service delivery that are unique to UCH. In February, the facility was formally handed over to ACT Health. At that point in time, the recruitment of staff began in earnest.

The directorate also began to undertake a wide range of commissioning activities to ready the facility and the service for the admission of the first patient. This included testing equipment, mapping ICT requirements and the development of a comprehensive orientation and training program for the 300-plus ACT Health staff who will work at UCH.

The transition of services required careful planning for the transfer of patients from both Canberra Hospital as well as Calvary hospital, together with their belongings, and the relocation of relevant ICT, clinical equipment and staff to the new facility. Work began in March to develop a comprehensive plan to support the transfer of these critical services.

Trial moves were undertaken from the Brian Hennessy Rehabilitation Centre and Calvary and Canberra hospitals to ascertain preferred routes and timings, which informed the final move schedule and the opening sequence. The move plan outlined

key principles and processes that I am pleased to say resulted in the smooth and safe transfer of patients to UCH.

Success can also be attributed to ACT Health staff working collaboratively with one another and other ACT stakeholders such as the Ambulance Service. It is wonderful that Canberra's third public hospital is now open and caring for patients in a subacute setting specifically tailored to their needs. I congratulate everyone involved in this landmark project.

**MS CHEYNE:** Minister, what services have been consolidated across Canberra to bring rehabilitation services together in the one place?

**MS FITZHARRIS:** UCH brings together rehabilitation services and specialist staff from seven different locations across the territory under one roof. UCH has been purpose built to provide care and support for people over the age of 18 who are experiencing mental illness or who are recovering from surgery, illness or injury. Experienced, multi-disciplinary health professionals will work together to deliver innovative care and rehabilitation programs for both overnight and day patients tailored to the individual's needs.

Services have been removed from the following locations: parts of the Brian Hennessy Rehabilitation Centre were transferred to establish the adult mental health rehabilitation unit; the adult mental health day service has relocated from Belconnen community health centre to UCH; Canberra Hospital's rehabilitation unit has moved; the aged care rehabilitation service at Calvary Public Hospital has also been relocated; and specialised outpatient and day rehabilitation services that were based in Canberra Hospital and community-based health facilities, including Village Creek centre and the Belconnen, Phillip and city community health centres, have also been moved. This includes the community rehabilitation team, rehabilitation allied health services such as speech pathology, physiotherapy, occupational therapy, psychology, social work, exercise physiology and nutrition, the falls assessment and prevention service, the driving assessment and rehabilitation service and the vocational assessment and rehabilitation service. ACT Health's hydrotherapy service has also been relocated to UCH.

The unique design of UCH includes four therapeutic gyms where physios, occupational therapists and other professionals will work with patients to build their strength and guide their recovery. A wonderful hydrotherapy pool, 17 courtyards and spaces designed for learning activities of daily living complement each other to enhance patient outcomes. The purpose-built rooms and spaces in the mental health areas support the delivery of a broad range of therapies and services. UCH has been built on collaboration and a drive for excellence.

**MR STEEL:** Minister, what health services does the UCH provide and are these services now receiving patients?

**MS FITZHARRIS:** I thank Mr Steel for the supplementary. UCH is a dedicated and purpose-built rehabilitation facility. It is now providing care and support for people

over the age of 18 who are experiencing mental illness or recovering from surgery, illness or injury.

Patients are now receiving care in the adult mental health inpatient rehabilitation and day services, the inpatient rehabilitation units that have opened, including the neurological unit, Stromlo, the older persons rehabilitation unit, Majura, and the general rehabilitation unit, Namadgi, and general rehabilitation and aged-care day and ambulatory services in the Brindabella rehabilitation service.

On 10 July the majority of Brindabella rehabilitation centre services and the adult mental health day service commenced at UCH. The exceptions to this were medical clinics and hydrotherapy. On Tuesday, 17 July inpatient services began, when patients were transferred from Canberra Hospital, Brian Hennessy House and Calvary Public Hospital. On Monday, 23 July rehabilitation medicine clinics and hydrotherapy services commenced. The final service, the aged-care assessment team, relocated to UCH just yesterday.

This specialist facility offers tailored physical and mental health programs that will be developed in partnership with patients, their families and carers. Patients cannot present to the hospital without an appointment or with health conditions that need urgent treatment. Most people will be referred to UCH by their general practitioner, specialist, allied health professionals or nursing staff, although some will be able to refer themselves for some of the services by contacting the ACT Health community health intake line.

Being a dedicated rehabilitation hospital means that UCH does not have an ED or perform surgical operations. It is a hospital that is truly dedicated to rehabilitation, recovery and research. We are also delighted to have over 50 University of Canberra staff as well as numerous UC students who are on campus, learning and researching. *(Time expired.)*

### **Canberra Hospital—radiology department**

**MRS DUNNE:** My question is to the Minister for Health and Wellbeing. I refer to an interview on ABC radio with Mr Stephen Crook of the Australian Salaried Medical Officers Federation regarding the Canberra Hospital radiology department. Mr Crook said that his federation had been raising concerns about the radiology department since May 2017. He claimed that there was concern about the shortage of staff and rostering. Minister, why was the Canberra Hospital so slow to respond to concerns raised by the Australian Salaried Medical Officers Federation last May?

**MS FITZHARRIS:** I thank Mrs Dunne for the question. I did not hear the interview. Perhaps it was while I was on leave. With regard to accreditation in the radiology department, it is important to note that it is accreditation for training. That issue was discussed during the estimates committee hearing. I understand, from memory, that there are some recommendations in the estimates report. Certainly there was discussion on that. As members will subsequently have become aware, ACT Health has not received the final report from the Royal Australian and New Zealand College of Radiologists at this stage but has been working through a number of their

recommendations. They raised some serious issues. Some of those have already been addressed. Further ones will be addressed and, as is reflected in the estimates report, ACT Health will continue to work closely with the college and with important stakeholders, which includes ASMOF, and is confident that the training accreditation will return to an A grade in the next 12 months.

**MRS DUNNE:** Minister, why did your directorate fail to act on concerns raised about staff shortages, and their impact on inpatient care and on training, by radiology trainees when they raised them with the department in January and February of 2017?

**MS FITZHARRIS:** I will take the question on notice. I have frequent meetings with ASMOF, and I will also look back on those meetings and correspondence with them and see if they refer to the radiology department. From memory, it has not been a key feature of my very frequent discussions with ASMOF. Nonetheless, I will look back over that and take the question on notice.

**MISS C BURCH:** What actions have you taken to resolve the cultural issues in the radiology department?

**MS FITZHARRIS:** As I have mentioned, and as was discussed in the estimates committee and subsequent to that, there have been a number of issues relating to the working environment and the particular relationships between particular staff. These have been addressed immediately.

**Mrs Dunne:** It was not raised in estimates.

**MS FITZHARRIS:** This issue was discussed at the estimates committee. The Chief Medical Officer—

*Opposition members interjecting—*

**MS FITZHARRIS:** I said “and subsequent to the committee”. There have been issues discussed, and that includes addressing a number of the immediate issues. There is a collaborative approach underway within the radiology department, and also with the Royal Australian and New Zealand College of Radiologists, to ensure that steps are taken to achieve the A-grade accreditation for training over the next 12 months.

### **Canberra Hospital—radiology department**

**MR HANSON:** My question is to the Minister for Health and Wellbeing. Minister, during the health estimates hearing on 21 June this year, the Chief Medical Officer answered questions about the downgrade of the Canberra Hospital radiology department. The official referred to network issues but not to the problems with the negative environment or poor relationships within the department. When asked by the media on 23 July, the senior official claimed that ACT Health had not finalised its reply to the accreditation committee. Minister, did the Chief Medical Officer mislead the estimates committee by omitting those details on 21 June when answering questions about the downgrade of the radiology department?

**MS FITZHARRIS:** I certainly do not believe so. It was a very lengthy question. I am not familiar with the interview given on 23 July. I will take the question on notice. As I said in my previous answer, there was commentary and discussion in the estimates committee in June. There have been subsequent reports and public statements. What I have said today I understand has been covered in previous public statements. If not, as I said, there is recognition that there have been particular issues with the radiology training accreditation. It is important to note that it is accreditation for training and does not relate specifically to patient care.

**MR HANSON:** Minister, did you or any of the officials present at the estimates committee hearings on 21 June realise that the Chief Medical Officer may have misled the committee by failing to provide that full answer to the committee? If so, what action have you taken?

**MS FITZHARRIS:** As I said earlier, I do not believe at all that that is the case. Further information has come to light because ACT Health, particularly the Chief Medical Officer, has been working very hard on this over the month between the estimates committee hearing and subsequently in July. I will take the details of the question on notice.

**MRS DUNNE:** Minister, were you aware of issues facing the accreditation of training in the radiology department on 21 June 2018 or before 21 June 2018, and had briefing notes been prepared for you for estimates on this issue?

**MS FITZHARRIS:** Yes. That is why I invited the Chief Medical Officer to address the committee and answer the committee's questions on this matter.

### **Education—early childhood strategy**

**MR STEEL:** My question is to the Minister for Education and Early Childhood Development. Can the minister update the Assembly on the work towards an ACT early childhood strategy?

**MS BERRY:** I thank Mr Steel for his question and his interest in early childhood education. The ACT government took a commitment to the 2016 ACT election to develop for the first time a comprehensive early childhood strategy for the ACT. Our fundamental belief is that educational equity requires a renewed focus on equitable access to high quality early childhood learning and development opportunities.

Committing to a strategy responds to that belief and the government's aim to provide a comprehensive joined-up policy framework to guide the delivery of early childhood services and to coordinate education, health and community service provision. The strategy will lay out key plans and further work that the government needs to undertake to make sure that every child, regardless of their background or circumstances, is set up for success in life.

The work began with an initial discussion paper last year and since that time the education directorate has been deep in discussion with key stakeholders through a

ministerial early childhood advisory council. A month or so ago I met with the advisory council to hear about the thinking that had been done so far and was encouraged by the direction of their conversations and some of the opportunities they had identified.

Particularly important was their view that the ACT needs to be the jurisdiction that puts children first. On a national level, there has been some important work done that is also contributing to the development of this strategy.

**MR STEEL:** Minister, why is the government looking at the issue of universal access to early childhood education for three-year-old children?

**MS BERRY:** As I referred to, there has been national work, particularly around *Lifting Our Game: Report of the Review to Achieve Educational Excellence in Australian Schools through Early Childhood Interventions*. Recommendation 5 of the *Lifting our game* report recommends:

Australian governments progressively implement universal access to 600 hours per year of a quality early childhood education program, for example preschool, for all three year olds, with access prioritised for disadvantaged children, families and communities during the roll out.

The ACT government has accepted the overwhelming evidence culminating in this recommendation and decided in principle that a plan for incremental implementation of free, universal, quality early childhood education should be a key part of the ACT early childhood strategy which is currently being developed.

Well-established research evidence has shown that the period from birth through to eight years, especially the first three years, sets the foundation for a child's development. Child learning and development in the years before school are the determinant of future school achievement, social, emotional and health outcomes, and ultimately life opportunities.

Historically in Australia early learning has not been seen as a right for all children. Foundational learning is not equitably accessible to all children, yet policy settings and decisions by some governments, the federal government in particular, are not challenging this problem and are probably making it worse.

Through work on the strategy, it has become clear that there is an opportunity for the ACT to make radical progress, most significantly through providing free, universal, quality early childhood education for three-year-old children. The ACT government has set a goal of 15 hours per week, 600 hours per year, of free, universal, quality early childhood education for three-year-old children as a key part of the ACT's early childhood strategy.

**MS ORR:** How would this build on access to preschool already available to families in the ACT?

**MS BERRY:** I thank Ms Orr for the supplementary question. Over the coming months I will have a conversation with parents, the early childhood education sector, schools and the wider community about how and when the government will be able to make this vital educational opportunity universally available. The policy objective clearly comes with a financial cost and its incremental implementation will require careful design of a model that is affordable, sustainable but, more importantly, keeps the right focus.

I will be drawing on expertise from outside the government. I will also be ensuring that the conversation on and design of the model will be founded in some important principles that will keep the focus on child outcomes and make sure government investment has the greatest possible impact. Through this process the government will be able to make decisions about funding and other resource constraints so that progressively every three-year-old child in the ACT will have access to free, high quality early childhood education.

Importantly, just as with school education, early childhood education needs to be focused on helping each child to gain a strong start, with government funding flowing to the greatest extent to achieve learning and development. For this reason the government will be shaping the design of this policy around a non-commercial model in the same way we approach school education.

Additionally, a key issue of providing high quality early education is the skill and professionalism of the workforce. Early childhood educators take on enormous responsibility for helping children learn things like the alphabet and how to count, and help children develop important physical, social and emotional skills. The government will be looking at how it can make sure the important work of educators is better valued.

### **Canberra Hospital—radiology department**

**MRS KIKKERT:** My question is to the Minister for Health and Wellbeing. I refer to media reports on 23 July 2018 about the poor accreditation report for the Canberra Hospital radiology department. The report found:

There is the feeling that the internal political issues make working in the department difficult and cause low morale amongst staff ...

It added that there was a “poor working relationship” between senior staff in the radiology department.

Why are internal political issues making working in the radiology department of the Canberra Hospital difficult and causing low morale amongst staff?

**MS FITZHARRIS:** I note the opposition’s series of questions on this and urge them to be precise about training accreditation in the radiology department. It is a serious matter. Those matters are being attended to.

**MRS KIKKERT:** Minister, why is there a poor working relationship between senior staff in the radiology department, and how is this affecting the performance of the department?

**MS FITZHARRIS:** It is the responsibility of all staff to work constructively together. There are clearly issues relating to some senior staff, as has been outlined, in the radiology department. They are being taken seriously and addressed. The radiology and imaging areas of the hospital are actually performing very well. These issues have been outlined by me previously in the chamber and in other forums.

**MRS DUNNE:** Minister, when did you first become aware of the cultural issues in the radiology department and the poor morale that has underpinned the adverse accreditation of the training processes in the radiology department?

**MS FITZHARRIS:** I cannot recall the specific date. I will take the question on notice.

### **ACT Health—proposed organisational changes**

**MR MILLIGAN:** My question is to the Chief Minister. Chief Minister, I refer to your answer to question on notice 1495 from Mrs Dunne regarding the restructure of ACT Health. You confirmed that the decision to restructure ACT Health was based on a brief from the Head of Service on 15 March 2018. You also advised that you were not informed of the resignation of the Director-General of ACT Health until 19 March 2018. Was the brief prepared by the Head of Service and signed off by you to keep the former Director-General of ACT Health in the dark about the government's plans to abolish her position?

**MR BARR:** No.

**MR MILLIGAN:** Chief Minister, why is it that you were not advised of the resignation of the Director-General of ACT Health until 19 March, three days after it occurred?

**MR BARR:** Madam Speaker, I am checking whether there was in fact a weekend in between those days. Yes, there was, in fact.

**Mrs Dunne:** Went on the Thursday.

**MR BARR:** Yes, the 15th. Yes, there was a weekend, and I was advised a matter of one business day later.

**MRS DUNNE:** Why is it that you did not consider the implications of your decision on the accreditation of the Canberra Hospital, given that the inspection was due to occur on the week beginning 19 March, the day after the weekend?

**MR BARR:** I do not accept the premise of the question.

### **Light rail—operations**

**MISS C BURCH:** My question is to the Minister for Transport and City Services. Minister, when will stage 1 of the light rail carry its first fare-paying passengers?

**MS FITZHARRIS:** I know that that is something that many Canberrans are looking forward to with terrific excitement. Of course, it will be interesting to see whether the opposition starts to enjoy rides on Canberra's wonderful light rail system. Certainly in terms of the data completion, we are looking at December this year. We are working through with Canberra Metro the most appropriate time to receive the first fee-paying passengers on light rail—

*Mr Wall interjecting—*

**MS FITZHARRIS:** but that will not be determined for another few months yet. But the project remains on track to be completed—

**Mr Wall:** Are you getting an unearned windfall gain on your property because of this, Andrew?

**MADAM SPEAKER:** Mr Wall! Hush now, please.

**Mr Barr:** Madam Speaker, that was—

**Mr Wall:** I withdraw, Madam Speaker.

**MADAM SPEAKER:** Have you withdrawn?

**Mr Barr:** He has, yes.

**Mr Wall:** Yes.

**MADAM SPEAKER:** Can we can get to the end of question time without any more interruptions? Miss Burch.

**MISS C BURCH:** Minister, has cabinet approved any budget cost overruns to be borne by the ACT government? If so, how much and for what?

**MS FITZHARRIS:** Miss Burch might like to clarify: “cost overruns” and “for what”.

**MR WALL:** Minister, are there any further variations or changes to the cost-time overruns expected or being considered by the government? If so, what are they and what is their extent?

**MS FITZHARRIS:** Could Mr Wall please repeat the question?

**MR WALL:** Minister, are there any further variations, cost or time overruns expected or being considered by the government? If so, what are they and what is the extent of them?

**MS FITZHARRIS:** As I assumed the opposition would know, but each question that they ask indicates that they do not, with respect to the nature of the contract that the ACT government has with Canberra Metro, it is a significant contract. It is the largest

single piece of infrastructure that the ACT government has delivered. It will provide the equivalent level of benefit to the ACT community. There will be variations in a contract of any nature for an infrastructure project, and there are a number of variations. We will comply with all the necessary requirements in terms of outlining those variations to the contract. I expect those to continue between now and the end of the contract. The government looks forward to providing a summary when construction is completed.

### **Royal Commission into Institutional Responses to Child Sexual Abuse—redress scheme**

**MS ORR:** My question is to the Attorney-General. Can the minister provide an update on the national redress scheme?

**MR RAMSAY:** I thank Ms Orr for the question on such an important area. The redress scheme has begun taking applications from 1 July this year and it will run for 10 years. It is now truly a national scheme, with all jurisdictions having announced that they will be participating. In addition to that, the Catholic Church, Scouts Australia, the YMCA, the Salvation Army, the Uniting Church and the Anglican Church have all announced they will also be participating in the scheme. That means that we can expect that over 90 per cent of anticipated people who claim will be covered by the scheme.

The ACT government is working hard to contribute to developing a scheme that is inclusive and that implements the royal commission's recommendations. Our position is that all survivors should be treated equally under the scheme. Survivors who have criminal records are also survivors who have endured horrible abuse themselves and there should not be two classes of survivor.

As a human rights jurisdiction, the ACT must consider equal treatment and fairness in all its decisions. That is why the scheme now allows for the ACT government to extend redress to all survivors in the territory. The final redress scheme is one that we joined, confident that human rights in the territory will be respected and confident that real assistance for survivors of child sexual abuse will be helped to rebuild their lives, and that will be provided universally.

**MS ORR:** What services is the ACT government providing to support people who apply for redress?

**MR RAMSAY:** I thank Ms Orr for the supplementary question. This government has been at the forefront of resourcing services that will support people who apply for redress and ensuring that our services are ready to engage with the national scheme.

This budget contains over \$400,000 for counselling and support services that will be provided locally. The ACT has committed to fund lifetime counselling for all survivors under the scheme. We have also provided the Canberra Rape Crisis Centre with \$120,000 in funding to assist people who are seeking redress. In addition, the Community Services Directorate and the Victims of Crime Commissioner are being provided with additional staff to support local implementation of the scheme.

These resources are part of the almost \$14 million that the government has committed over the next four years to fund redress. Over the 10-year lifetime of the scheme, the government estimates that up to \$30 million will be provided to help survivors rebuild their lives and to ensure that institutions take responsibility for their failings. Survivors will have access to legal advice, to counselling and to administrative help in working through the redress process.

**MR PETTERSSON:** How will police, prosecutors and the courts be supported to respond to people who come forward after seeking redress?

**MR RAMSAY:** I thank Mr Pettersson for his supplementary question. The Royal Commission and the brave survivors who have come forward during the process have brought to light failings that will be addressed through the redress scheme but also will be addressed through the justice system. We can expect that more people will come forward and seek to hold abusers accountable for their actions. People who apply for redress will also be supported through resourcing for criminal cases and through changes to support people throughout the court process.

Recent changes have improved and strengthened our laws for prosecuting child sex abuse cases. In February 2018 this Assembly passed legislation to ensure that repeated occasions of child sexual abuse could be charged and tried effectively. Those changes were a direct result of the response to the findings of the Royal Commission. Canberra has been a leader in adopting new legislation to ensure fairness for survivors of sexual assault in the court process. The ACT introduced the use of pre-recorded interviews for child witnesses to a sexual offence in 2008. In May 2017 the use of pre-recorded witness interviews as evidence in chief was expanded to all sexual offences. The ACT will keep working hard to ensure that court processes stay oriented around supporting survivors and securing a just outcome for them.

### **Government—community organisations support**

**MR PETTERSSON:** My question is to the Minister for Community Services and Social Inclusion. Minister, can you please update the Assembly on what the government is doing to support community organisations to become more effective and efficient.

**MS STEPHEN-SMITH:** I thank Mr Pettersson for his question. I am delighted to update the Assembly on how the ACT government is supporting community organisations to become more effective and efficient. Our government is committed to enhancing the strength of our city as an inclusive and connected place where all people can reach their full potential and contribute positively to the life of the broader ACT community.

Community organisations play a key role in this, connecting those experiencing disadvantage with appropriate support services. They also provide social infrastructure, enabling those who wish to volunteer or help those in need to develop their skills and experience and participate in the civic life of the ACT.

An excellent example of the ACT government supporting community organisations to become more effective and efficient is the annual community support and infrastructure grants. The grants are awarded under the following three categories: community support and capacity; non-fixed infrastructure and equipment; and minor capital works and fixed infrastructure.

In June I was pleased to announce a total of \$230,000 in funding for 48 successful organisations, allowing them to update their infrastructure, buy necessary equipment and offset other costs. Successful projects included \$7,700 for wireless headset microphones for performers at the Tuggeranong community theatre and \$6,000 for Burrunju Aboriginal Corporation's purchase of equipment for the art gallery. Migrant and Refugee Settlement Services, MARSS, also received over \$8,700 for a digital technology upgrade.

All three of these organisations have for many years provided support to ensure that all Canberrans can access services and programs to ensure full social inclusion in the community. This additional funding will further strengthen these efforts, and I congratulate all of the successful recipients.

**MR PETTERSSON:** Minister, how is the government assisting community organisations to improve their digital capacity?

**MS STEPHEN-SMITH:** I thank Mr Pettersson for the supplementary question. The government, of course, acknowledges that digital technology is an integral part of our modern lives. Using mobile phones, computers and tablets and accessing various information and services online is now how we communicate and transact in many spheres of life.

As most Canberrans turn to online portals and websites to get information about services and events, the ACT government recognises the importance of ensuring that community organisations can also publicise their activities and inform Canberrans about what they do. However, we know that adopting or updating technology can be a costly exercise for many organisations.

With this in mind, the ACT government is proud to support community organisations through the participation (digital communities) grant program. The program was designed to enhance the capacity of community organisations to effectively engage their communities and clients to participate fully in the life of Canberra through the use of digital technology.

Last month I was pleased to announce the outcomes of the latest funding round, with 31 community organisations receiving funding of more than \$100,000 for a range of initiatives. An example was \$4,900 for the Molonglo Catchment Group's web-based biodiversity data management interface. Funding under this round was also provided to Prisoners Aid ACT Inc, which received \$4,072 to update its computer and phone hardware to improve communication with clients. A final example of how grants can support technical improvements was the provision of \$2,406 to Woden Seniors Inc in this grant round to purchase a data projector and a laptop.

I look forward to seeing how these funded initiatives will make a difference to these community organisations and the ACT community they serve.

**MS CODY:** Minister, can you update the Assembly on current and upcoming grant opportunities that help build a stronger and more inclusive community?

**MS STEPHEN-SMITH:** I thank Ms Cody for the supplementary question. Of course, the ACT government makes a number of grants available to support organisations that provide vital services and connection to thousands of Canberrans. One example is the disability inclusion grants. Now in their second year, the grants provide one-off funding of up to \$20,000 for community groups, not-for-profit organisations and small businesses in the ACT to become more inclusive and accessible for people with disability and to remove barriers to participation.

In the recent budget, the government doubled the funding available in the annual grant round from \$50,000 to \$100,000. The latest round of grants will close on Thursday. I thank members who have promoted the grants to their constituents.

Following on from the disability inclusion grants, the I-Day grants will soon open. These grants provide funding of up to \$5,000 to individuals and organisations to help mark the International Day of People with Disability in December each year.

I am also delighted to advise the Assembly that the annual participation (multicultural) grant program will open in October 2018. These are just some examples of the large number of ways that this government supports community organisations across the ACT.

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

## Papers

**Madam Speaker** presented the following papers:

Ethics and Integrity Adviser for Members of the Legislative Assembly for the Australian Capital Territory, pursuant to Continuing Resolution 6A of the Assembly of 10 April 2008, as amended 21 August 2008—Report for the period 1 July 2017 to 30 June 2018, dated 11 July 2018.

Auditor-General Act, pursuant to subsection 17(5)—Auditor-General's Reports—

No 7/2018—Five ACT public schools' engagement with Aboriginal and Torres Strait Islander students, families and community, dated 28 June 2018.

No 8/2018—Assembly of rural land west of Canberra—

Report, dated 29 June 2018.

Corrigendum, dated 23 July 2018.

Corrigendum.

Memorandum of Understanding between the Speaker of the Legislative Assembly for the Australian Capital Territory and the Minister for Police and

Emergency Services for the Australian Capital Territory and the Chief Police Officer for the Australian Capital Territory, dated 19 September 2017, incorporating the Functional Governance Standard Operating Procedure for ACT parliamentary privilege and protocols (ACT Policing).

**Mr Barr** presented the following papers:

City Renewal Authority and Suburban Land Agency Act, pursuant to subsection 13(2)—City Renewal Authority—Land acquisitions quarterly report—1 April to 30 June 2018, dated 15 July 2018.

Remuneration Tribunal Act, pursuant to subsection 12(2)—Head of Service, Directors-General and Executive—Determination 9 of 2018, together with an accompanying statement, dated 29 June 2018.

Auditor-General Act, pursuant to subsection 21(2)—Auditor-General's Report No 4/2018—2016-17 Financial Audits—Computer Information Systems—Government response.

Economic Development and Tourism—Standing Committee—Report 3—*Inquiry into a new Convention Centre for Canberra*—Government response.

### **Suburban Land Agency—land acquisitions—quarterly report 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) (3.29): For the information of members, I present the following paper:

City Renewal Authority and Suburban Land Agency Act, pursuant to subsection 43(2)—Suburban Land Agency—Land acquisitions quarterly report—1 April to 30 June 2018, including valuation reports (3)

I ask leave to make a statement on the paper.

Leave granted.

**MS BERRY:** The ACT government established the Suburban Land Agency under the City Renewal Authority and Suburban Land Agency Act 2017. The Suburban Land Agency was established to deliver greenfield development and encourage and promote urban renewal outside the defined precinct of the City Renewal Authority. In order to meet its responsibilities, the agency provides me with a report after the end of each quarter on any land acquired by the agency during that quarter under the City Renewal Authority and Suburban Land Agency Act 2017 or the Planning and Development Act 2007, providing any valuations and any other information prescribed by the regulation. The Suburban Land Agency has provided me with its quarterly land acquisitions report for the period 1 April to 30 June 2018. During the reporting period the agency acquired two properties.

These acquisitions complete the contracts that were transferred to the Suburban Land Agency under the transitional provisions from the former Land Development Agency. These contracts were detailed in the Financial Management (Land Development Agency transfer to Suburban Land Agency) Declaration, Schedule 2, Contracts for the Purchase of Land. This was a notifiable instrument under the Financial Management Act 1996.

As I indicated in my tabling of the first quarterly acquisitions report, strategic acquisitions of privately held leases of land, including parcels reported this quarter, are required to support future development for future generations. The sites acquired in this quarter provide land to facilitate improved security of electricity infrastructure for the ACT through the establishment of a second power supply. The electrical sub-station project and associated easements will be delivered by TransGrid. This project will ensure that we can meet the needs of new residential areas, including the Ginninderry development, and ensure that an alternative supply is available to the ACT.

The land will also allow for the development of a water reservoir and associated water mains to be constructed by Icon Water, which will provide the future water supply requirements of Ginninderry and surrounding areas. I commend the report to the Assembly.

### **Chief Health Officer's report 2018 Paper and statement by minister**

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (3.32): For the information of members, I present the following paper:

Public Health Act, pursuant to subsection 10(3)—ACT Chief Health Officer's Report 2018—Healthy Canberra.

I seek leave to make a statement in relation to the paper.

Leave granted.

**MS FITZHARRIS:** Today I am very pleased to table *Healthy Canberra: Australian Capital Territory Chief Health Officer's Report 2018*, and I welcome the Chief Health Officer to the Assembly. By way of introduction, the Chief Health Officer's report is published every two years to provide information about the health and wellbeing of the ACT population. This report provides a wealth of information to inform government and our community by identifying health trends and emerging issues.

This 2018 report covers the period 1 July 2014 to 30 June 2016 and has been prepared as required under section 10 of the Public Health Act 1997. The data utilised in this report is the most recent available for all indicators and measures presented. Data was sourced from a variety of ACT and national databases, including administrative and surveillance data, cross-sectional and longitudinal surveys and data registries. The

lead time for many data collections to be published can be up to two years due to the complexity of the collection and coding methods, cleaning process and validity checks, and a number of collections, such as surveys, are not undertaken every year.

The healthy Canberra report focuses on priority health issues that cause the greatest burden of disease, are preventable and are fundamental to good health. This report is divided into four parts: healthy city, healthy weight, healthy lifestyles and healthy people—acknowledging the importance of our environments and lifestyles on our health. The report is part of a suite of data and information products, including the HealthStats ACT website and short, targeted “focus on” health topic reports.

The data tells us that overall there is much to be proud of in our collaborative and sustained efforts to create a healthy Canberra. This is something that we should celebrate. We frequently perceive health as the provision of health care, but what shapes how long and how well we live is less about what happens in the hospital and more about where we live, the availability of resources in our communities, the fresh produce we have access to and the air we breathe. In Canberra, everyone should be able to live, work and play in environments that allow them to thrive and to live long and healthy lives.

First, let us look at what the data tells us about the health of Canberrans today. Canberrans have a healthy city. This is something worth celebrating and protecting. The ACT has excellent ambient air quality on most days. However, this is something that we cannot take for granted. Smoke from fires, both within our borders and beyond, as well as atmospheric conditions that could lead to thunderstorm asthma, can pose a threat to health.

We have a world-class system for measuring and reporting air quality, as well as warning the public of hazardous atmospheric conditions that may affect their health. The AirRater app, introduced in August last year, provides Canberrans with real-time geographically specific information on air pollutants, pollen and temperature in the ACT. It provides free and practical advice to Canberrans with asthma, hay fever and other lung conditions, allowing them to modify their behaviours to avoid symptoms. We already have 919 Canberrans taking part.

In the ACT we are fortunate to enjoy high quality drinking water and health protection systems to prevent waterborne disease, such as regular recreational water monitoring. We also now have increased access to high quality drinking water, with the ACT government water on tap initiative improving the availability of free drinking water in public places, with 41 fixed water units installed at various sporting fields and public spaces across the ACT. People are changing their behaviour, as they feel encouraged to refill their water bottles, with positive benefits for health and our environment.

It can be easy to forget that food can be potentially dangerous if not handled or prepared correctly. During 2015 and 2016, there were 15 foodborne or suspected foodborne outbreaks in the ACT, affecting 194 people. Ten of these people were hospitalised in order to receive treatment. The best food safety system can fail and the increasingly complex nature of the origins of our food, food supply and processing, as

well as food preparation and storage, require continued efforts to protect us from foodborne illness.

To protect our healthy city, we must look to the future. Climate change is one of the most complex issues facing us today. In the words of the World Health Organisation's director-general, it is the defining health issue of the 21st century. Climate change affects us all, but the impacts of climate change are disproportionately felt by the most disadvantaged in our communities. Children, the elderly, the socio-economically disadvantaged and those with pre-existing medical problems are particularly vulnerable.

In regard to healthy weight, the evidence is clear. Obesity is not simply a matter of personal responsibility, and leaving it to individuals alone will not fix this issue. For Canberrans to live long, healthy and productive lives, we need to create a city where the healthy choice is the easy choice. The domains of healthy weight, healthy eating habits and active lifestyles are three essential areas most likely to reduce our risk of chronic disease and early death, and to reduce increasing costs to our health system.

Despite the scale of the challenge, this report highlights a number of key achievements of this government. The ACT continues to be recognised as a leader in preventive health, most recently with regard to its whole-of-government efforts under the healthy weight initiative, which has focused on addressing the main drivers of overweight and obesity and which has achieved important improvements in risk factors, especially for children.

The report shows us that children are eating enough fruit and, excitingly, the percentage of children aged 5 to 15 years consuming sugar-sweetened beverages in the ACT is continuing to trend down. In 2010, 42 per cent of children consumed at least two sweetened drinks per week, with that number falling to 23 per cent in 2016.

As a result of coordinated and sustained efforts to encourage students to travel actively to and from school, including ride or walk to school and the active streets for schools programs, we are seeing increases in the proportion of children walking and cycling to school. Ride or walk to school has reached more than 31,500 students in 68 primary schools and has seen the proportion of students participating in the program, using active travel at least once a week, increase from 58 to 65 per cent. By incorporating active living principles into the Territory Plan, we are shaping tomorrow's city so that it will promote active lifestyles for everyone.

While these systemic changes take time, our collective efforts are gaining momentum and starting to pay off. Surveys conducted over the past decade have reported that at least one in five children in the ACT are overweight or obese. While the latest figures for 2015-16 suggest a downward trend, the survey estimates tend to fluctuate in the ACT due to our small population. The trend in future years will be closely monitored to see if it continues downward and reaches significance.

While children's weight appears to be improving, other challenges to healthy weight remain. Overall, the percentage of adults classified as overweight or obese remains stable at 63.5 per cent. However, for Canberrans aged 45-54, more than seven in 10

were overweight or obese. Longitudinal data show us that not only do Canberrans tend to put on weight as they age; there is also an increase between generations in body mass index.

This highlights the importance of instilling healthy habits from a young age, as children who are obese are more likely to continue so throughout their lifetime. Based on waist circumference, more than half of all ACT males and two-thirds of ACT females aged 18 years and over were at increased, or substantially increased, risk of developing chronic diseases such as heart disease and type 2 diabetes.

Vegetable consumption remains low for all Canberrans, with only one in 10 men and women, or to be precise 7.1 per cent and 13.6 per cent respectively, consuming the recommended five serves of vegetables per day. Our food environment and food marketing still make it easy to choose unhealthy foods and healthy eating messages can get crowded out. We still have a way to go and we still need to eat more veggies.

We know that lifestyle risk behaviours, including smoking, drinking alcohol, unsafe sex and illicit drug use are responsible for a large proportion of disease burden in the ACT. Individuals frequently make choices that impact their health. However, it is important to recognise that these health behaviours do not occur in a vacuum but are influenced by a complex interplay of factors. Reducing risk behaviours requires collaboration across multiple government and community sectors.

We have made excellent gains on smoking overall, with the daily smoking rate more than halving, from 22.5 per cent in 1998 to 9.5 per cent in 2016. However, it remains the leading contributor to the burden of disease in the ACT and there are pockets within the ACT community where smoking rates remain stubbornly high. These pockets include people with a mental illness, those with drug or alcohol dependencies, imprisoned people, the homeless, and those who identify as Aboriginal and Torres Strait Islander.

Canberrans want to reduce tobacco-related problems, and the ACT government has been working actively over a number of years to prevent the uptake of smoking and reduce the harms to the community from tobacco use. In recent years, the ACT government has taken action to limit the harmful effects of passive smoking and to reduce the exposure of children and young people to role-model smoking.

The government has done the following to limit effect of these. Specifically, in March 2016 the Smoke-Free Public Places Act 2003 was amended to allow for the establishment of new smoke-free public places and events by ministerial declaration. In September 2016, play spaces managed by the ACT government were declared smoke and vape-free. In October 2017, public transport waiting areas were declared smoke and vape-free. Smoke-free policies are also in place in the ACT in the grounds of many major facilities, including all hospitals and ACT Health facilities, ACT government schools, all tertiary institutions, the GIO Stadium and Manuka Oval.

Risky alcohol consumption remains a continuing issue for the ACT and Australia as a whole. However, we are seeing some declines in the proportion of the ACT population aged 14 years and over who drank alcohol at levels considered risky

over a lifetime. This has dropped from 22 per cent in 2013 to 14.3 per cent in 2016. Of particular concern was that men were three times more likely than women to drink alcohol at levels that put them at risk of lifetime harm.

The healthy Canberra report shows, similarly to the rest of Australia, that pharmaceutical abuse and misuse is fast becoming an area of public health concern. To combat these harms, the ACT government implemented the drugs and poisons information system in 2014 to monitor the prescribing of controlled medicines to enable early intervention and to prevent harm. Legislation passed by the government just a few months ago will see a new online prescription monitoring tool, known as DORA. It will be introduced to assist doctors and pharmacists with their clinical decision-making.

To guide our response to these challenges, the government is developing a new drug strategy action plan covering the years 2018 to 2021, which is expected to be released later this year. The plan is aligned to the national drug strategy and aims to build safe, healthy and resilient communities. It will do this through preventing and minimising alcohol, tobacco and other drug-related health, social, cultural and economic harms among individuals, families and communities.

In line with the national strategy, the ACT government will focus on harm minimisation taking a three-pillared approach that includes demand reduction, supply reduction and harm reduction. This approach will aim to prevent uptake and delay in first use; reduce harmful use and support people to recover; restrict availability and access to alcohol, tobacco and other drugs to prevent and reduce problems; and encourage safer behaviours and reduce preventable risk factors.

The healthy Canberra report also shows that, consistent with trends across Australia, there has been a steady increase in chlamydia and gonorrhoea rates, with the highest number of notifications being detected amongst the 20 to 29-year-old age group. Careful monitoring is needed in order to be able to respond to new public health trends and threats. I welcome this morning's recommendation from the estimates committee in this regard, and particularly Ms Cheyne's very useful questions during the estimates committee hearing, to discuss an issue which is not normally raised in public debate. We look forward to responding to the estimates committee report.

I am proud to say that this report reminds us that people in the ACT enjoy one of the highest life expectancies in the world and can also expect to live many of those years in good health. Life expectancy at birth was 81.2 years for men and 85.1 years for women. Men can expect to live 72.3 years in good health, while for women that figure was 74.6 years. Population health initiatives aim to ensure that the period lived in good health is as long as possible.

However, not all Canberrans are as healthy as they could be, with chronic disease now causing most of the poor health and premature disease in the ACT. Similar to national rates, roughly half of all adults reported having a long-term health condition such as arthritis, cancer, diabetes, mental illness or heart disease. Once established, these conditions, illnesses and diseases often remain throughout a person's life and require long-term management by health professionals.

Many of these chronic diseases share common risk factors that are generally preventable, such as tobacco use, poor diet, high body mass index, alcohol use, high blood pressure and physical inactivity. Reducing these common and overlapping risk factors will be an effective means to improve our health outcomes and reduce the burden on our health system.

Mental illness is a leading cause of chronic disease in the ACT, with anxiety disorders and depressive disorders contributing to 5.1 per cent and 2.7 per cent of the burden of disease respectively. Of particular concern are the higher rates of anxiety in the ACT in comparison to the rest of Australia, accounting for 5.1 per cent of the burden of disease in comparison to 3.1 per cent nationally.

Also of concern is the increase in hospitalisations for self-harm amongst young people aged 10 to 24 years, with this group making up almost half of those hospitalised for self-harm. Many Canberrans will experience a mental illness at some stage in their life, and this can affect people's lives, depending on the level of severity, from mild impairment to disabling impacts requiring health care.

Early intervention, or ideally prevention, can have significant and life-changing positive consequences for a person's mental health. It is important to measure health and wellbeing at key development points across the lifespan. Children in the ACT receive a comprehensive health check in kindergarten and the health of children is surveyed in year 6. A new enhanced year 7 health check will commence in early 2019. The new health check presents an opportunity for early intervention with children as they enter high school.

Finally, we need to shift our focus from disease to wellbeing. I am proud that this report moves towards capturing data for the first time on measures of wellbeing. Considerably more is known about mental illness than about mental wellbeing. However, I would like to conclude with some positive news from the PATH through life study from the ANU. It shows that for today's Canberrans our emotional health has increased, for both men and women, as we have grown older.

I have outlined here just some of the key findings in the healthy Canberra report. This includes examples of the ACT government's initiatives to address these population-based health issues. There is much to be proud of in this report, but our work is not yet done in shaping our city, programs and services towards better health for all.

The path to a healthier Canberra requires collaboration and connecting our efforts across the health sector, across government and in partnership with academics, industry, community organisations and individuals. Working together and pooling knowledge, skills and resources, we have the best chance of delivering a sustained and comprehensive approach to Canberra's health challenges.

The government is committed to working with our directorates and partners and the broader community to deliver on this. I would like to thank very much Dr Paul Kelly and his team in the health improvement branch for preparing this report. I commend

the *Healthy Canberra: Australian Capital Territory Chief Health Officer's Report 2018* to the Assembly.

### **Call-in powers—block 15 section 15, Griffith Paper and statement by minister**

**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) (3.48): For the information of members, I present the following paper:

Planning and Development Act, pursuant to subsection 161(2)—Statement by Minister—Call-in powers—Development application No 201731693—Block 15 section 15 Griffith, dated 30 July 2018.

I seek leave to make a statement.

Leave granted.

**MR GENTLEMAN:** I wish to make a statement concerning my decision to approve a development application in December 2017 for the construction of a broadcasting and media facility at Manuka Oval and related works. I take the opportunity to remind members that the development application sought approval for the construction of a broadcasting and media facility at the southern end of Manuka Oval, landscaping, fencing, off-site works, removal of a regulated tree, and other associated works on block 15 section 15, Griffith.

I used my call-in powers in this instance because I considered the proposal would provide a substantial public benefit, particularly to enhance Manuka Oval but also to benefit the wider Canberra community. Before deciding on the application, I gave consideration to the relevant statutory and policy requirements; advice received from entities and agencies; and public representations. Following my decision to call this development application in and consider it myself, I granted the development approval on 11 December 2017.

The Planning and Development Act, specifically section 161(2), requires a statement to be tabled in the Assembly about such call-in decisions. The relevant statement must be presented within three sitting days of the decision on the development application. It is with regret that I inform members that on this occasion, due to an administrative oversight by the Environment, Planning and Sustainable Development Directorate, the required statement has not been made. The directorate brought this oversight to my attention last week and I now seek to correct it at the first available opportunity.

I have presented the required statement about my decision, and in doing so I recognise that the delay in presenting this statement, albeit an oversight, does not affect the validity of my decision. I also remind members that the result of my decision was widely reported in the media and has been publicly known for some time.

The statement I have just tabled provides a description of the development, details of the land where the development is proposed to take place, the name of the applicant, details of my decision on the application, reasons for the decision, and community consultation undertaken by the proponent.

I thank members for their time on this matter and reiterate my regret at the delay in presenting this statement. In closing, I affirm my view that the newly enhanced broadcasting and media facility at Manuka Oval will contribute to the diverse recreational needs of our residents, meet the expectations of visitors to our city and further connect our city and community to a much wider audience nationally and internationally.

## **Paper**

**Mr Gentleman** presented the following paper:

Planning and Development Act, pursuant to subsection 242(2)—Statement of leases granted for the period 1 April to 30 June 2018, dated August 2018.

## **Auditor-General's report No 5 of 2018—government response Paper and statement by minister**

**MR RAMSAY** (Ginninderra—Attorney-General, Minister for Regulatory Services, Minister for the Arts and Community Events and Minister for Veterans and Seniors) (3.52): For the information of members, I present the following paper:

Auditor-General Act, pursuant to subsection 21(2)—Auditor-General's Report No 5/2018—ACT clubs' community contributions—Government response.

I seek leave to make a statement.

Leave granted.

**MR RAMSAY:** The Auditor-General presented report No 5 of 2018 on ACT clubs' community contributions to the Speaker on 27 April 2018, and the report was tabled in this place on 8 May. The objective of the audit was to report on the effectiveness of the ACT Gambling and Racing Commission's regulation of ACT clubs' community contributions.

Matters reviewed by the Auditor-General included the ACT Gambling and Racing Commission's activities to oversee, monitor and regulate ACT clubs and the community contributions made by the clubs. This included consideration of the commission's activities to provide policy or administrative guidance, to regulate clubs' compliance with legislative requirements, and to review or evaluate the benefits of clubs' community contributions.

On 5 July this year I presented to the Speaker the ACT government response to the Auditor-General's report for distribution to members of this chamber out of session,

and today I table that government response. The Auditor-General made eight recommendations. Those recommendations show that there is more work to do in ensuring the transparency of our community contributions scheme, and that we can do better when it comes to providing rules and regulations for clubs.

The government has taken on board the Auditor-General's findings and has agreed to six recommendations, agreed in principle to one recommendation and noted one recommendation. This month the government will be delivering on its commitment to ensure that our gambling industry is focused on harm minimisation and is regulated in a way that serves people in our community.

Independent of, and prior to, the Auditor-General's report, this government committed to review the current community contributions scheme. That review has commenced, and the Justice and Community Safety Directorate is now directly engaged with industry and community groups.

The directorate wants to hear from stakeholders in relation to what is good about the current scheme as well as the areas in which it might be enhanced or improved. That feedback, along with the Auditor-General's report, along with reports commissioned by the public service and along with reports commissioned by the GRC, will help the government to deliver improvements to the community contributions scheme.

The government response that I am tabling today makes clear that this government will be delivering more robust regulation of the gambling industry. This response is one part of a more comprehensive, broad-ranging effort to deliver stronger harm minimisation and greater transparency in the industry.

This sitting month we will be delivering a suite of new policies. These include the findings of the ACT club industry diversification support analysis. That piece of work is the foundation for achieving a reduction from 5,000 to 4,000 gaming machine authorisations. The suite also includes reforms to strengthen the territory's gambling harm minimisation rules. These reforms will address issues arising from the gambling harm minimisation round tables and the outcomes of the investigation into the Raiders club in Belconnen in relation to Professor Laurie Brown's complaint.

We are going to reform the gambling and racing code of practice. The purpose of that reform will be to ensure that our regulators have the tools that they need to enforce our harm minimisation rules. The suite also includes the outcomes review of the community contributions scheme and the work that the government will be doing to ensure that this scheme is delivering for the community.

The government will continue to ensure that our legislative framework is robust and is focused on people. Our gambling industry regulations are in place to ensure that first and foremost our community is protected against gambling harm. Those regulations also ensure that the industry delivers real, direct benefits to the community and serves to support people and organisations.

This response to the Auditor-General's report is another example of our commitment to a more robust, community-focused approach to the gambling industry. We will

keep responding to the latest evidence about harm minimisation and to our community's clear and unambiguous calls for stronger and more robust regulations, and continue to protect against gambling harm. The government will deliver effective initiatives that prevent gambling harm and will ensure the club industry continues to make a valuable contribution to the ACT community.

## Papers

**Mr Gentleman** presented the following papers:

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

Legislation Act, pursuant to section 64—

Adoption Act—Adoption (Fees) Determination 2018 (No 1)—Disallowable Instrument DI2018-182 (LR, 25 June 2018).

Agents Act—Agents (Fees) Determination 2018—Disallowable Instrument DI2018-138 (LR, 21 June 2018).

Animal Welfare Act—Animal Welfare (Fees) Determination 2018 (No 1)—Disallowable Instrument DI2018-178 (LR, 21 June 2018).

Architects Act—Architects (Fees) Determination 2018—Disallowable Instrument DI2018-155 (LR, 25 June 2018).

Associations Incorporation Act—Associations Incorporation (Fees) Determination 2018—Disallowable Instrument DI2018-188 (LR, 28 June 2018).

Births, Deaths and Marriages Registration Act—Births, Deaths and Marriages Registration (Fees) Determination 2018—Disallowable Instrument DI2018-140 (LR, 21 June 2018).

Blood Donation (Transmittable Diseases) Act—Blood Donation (Transmittable Diseases) Blood Donor Form 2018 (No 1)—Disallowable Instrument DI2018-211 (LR, 19 July 2018).

Board of Senior Secondary Studies Act—Board of Senior Secondary Studies Appointment 2018 (No 3)—Disallowable Instrument DI2018-119 (LR, 4 June 2018).

Building Act—Building (Fees) Determination 2018—Disallowable Instrument DI2018-156 (LR, 25 June 2018).

Building and Construction Industry Training Levy Act and Financial Management Act—

Building and Construction Industry Training Levy (Governing Board) Appointment 2018 (No 1)—Disallowable Instrument DI2018-148 (LR, 21 June 2018).

Building and Construction Industry Training Levy (Governing Board) Appointment 2018 (No 2)—Disallowable Instrument DI2018-149 (LR, 21 June 2018).

Building and Construction Industry Training Levy (Governing Board) Appointment 2018 (No 3)—Disallowable Instrument DI2018-150 (LR, 21 June 2018).

Building and Construction Industry Training Levy (Governing Board) Appointment 2018 (No 4)—Disallowable Instrument DI2018-151 (LR, 21 June 2018).

Building and Construction Industry Training Levy (Governing Board) Appointment 2018 (No 5)—Disallowable Instrument DI2018-152 (LR, 25 June 2018).

Canberra Institute of Technology Act and Financial Management Act—

Canberra Institute of Technology (Institute Board Chair) Appointment 2018—Disallowable Instrument DI2018-203 (LR, 29 June 2018).

Canberra Institute of Technology (Institute Board Deputy Chair) Appointment 2018—Disallowable Instrument DI2018-204 (LR, 29 June 2018).

Canberra Institute of Technology (Institute Board Member) Appointment 2018 (No 1)—Disallowable Instrument DI2018-205 (LR, 29 June 2018).

Canberra Institute of Technology (Institute Board Member) Appointment 2018 (No 2)—Disallowable Instrument DI2018-206 (LR, 29 June 2018).

Casino Control Act—Casino Control (Fees) Determination 2018—Disallowable Instrument DI2018-196 (LR, 28 June 2018).

Cemeteries and Crematoria Act—Cemeteries and Crematoria (Public Cemetery Fees) Determination 2018 (No 1)—Disallowable Instrument DI2018-134 (LR, 14 June 2018).

Children and Young People Act—Children and Young People (Care and Protection Organisation) Guidelines 2018 (No 1)—Disallowable Instrument DI2018-124 (LR, 14 June 2018).

Civil Law (Wrongs) Act—Civil Law (Wrongs) Professional Standards Council Appointment 2018 (No 5)—Disallowable Instrument DI2018-123 (LR, 14 June 2018).

Classification (Publications, Films and Computer Games) (Enforcement) Act—Classification (Publications, Films and Computer Games) (Enforcement) (Fees) Determination 2018—Disallowable Instrument DI2018-142 (LR, 21 June 2018).

Climate Change and Greenhouse Gas Reduction Act—

Climate Change and Greenhouse Gas Reduction (Climate Change Council Chair) Appointment 2018 (No 1)—Disallowable Instrument DI2018-105 (LR, 29 May 2018).

Climate Change and Greenhouse Gas Reduction (Climate Change Council Member) Appointment 2018 (No 1)—Disallowable Instrument DI2018-100 (LR, 29 May 2018).

Climate Change and Greenhouse Gas Reduction (Climate Change Council Member) Appointment 2018 (No 2)—Disallowable Instrument DI2018-101 (LR, 29 May 2018).

Climate Change and Greenhouse Gas Reduction (Climate Change Council Member) Appointment 2018 (No 3)—Disallowable Instrument DI2018-102 (LR, 29 May 2018).

Climate Change and Greenhouse Gas Reduction (Climate Change Council Member) Appointment 2018 (No 4)—Disallowable Instrument DI2018-103 (LR, 29 May 2018).

Climate Change and Greenhouse Gas Reduction (Climate Change Council Member) Appointment 2018 (No 5)—Disallowable Instrument DI2018-104 (LR, 29 May 2018).

Clinical Waste Act—Clinical Waste (Fees) Determination 2018—Disallowable Instrument DI2018-141 (LR, 25 June 2018).

Community Title Act—Community Title (Fees) Determination 2018—Disallowable Instrument DI2018-159 (LR, 25 June 2018).

Construction Occupations (Licensing) Act—Construction Occupations (Licensing) (Fees) Determination 2018—Disallowable Instrument DI2018-160 (LR, 25 June 2018).

Co-operatives National Law (ACT) Act—Co-operatives National Law (ACT) (Fees) Determination 2018—Disallowable Instrument DI2018-143 (LR, 21 June 2018).

Court Procedures Act—Court Procedures (Fees) Determination 2018—Disallowable Instrument DI2018-209 (LR, 29 June 2018).

Dangerous Goods (Road Transport) Act—Dangerous Goods (Road Transport) Fees and Charges Determination 2018—Disallowable Instrument DI2018-114 (LR, 4 June 2018).

Dangerous Substances Act—Dangerous Substances (Fees) Determination 2018—Disallowable Instrument DI2018-109 (LR, 4 June 2018).

Domestic Animals Act—Domestic Animals (Fees) Determination 2018 (No 2)—Disallowable Instrument DI2018-175 (LR, 21 June 2018).

Duties Act, Rates Act, Land Rent Act and Land Tax Act—Rates, Land Tax and Land Rent and Duties (Certificate and Statement Fees) Determination 2018 (No 1)—Disallowable Instrument DI2018-181 (LR, 25 June 2018).

Electoral Act—Electoral (Fees) Determination 2018—Disallowable Instrument DI2018-106 (LR, 29 May 2018).

Electricity Safety Act—Electricity Safety (Fees) Determination 2018—Disallowable Instrument DI2018-161 (LR, 25 June 2018).

Emergencies Act—

Emergencies (Fees) Determination 2018—Disallowable Instrument DI2018-135 (LR, 18 June 2018).

Emergencies (Security and Emergency Management Senior Officials Group) Appointment 2018 (No 1)—Disallowable Instrument DI2018-121 (LR, 7 June 2018).

Environment Protection Act—Environment Protection (Fees) Determination 2018—Disallowable Instrument DI2018-162 (LR, 25 June 2018).

Firearms Act—Firearms (Fees) Determination 2018—Disallowable Instrument DI2018-136 (LR, 18 June 2018).

Fisheries Act—Fisheries (Fees) Determination 2018—Disallowable Instrument DI2018-163 (LR, 25 June 2018).

Freedom of Information Act—Freedom of Information (Fees) Determination 2018—Disallowable Instrument DI2018-197 (LR, 28 June 2018).

Gambling and Racing Control Act and Financial Management Act—Gambling and Racing Control (Governing Board) Appointment 2018 (No 2)—Disallowable Instrument DI2018-122 (LR, 14 June 2018).

Gaming Machine Act—Gaming Machine (Fees) Determination 2018—Disallowable Instrument DI2018-193 (LR, 28 June 2018).

Gas Safety Act—Gas Safety (Fees) Determination 2018—Disallowable Instrument DI2018-164 (LR, 25 June 2018).

Guardianship and Management of Property Act—Guardianship and Management of Property (Fees) Determination 2018—Disallowable Instrument DI2018-198 (LR, 28 June 2018).

Health Act—Health (Fees) Determination 2018 (No 1)—Disallowable Instrument DI2018-153 (LR, 29 June 2018).

Heritage Act—Heritage (Fees) Determination 2018—Disallowable Instrument DI2018-165 (LR, 25 June 2018).

Juries Act—Juries (Payment) Determination 2018—Disallowable Instrument DI2018-184 (LR, 28 June 2018).

Land Titles Act—Land Titles (Fees) Determination 2018—Disallowable Instrument DI2018-189 (LR, 28 June 2018).

Legal Aid Act—Legal Aid (Review Committee Panels) Appointment 2018 (No 2)—Disallowable Instrument DI2018-174 (LR, 21 June 2018).

Legislative Assembly (Members' Staff) Act—

Legislative Assembly (Members' Staff) Members' Salary Cap Determination 2018 (No 1)—Disallowable Instrument DI2018-185 (LR, 28 June 2018).

Legislative Assembly (Members' Staff) Speaker's Salary Cap Determination 2018 (No 1)—Disallowable Instrument DI2018-187 (LR, 28 June 2018).

Liquor Act—Liquor (Fees) Determination 2018—Disallowable Instrument DI2018-190 (LR, 28 June 2018).

Lotteries Act—Lotteries (Fees) Determination 2018 (No 1)—Disallowable Instrument DI2018-115 (LR, 4 June 2018).

Machinery Act—Machinery (Fees) Determination 2018—Disallowable Instrument DI2018-110 (LR, 7 June 2018).

Magistrates Court Act—Magistrates Court (Domestic Animals Infringement Notices) Amendment Regulation 2018 (No 1)—Subordinate Law SL2018-12 (LR, 29 June 2018).

Nature Conservation Act—

Nature Conservation (Fees) Determination 2018—Disallowable Instrument DI2018-98 (LR, 24 May 2018).

Nature Conservation (Fees) Determination 2018 (No 2)—Disallowable Instrument DI2018-166 (LR, 25 June 2018).

Nature Conservation (Scientific Committee) Appointment 2018—Disallowable Instrument DI2018-212 (LR, 3 July 2018).

Official Visitor Act—Official Visitor (Mental Health) Appointment 2018 (No 1)—Disallowable Instrument DI2018-139 (LR, 22 June 2018).

Partnership Act—Partnership (Fees) Determination 2018—Disallowable Instrument DI2018-191 (LR, 28 June 2018).

Planning and Development Act—Planning and Development (Fees) Determination 2018—Disallowable Instrument DI2018-167 (LR, 25 June 2018).

Prostitution Act—Prostitution (Fees) Determination 2018—Disallowable Instrument DI2018-144 (LR, 21 June 2018).

Public Place Names Act—

Public Place Names (Strathnairn) Determination 2018—Disallowable Instrument DI2018-99 (LR, 24 May 2018).

Public Place Names (Taylor) Determination 2018 (No 2)—Disallowable Instrument DI2018-213 (LR, 9 July 2018).

Public Place Names (Throsby) Determination 2018—Disallowable Instrument DI2018-214 (LR, 9 July 2018).

Public Sector Management Act—

Public Sector Management (Transitional Provisions) Regulation 2018—Subordinate Law SL2018-10 (LR, 27 June 2018).

Public Sector Management Amendment Standards 2018 (No 1)—Disallowable Instrument DI2018-201 (LR, 28 June 2018).

Public Trustee and Guardian Act—Public Trustee and Guardian (Fees) Determination 2018—Disallowable Instrument DI2018-199 (LR, 28 June 2018).

Public Unleased Land Act—Public Unleased Land (Fees) Determination 2018 (No 1)—Disallowable Instrument DI2018-173 (LR, 21 June 2018).

Race and Sports Bookmaking Act—Race and Sports Bookmaking (Fees) Determination 2018—Disallowable Instrument DI2018-194 (LR, 28 June 2018).

Rates Act and Taxation Administration Act—Taxation Administration (Amounts Payable—Rates) Determination 2018 (No 1)—Disallowable Instrument DI2018-172 (LR, 25 June 2018).

Registration of Deeds Act—Registration of Deeds (Fees) Determination 2018—Disallowable Instrument DI2018-145 (LR, 21 June 2018).

Retirement Villages Act—Retirement Villages (Fees) Determination 2018—Disallowable Instrument DI2018-146 (LR, 21 June 2018).

Road Transport (General) Act—

Road Transport (General) (Parking Permit Fees) Determination 2018 (No 2)—Disallowable Instrument DI2018-120 (LR, 4 June 2018).

Road Transport (General) (Pay Parking Area Fees) Determination 2018 (No 2)—Disallowable Instrument DI2018-183 (LR, 28 June 2018).

Road Transport (General) Application of Road Transport Legislation Declaration 2018 (No 6)—Disallowable Instrument DI2018-107 (LR, 25 May 2018).

Road Transport (General) Concession Determination 2018 (No 1)—Disallowable Instrument DI2018-131 (LR, 14 June 2018).

Road Transport (General) Driver Licence and Related Fees Determination 2018 (No 1)—Disallowable Instrument DI2018-126 (LR, 14 June 2018).

Road Transport (General) Fees for Publications Determination 2018 (No 1)—Disallowable Instrument DI2018-129 (LR, 14 June 2018).

Road Transport (General) Numberplate Fees Determination 2018 (No 2)—Disallowable Instrument DI2018-127 (LR, 14 June 2018).

Road Transport (General) Refund and Dishonoured Payments Fees Determination 2018 (No 1)—Disallowable Instrument DI2018-128 (LR, 14 June 2018).

Road Transport (General) Vehicle Registration and Related Fees Determination 2018 (No 2)—Disallowable Instrument DI2018-125 (LR, 14 June 2018).

Road Transport (General) Act, Road Transport (Safety and Traffic Management) Act and Road Transport (Vehicle Registration) Act—Road Transport Legislation Amendment Regulation 2018 (No 1)—Subordinate Law SL2018-11 (LR, 28 June 2018).

Road Transport (Public Passenger Services) Act—Road Transport (Public Passenger Services) Taxi Licence Waiting List Exemption 2018—Disallowable Instrument DI2018-216 (LR, 11 July 2018).

Road Transport (Safety and Traffic Management) Regulation 2017—Road Transport (Safety and Traffic Management) Parking Authority Declaration 2018 (No 1)—Disallowable Instrument DI2018-210 (LR, 29 June 2018).

Scaffolding and Lifts Act—Scaffolding and Lifts (Fees) Determination 2018—Disallowable Instrument DI2018-111 (LR, 4 June 2018).

Security Industry Act—Security Industry (Fees) Determination 2018—Disallowable Instrument DI2018-192 (LR, 28 June 2018).

Stock Act—

Stock (Fees) Determination 2018—Disallowable Instrument DI2018-154 (LR, 25 June 2018).

Stock (Levy) Determination 2018—Disallowable Instrument DI2018-158 (LR, 25 June 2018).

Stock (Minimum Stock Levy) Determination 2018—Disallowable Instrument DI2018-157 (LR, 25 June 2018).

Surveyors Act—Surveyors (Fees) Determination 2018—Disallowable Instrument DI2018-168 (LR, 25 June 2018).

Taxation Administration Act—

Taxation Administration (Amounts Payable—Duty) Determination 2018 (No 1)—Disallowable Instrument DI2018-116 (LR, 4 June 2018).

Taxation Administration (Amounts Payable—Home Buyer Concession Scheme) Determination 2018 (No 1)—Disallowable Instrument DI2018-117 (LR, 4 June 2018).

Taxation Administration (Amounts Payable—Land Rent) Determination 2018 (No 1)—Disallowable Instrument DI2018-180 (LR, 25 June 2018).

Taxation Administration (Amounts Payable—Land Tax) Determination 2018 (No 1)—Disallowable Instrument DI2018-179 (LR, 25 June 2018).

Taxation Administration (Amounts Payable—Pensioner Duty Concession Scheme) Determination 2018 (No 1)—Disallowable Instrument DI2018-118 (LR, 4 June 2018).

Traders (Licensing) Act—Traders (Licensing) (Fees) Determination 2018—Disallowable Instrument DI2018-147 (LR, 21 June 2018).

Tree Protection Act—Tree Protection (Fees) Determination 2018 (No 1)—Disallowable Instrument DI2018-177 (LR, 21 June 2018).

Unit Titles (Management) Act—Unit Titles (Management) (Fees) Determination 2018—Disallowable Instrument DI2018-200 (LR, 28 June 2018).

Unit Titles Act—Unit Titles (Fees) Determination 2018—Disallowable Instrument DI2018-169 (LR, 25 June 2018).

Unlawful Gambling Act—Unlawful Gambling (Charitable Gaming Application Fees) Determination 2018—Disallowable Instrument DI2018-195 (LR, 28 June 2018).

Utilities (Technical Regulation) Act—

Utilities (Technical Regulation) (ACT Dam Safety Code) Approval 2018, including a regulatory impact statement—Disallowable Instrument DI2018-202 (LR, 28 June 2018).

Utilities (Technical Regulation) (Electricity Powerline Vegetation Management Code) Approval 2018, including a regulatory impact statement—Disallowable Instrument DI2018-207 (LR, 29 June 2018).

Victims of Crime Regulation 2000—Victims of Crime (Fees) Determination 2018 (No 1)—Disallowable Instrument DI2018-186 (LR, 28 June 2018).

Waste Management and Resource Recovery Act—

Waste Management and Resource Recovery (Container Deposit Scheme) Amendment Regulation 2018 (No 1), including a regulatory impact statement—Subordinate Law SL2018-9 (LR, 18 June 2018).

Waste Management and Resource Recovery (Fees) Determination 2018 (No 1)—Disallowable Instrument DI2018-176 (LR, 21 June 2018).

Waste Management and Resource Recovery (Processing Refund Protocol) Determination 2018—Disallowable Instrument DI2018-208 (LR, 28 June 2018).

Water and Sewerage Act—Water and Sewerage (Fees) Determination 2018—Disallowable Instrument DI2018-170 (LR, 25 June 2018).

Water Resources Act—Water Resources (Fees) Determination 2018—Disallowable Instrument DI2018-171 (LR, 25 June 2018).

Workers Compensation Act—Workers Compensation (Fees) Determination 2018—Disallowable Instrument DI2018-112 (LR, 4 June 2018).

Work Health and Safety Act—

Work Health and Safety (Fees) Determination 2018—Disallowable Instrument DI2018-113 (LR, 4 June 2018).

Work Health and Safety (Work Safety Council Employee Representative) Appointment 2018 (No 1)—Disallowable Instrument DI2018-130 (LR, 14 June 2018).

Work Health and Safety (Work Safety Council Employee Representative) Appointment 2018 (No 2)—Disallowable Instrument DI2018-132 (LR, 14 June 2018).

Work Health and Safety (Work Safety Council Employer Representative) Appointment 2018 (No 2)—Disallowable Instrument DI2018-133 (LR, 14 June 2018).

Working with Vulnerable People (Background Checking) Act—Working with Vulnerable People Background Checking (Fees) Determination 2018 (No 1)—Disallowable Instrument DI2018-137 (LR, 18 June 2018).

## **Aboriginal and Torres Strait Islander women—achievements Discussion of matter of public importance**

**MADAM ASSISTANT SPEAKER** (Ms Lee): Madam Speaker has received letters from Miss C Burch, Ms Cheyne, Ms Cody, Mrs Dunne, Mr Hanson, 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 Cody be submitted to the Assembly for discussion, namely:

The importance of recognising the achievements of the ACT's Aboriginal and Torres Strait Islander women.

**MS CODY** (Murrumbidgee) (3.58): I put this MPI on the agenda today reflecting on NAIDOC Week, which happened since we last sat. I wish to note, at the commencement of this debate, my recognition of the traditional owners of the land on which we meet, and their elders, past and present. I also wish to highlight my respect for the rights of the Aboriginal and Torres Strait Islander peoples to organise autonomously. NAIDOC Week is not, and should not be, about what settler communities do to Indigenous communities, sometimes for good and too often for bad.

“NAIDOC” stands for National Aborigines and Islanders Day Observance Committee. It traces its origins to Aboriginal groups organising in the 1920s to increase awareness of the status and treatment of Australia's Indigenous peoples—a record of which we all should be ashamed.

As I hope everyone is aware, NAIDOC Week is the first full week in July. It is a time of celebration of Aboriginal and Torres Strait Islander history, culture and achievements. Having received the typical white Australian level of education for

someone of my age, I grew up with only the faintest ideas about these strong, vibrant, resilient, powerful cultures with which I share a land. It has been my great fortune as an adult to learn more. Most prominently, my childhood teachers who described Indigenous culture as a “were” and a “was”, along with some political leaders who do so today, perpetuated the most damaging myth of our history. Aboriginal and Torres Strait Islander people are an “are” and an “is”, and also a “will be”.

I would also like to express my admiration for the theme of NAIDOC Week this year: “Because of her, we can!” It was a terrific theme celebrating many terrific women leaders—women leaders who deserve to have their contributions acknowledged in this place. I will name a few.

Ros Brown is one of the founding members of the United Ngunnawal Elders Council, or UNEC. Ros is currently the co-chair of UNEC and was instrumental in establishing Ngunnawal healing camps, to bring reconciliation within the Ngunnawal community, and the Aboriginal and Torres Strait Islander Bush Healing Farm. In 2000 Ros was awarded a centenary medal for her work in the community and she is currently the elder-in-residence at the Ngunnawal Centre at the University of Canberra.

Louise Brown is a proud and well-respected elder of the Ngunnawal people. As a young woman Louise was one of the first Aboriginal women employed at David Jones, in reception and telephone exchange roles, breaking down stereotypes and opening doors for administration and office work for Indigenous women in the ACT.

Selina Walker is a proud Ngunnawal woman. In addition to caring for her three godsons, Selina works tirelessly with the ACT Aboriginal and Torres Strait Islander community. Selina also worked at Gugan Gulwan for nine years, undertaking a variety of roles, including most recently as the drug and alcohol worker and the operations manager. Selina currently serves on a number of steering committees, including the ACT Reconciliation Day Council. She also assists her grandmother Aunty Agnes to deliver welcome to country addresses. Selina was recognised last year as the 2017 Barnardos ACT Mother of the Year and, in true form, Selina, a selfless champion of women, accepted her award on behalf of all mums.

Katrina Fanning is a proud Wiradjuri woman from Junee, New South Wales, and has lived in the ACT for the majority of the past 26 years. During this time she has been an active community member, involved in sports and community organisations. Katrina is the current chairperson of the Aboriginal and Torres Strait Islander Elected Body. She is also the director of Coolamon Advisors, which is an Indigenous consulting firm based here in Canberra. Previously, she held senior executive roles in government, including with Centrelink, Aboriginal Hostels and the Department of Education, Employment and Workplace Relations. Her career started as a trainee in the ACT government in 1995, having worked in the Magistrates Court, sport and rec and the Chief Minister’s departments.

Following her own successful rugby league career, she has maintained involvement in the sport at a national level as a member of the NRL Indigenous Council and manager of the Indigenous Women’s All Stars team. In addition, Katrina is a board member of Marymead and the Women’s Legal Centre, and is a member of the Marist Indigenous

parents group. Previously she also held positions on the ACT NAIDOC committee, assisted in the Indigenous showcase at the Multicultural Festival, was the ACT representative on the National Aboriginal Justice Advisory Committee and president of both Canberra and Australian women's rugby league associations—not to mention a very dear friend of my father's.

Jo Chivers is a Palawa woman from Tasmania who moved to Canberra in 1993 to take up a graduate position with the Aboriginal and Torres Strait Islander Commission. Jo is a single mum of two boys aged 14 and 20 and is passionate about health, education, justice and youth issues that impact on Aboriginal and Torres Strait Islander people in the ACT. Jo is the current deputy chair of the Aboriginal and Torres Strait Islander Elected Body. In 2016 Jo was elected as ACT Labor's first Indigenous president. Jo is the chairperson of the Canberra and District NAIDOC Aboriginal Corporation and has been an ACT NAIDOC committee member for around 20 years. Jo is also a role model for other survivors of domestic violence and a mentor to Indigenous and non-Indigenous staff in the Australian public service.

Paula McGrady is a proud Kamilaroi and Goomeri person from Moree and Toomelah in mid-northern New South Wales. She currently works for Bimberi Youth Justice Centre as a family engagement officer. Prior to Bimberi, she had a long history of working in the community sector for over 15 years, working in areas of education, family and domestic violence and sexual assault, and also spent time in the community sector working with vulnerable homeless young people, both male and female. Paula is a member of the current Aboriginal and Torres Strait Islander Elected Body.

Caroline Hughes is a Ngunnawal woman, the director of the CIT Yurauna Centre and a current member of the Aboriginal and Torres Strait Islander Elected Body.

As I said, these are only a very few of the Aboriginal and Torres Strait Islander women that I could manage to mention in a very short, 10-minute speech. I acknowledge all of the Aboriginal and Torres Strait Islander women that participate in their communities. I stand here today to help celebrate their future leadership of their community and of ours. I also remind people, all of us across the ACT community, that this week's NAIDOC theme, "Because of her, we can!" is a wonderful thing that we should all live for and live by.

**MR MILLIGAN** (Yerrabi) (4.08): I thank Ms Cody for submitting this very important topic for discussion here today. We have just celebrated NAIDOC Week across Australia. This year's theme, "Because of her, we can!" highlighted the important role that Aboriginal and Torres Strait Islander women play in our Indigenous society. It was wonderful to see awards for female Indigenous leaders here in Canberra at some of the local events.

The National Museum of Australia had guided tours and talks; the National Gallery hosted a weaving class for children and held healing circle meditation courses. Perhaps one of the best events was the family day at the University of Canberra. Much like the Winnunga 30th birthday celebrations earlier this year, this was a family focused event.

During these festivities it was clear that family plays a central role for Aboriginal and Torres Strait Islander people and, within family, respect for the valued role of women is so important. These women are the mothers, the daughters, the sisters, the aunts and the elders of the Indigenous community. They may have played a vital but perhaps undervalued role in the past in terms of the way they taught and treasured Indigenous stories, songs and language, teaching their children and carrying forward the cultural heritage.

Today, more than ever, and perhaps because of the focus that NAIDOC Week now brings, society understands more and more just how vital Indigenous women are to looking after the Indigenous community. From my experience as shadow minister for Indigenous affairs, I believe it is the women within the Indigenous community that will play the strongest role in helping us to close the gap and empower future generations to reach their full potential. The influential women in the community provide excellent leadership and mentoring to future generations of leaders, showing young people the way to respect culture and each other. It is with this optimism, this hope, that I want to recognise several special local female Indigenous leaders that I have had the privilege to meet and learn from over recent years.

I believe it was very fitting that the ACT NAIDOC awards acknowledged Winnunga Nimmitjiah Aboriginal Health and Community Services CEO Julie Tongs. Julie was awarded person of the year for her work in the Canberra region. Julie has been working in Indigenous affairs for over 30 years and has been with Winnunga for over 20. Her work and reputation in the community are very much valued. I would like to thank her for her passion and commitment to Canberra's Indigenous community.

Because of Julie, and the many women she leads and inspires, local Indigenous Canberrans have access to quality health care that is culturally aware and targeted to their needs. Julie is also a passionate advocate for the Indigenous community on a range of issues, including child protection, the treatment of detainees at AMC, and restoring Boomanulla Oval to its original position as a culturally important site for Indigenous Canberrans. It is because of the hard work of women like Julie that Indigenous Canberrans have a place to go, a community service, even beyond health issues, that understands their needs. Julie's passion and drive is a source of inspiration, and I sincerely appreciate all the advice and learning she has shared with me over the years.

Another special and extremely hardworking female leader of the Indigenous community is Kim Davison, the executive director of Gugan Gulwan Aboriginal Youth Service. Gugan Gulwan means "younger brother, younger sister" and that is what the service is all about—supporting local Indigenous youth and their families. They do this by providing a range of services and programs, including youth programs, drug and alcohol support, young mums programs, education support and a range of family services, including the recent announcement of the partnership with OzChild to deliver functional family therapy.

Throughout the establishment and growth of Gugan Gulwan, Kim has been at the heart of it all. Her dedication to her community is amazing. You can tell that she sees

every child and young person as part of her extended family. The care she shows and the way she guides and leads her team to support young Indigenous people and their families is outstanding. Kim has an enormous heart, and the love and guidance she gives has played a massive role in the lives of so many young Indigenous Canberrans throughout her career.

It is women like Kim, female leaders who care deeply about the future of children and young people, that will hopefully help to turn around some of the terrible statistics we see for Indigenous families. I love meeting with Kim and having a coffee and some cake. I learn so much from her experience and can see the path she is trying to put in place for young Indigenous children.

Another outstanding female advocate and passionate community leader that I want to acknowledge is Deborah Evans. Deborah is the executive director of the Tjillari Justice Aboriginal Corporation. Tjillari is relatively new compared to Winnunga and Gugan, but it has grown since its establishment in 2014 because of the important services it provides to the local community. Tjillari provides a range of support services, case management and programs to address the toxic stress and trauma that children experience when they have a parent involved in the justice system. The service is based on the family justice model, which tries to build on and draw out the strength of families and community to manage issues associated with incarceration and, hopefully, to break the cycle of reoffending and recidivism.

I have met with Deborah on many occasions and learned about the types of programs they deliver to complement their case management activities, including simple things like cooking classes with detainees at AMC and their children. Not only are these sessions vital for bonding and maintaining a relationship with parent and child but through them Tjillari teaches traditional food practices and culture—things that are just so important to maintain the sense of community. Again, it is because of the dedication of women like Deborah that I have strong hopes for the future of the Indigenous community.

Again, I thank Ms Cody for submitting this topic and want to reaffirm how important it is to recognise the achievements of the ACT's Aboriginal and Torres Strait Islander women, and in particular their local leaders. However, I would like to add that not only should we acknowledge and celebrate the positive stories on special days and in weeks like NAIDOC but we should do it all the time, as a matter of course. The achievements of everyday women, raising families, passing on cultural knowledge, demonstrating their passion and showing Indigenous people the strength and power that they can have, contribute to these women giving great hope for the future.

Remember the theme—"Because of her, we can!" I look forward to continued celebrations and relationship building with the outstanding Indigenous women we have here in Canberra.

**MS LE COUTEUR** (Murrumbidgee) (4.16): I am pleased to stand today to discuss the importance of recognising the achievements of the ACT's Aboriginal and Torres Strait Islander women. This is very timely, and I thank Ms Cody for the motion, given the theme for the 2018 NAIDOC Week was "Because of her, we can". Throughout

NAIDOC week a number of community and other events highlighted the significant contributions of Aboriginal and Torres Strait Islanders to our community, particularly the contributions of women. The beauty of NAIDOC week is that not only is it celebrated by the Aboriginal and Torres Strait Islander community but it is also an opportunity for non-Indigenous Australians and others from all walks of life to participate in a range of activities that celebrate Aboriginal and Torres Strait Islander culture and contributions.

As we look around the ACT, women feature significantly and prominently. By far and away the majority of them are Ngunnawal. They have been mentioned by Ms Cody and Mr Milligan, and I will be repeating some of the names previous speakers talked about because they are part of the community we live in ere.

Elders welcoming to country are often women—women like Aunty Agnes Shea, Aunty Violet Sheridan, Aunty Roslyn Brown, Aunty Janette Philips and the emerging leader Serena Williams. These women are sustaining and continuing traditions that originate from the world's oldest continuous living culture. They share their stories and their culture so that we all can learn and benefit.

Of course, I must also acknowledge the contributions of Aboriginal women on the elected body, which is ably chaired by Katrina Fanning. She is assisted by three other women: Jo Chivers, Caroline Hughes and Paula McGrady. The voice of Aboriginal women is well and truly heard and represented by those four women, out of a membership of seven. Like us, there is a female majority.

All of these women are strong and they play an essential role in our community. Not only are they mothers, aunties, daughters, sisters and partners but they are leaders and role models. They are outspoken about issues such as justice, equal rights, over-incarceration and over-representation by Aboriginal and Torres Strait Islanders in the out of home care system, highlighting challenges that are faced on a daily basis by members of the Aboriginal and Torres Strait Islander community.

Many of them are caring for kin well over and above what we non-Aboriginals define as family. I have always thought we have much to learn from Aboriginal women in their generosity and their love for their extended family. Their roles as aunty and mother are much wider reaching than our white nuclear family ways of thinking about family relationships and obligations. It is because of this that their culture is sustained. It is because of this that Aboriginal and Torres Strait Islander women have a pivotal and very important role in their community. They are the backbone of family, and family is central to Aboriginal and Torres Strait Islander culture.

As we look to the winners of the ACT NAIDOC awards this year we see a significant over-representation of women as award winners. Julie Tongs from Winnunga Nimmityjah Aboriginal Health and Community Services was awarded the NAIDOC person of the year. Julie has achieved so much for local community. From its humble beginnings many years ago as a small Aboriginal-controlled health service, she has grown the health service into a large community organisation with expanded remit servicing not only the needs of many Aboriginal and Torres Strait Islanders but also the needs of non-Aboriginal people who access the service. This, of course, includes

the provision of expanded health and wellbeing services in the jail, which I understand is a national first. It is no wonder she was NAIDOC person of the year.

I also highlight the Nannies Group that won the community spirit award. The Nannies Group are grandmothers who have been advocating for the rights of their kin for decades. They are significant, both within and external to the local Aboriginal community. I have heard the local community members listen when the Nannies Group speaks. This is because they speak with the authority of life experience, and they are respected within their community.

As I said earlier, we have a lot to learn from Aboriginal and Torres Strait Islander sisters, and older women coming together as a strong united voice is just one example. They prioritise the wellbeing of families and provide leadership that cannot be refuted or ignored. They are the backbone of their family groups and of their culture.

Many other Aboriginal or Torres Strait Islander women were awarded at the NAIDOC ball, including Dhani Gilbert, the youth and scholar of the year; Thelma Weston, elder of the year; Nadine Hunt, sportsperson of the year; Vida Brown, artist of the year; Sharon Williams, female people's choice; Nicole Baker, Ms NAIDOC; and Esma Livermore, belle of the ball.

In all, 11 of the 18 awards went to women, signifying the stand-out achievements made by many of the Indigenous women in the ACT. But we should not just focus on award winners and women with a public profile; we should also think about and pay respect to everyday women who are caring for their families, who are speaking out, who come from all walks of life, and who are part of the fabric of the ACT. These women maintain the songlines and the Dreamtime stories that have existed for centuries, and they will ensure that they continue to exist well into the future.

We are fortunate and we are so lucky that Aboriginal and Torres Strait Islander women contribute and achieve so much. This city is a better place for them, and I pay my respects to them and to their elders past, present, and future.

**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) (4.23): It is a great pleasure to rise on this topic today, and I thank Ms Cody for bringing forward this matter of public importance. As Ms Cody said, it is timely for us to speak in this place to recognise the achievement of Aboriginal and Torres Strait Islander women in line with the theme of NAIDOC Week celebrated earlier this month. As Ms Cody did, I take this opportunity to acknowledge and honour the traditional custodians of this land, particularly the Ngunnawal women who have kept their families and culture strong. This is, was and always will be their land.

NAIDOC Week is an important time of the year. It is a time to reflect and to celebrate the histories, cultures and achievements of Aboriginal and Torres Strait Islander peoples. From a day of mourning and protest, it has grown to a week of national celebration. What makes NAIDOC Week special is that it is community driven. It is

not organised by governments; it is a movement by everyday Australians, both Indigenous and non-Indigenous.

This year's NAIDOC Week theme—"Because of her, we can!"—was embraced and celebrated by tens of thousands of Australians. It was incredible to see the outpouring of love, support, appreciation and recognition for Aboriginal and Torres Strait Islander women. "Because of her, we can" celebrates the individual and collective contributions and achievements of Aboriginal and Torres Strait Islander women to communities, families, histories, and cultures. Aboriginal and Torres Strait Islander women carry their Dreaming stories, songlines, languages and knowledge that has kept strong their cultures, the oldest continuing cultures on earth. They have fought and continue to fight for justice for their families and communities.

NAIDOC Week was an opportunity to celebrate Aboriginal and Torres Strait Islander women who are trailblazers, change activists, mentors and family members. Because of the achievement of Aboriginal and Torres Strait Islander women, our city, Canberra, is a better place. Canberra is a stronger community. In our city many strong Aboriginal and Torres Strait Islander women work silently behind the scenes, raising families in caring environments, pursuing careers in the public, community and private sectors, and supporting kin in times of need. We do not talk about these women and their achievements enough.

We are fortunate to have many Aboriginal and Torres Strait Islander women leaders right here in Canberra, as others have spoken about, like Katrina Fanning and Jo Chivers, chair and deputy chair of the ACT Aboriginal and Torres Strait Islander Elected Body; Ros Brown, co-chair of the United Ngunnawal Elders Council; Julie Tongs OAM, CEO of Winnunga Nimmityjah Aboriginal Health and Community Services; and Kim Davison, Executive Director of Gugan Gulwan Youth Aboriginal Corporation.

The achievements of some of Canberra's Aboriginal and Torres Strait Islander women were celebrated among the award winners at the ACT NAIDOC awards on 7 July. Thelma Watson, the ACT Nannies Group, Dhani Gilbert, and Julie Tongs OAM were all recognised with awards and have already been spoken about in this place.

Aunty Thelma was recognised as ACT elder of the year. Aunty Thelma is an incredible woman who is committed to helping her community. Now in her 80s, she still works at Winnunga Nimmityjah Aboriginal Health and Community Services. Thelma's dedication to her community is incredible. While many people might be enjoying their retirement in the sun, Aunty Thelma is out there helping her community, doing what she can for people in need. She is, no doubt, an inspiration to many, and it was a great pleasure for me to chat with Aunty Thelma at the NAIDOC Week lunch.

The ACT Nannies Group received the community spirit award. Led by Meg Huddleston and Coral King, the Nannies Group provides an opportunity for Aboriginal and Torres Strait Islander grandmothers to come together, share stories, and provide emotional and spiritual support to each other. These grandmothers have lived, worked, and raised children and grandchildren in Canberra over decades. They

have built strong connections and kinship ties with their families and communities across the ACT. Guest speakers from service providers attend their meetings, and this enables those organisations to identify service gaps through the grandmothers' feedback. These women are always looking for ways to help their families and improve outcomes for their communities.

As Ms Le Couteur has mentioned, Dhani Gilbert is the scholar and youth of the year. Dhani is an emerging leader in our community and is also the 2018 young Canberra citizen of the year. Dhani is an activist and a volunteer for many community organisations and events, including Landcare, Sorry Day and Relay for Life. Dhani is passionate about environmental science and connection to country. She is also a member of the youth advisory council. As Dhani said:

This year's theme (because of her, we can) has resonated deeply across the community, and proudly acknowledges Aboriginal and Torres Strait Islander women's tireless efforts to support, grow, and sustain our futures. The spotlight deservedly shined a bright light on the fact that our women are a driving force of positive social change and can also be the unseen power behind the visible successes community leaders have achieved.

Hear, hear! The ACT NAIDOC person of the year is, of course, Julie Tongs OAM. As Mr Milligan has said, Julie is a fierce advocate for Canberra's Aboriginal and Torres Strait Islander community. Under her leadership of more than 20 years, Winnunga has gone from strength to strength. This award recognises her decades of service and advocacy for her community. I know firsthand that Julie's commitment to her community is second to none, and I look forward to continuing to work with Julie in the years to come.

I am sure every community wishes they had a Julie Tongs, and I am sure every community wishes they had a Kim Davison too. Again, Mr Milligan eloquently described Kim and the enormous contribution she makes to our community. I also greatly enjoy Kim's company and appreciate her wisdom and deep commitment to her people.

The achievements of Aboriginal and Torres Strait Islander women also featured prominently at the national NAIDOC awards. The achievements of June Oscar AO, Aunty Patricia Anderson AO, and Aunty Lynette Nixon were all recognised. June Oscar was awarded the 2018 national NAIDOC person of the year in recognition of her work championing the rights of Aboriginal and Torres Strait Islander people, especially women and children, and her tireless work to preserve ancient languages.

Pat Anderson's lifetime of work and achievements were recognised with the NAIDOC lifetime achievement award. As she said on the night, "About time." Aunty Pat has devoted her life to improving the health, welfare and education of Aboriginal and Torres Strait Islander peoples.

Change maker, culture keeper, mother and mentor to many, Aunty Lynette Nixon received the female elder of the year award. Aunty Lynette's work for her community goes back to 1972, when she served as the Mitchell Aboriginal community kindergarten president.

I am pleased that next year Canberra will continue to celebrate and recognise the achievements of Aboriginal and Torres Strait Islander people when it hosts the 2019 national NAIDOC awards ceremony. Hosting the national NAIDOC awards gives Canberra a unique opportunity to share with the country the beautiful place we live in and to celebrate the rich history, cultures and achievements of all Aboriginal and Torres Strait Islander peoples and, in particular, the Ngunnawal people. I look forward to updates on the progress of this event in the months to come, including from our local NAIDOC Week committee chair, the indomitable Jo Chivers.

Too often the achievements of women and, in particular, Aboriginal and Torres Strait Islander women are glossed over. The opportunity to pay tribute to the women who have quietly worked behind the scenes through to the women leading communities and organisations was embraced by people across the country. The floodgates opened.

One final woman I would like to recognise is this year's Barnardos mother of the year, Noelene Lever. Now 78 years old, Noelene has dedicated her life to caring for children. Over the years Noelene has fostered more than 50 children and her door never closes. The spirit of this year's NAIDOC theme is echoed by the words of one of Noelene's foster children, 39-year-old Serena. Noelene began caring for Serena when she was just two weeks old. In the words of Serena:

My mother is my role model and I am the woman I am today because of her. She always made sure that I knew where I came from. This was very important because she didn't want me to lose my connection with my family. By doing this, she gave me the knowledge of my identity—of who I am and where I belong.

To the mothers, sisters, aunties and grandmothers, thank you. Because of you so, many can. I thank Ms Cody for bringing this matter of public importance to the Assembly.

*Discussion concluded.*

## **Prostitution Amendment Bill 2018**

### **Detail stage**

Debate resumed.

**MRS DUNNE** (Ginninderra) (4.33): I seek leave to move amendments Nos 1 to 19 circulated in my name together; they were not circulated to members in accordance with standing order 178A.

Leave granted.

**MRS DUNNE**: I move amendments Nos 1 to 19 together [*see schedule 1 at page 2466*]. I thank members for leave and I apologise to members that, because of a snafu in my office which was entirely my fault, the amendments did not get to the Clerk's office in time to comply with standing order 178A.

Madam Assistant Speaker, in this detail stage I want to dwell on two issues that I touched on: the issue of requiring sex workers to register with the fair trading commission and the issue of conducting sexual activities whilst having an STI.

Removing the requirement on sex workers to register with the fair trading commission seems odd. The minister, in his presentation speech, sought to justify the removal of the requirement on a number of grounds. In his presentation speech, he noted that many sole operators do not register and that, given the very low rate of compliance, the requirement to register is not working. It seems that the government have decided that because it is too difficult to manage they will make it go away. The minister told us that there are concerns about privacy and personal safety but did not quantify or otherwise give evidence for this claim.

I am aware that these issues were raised with the Standing Committee on Justice and Community Safety during the inquiry in 2012. Even if we do away with these requirements, there are still residual issues which would persist.

Ms Cheyne was incorrect this morning when she said that there would no longer be a record of these registrants with the Registrar-General's office. I sought clarification on this when I received a briefing last week. The existing register would exist and would continue to exist in accordance with the Territory Records Act, so there will be some people whose names and information will still be held on a register, and will be for as long as is required by the Territory Records Act. This mechanism today takes away the future requirement to register but does not obliterate the existing register. I just need to put that on the record. The minister said that it is a barrier to sex workers accessing health and other outreach services, but again the minister did not say why registration per se creates this barrier. He said that removal will improve social inclusion for sex workers but did not say how.

The minister said it helps to remove red tape and the regulatory burden on sole traders. I hope that there are other sole traders in other industries out there who are hearing this and might come along to the minister and ask that they, too, no longer be registered. There are a range of occupations that require registration, and the minister himself referred to that this morning. If you are a medical practitioner, you require registration. If you are, as the minister referred to this morning, a legal practitioner, you require registration. That goes across the board to all sorts of people in all sorts of occupations. In a way, this move singles out one occupation for what could be called positive discrimination while other occupations are still required to register.

The removal of the requirement to register in fact deregulates the sole operator sex work industry. The regulator will not know who the sole operator sex workers are, where they are, who they might employ and whether they expose children to the industry. Indeed, what if the situation occurs where a child is exposed to the industry only as a casual observer? With this deregulation, the fair trading commission's powers to investigate complaints about unfair trade practices will be significantly limited in this space. If the government is so concerned about the impact of this regulation on sex workers, what would be wrong with turning the regulation into

something which is more proactive, something that not only regulates the industry but also helps support it and its workers?

Governments in other countries do. For example, some of the Scandinavian countries set up support mechanisms for sex workers. These mechanisms can help workers who, for example, want to exit the industry. Instead of seeing registration as a barrier, why couldn't the government see it as an opportunity to help sex workers in their employment or in the operation of their business and to help them exit if that is their wish? At least the government would not be leaving exiting sex workers out in the cold to fend for themselves.

Instead of taking the opportunity to be a friend, the government is abandoning some of the most vulnerable in our community. What would be wrong with making registration the trigger for sex workers to get information about how to access the services that they need? If privacy is an issue, why couldn't the government set up an independent registration body with appropriate protections for sex workers and the information that they provide?

I also reflect that it is nothing more than a criticism of the record keeping and confidentiality ability of the Registrar-General, which has not been in any way substantiated by any evidence that I have heard from the minister here today, from the minister when he made his introductory statements, or during the inquiry in 2012.

Madam Speaker, instead of seizing an opportunity to help vulnerable people in a vulnerable industry, this Labor-Greens coalition has let the opportunity slip through its fingers. The bottom line for the Labor-Greens coalition on this policy is: "It is just too hard so we will make it go away." This is why I have moved amendments 1 to 19. There is one occasion where we will oppose the clause, but if we successfully oppose the clause there are a whole lot of consequential tidy-ups that need to be done. That is why it seems like such a complicated process and why I could not simply oppose the clause simpliciter.

Let me turn to the issue of the prohibition on providing and receiving sexual services when infected with a sexually transmitted disease. The Canberra Liberals will be opposing these clauses because we do not believe that this is in the best interests of the community as a whole. I am aware of the requirements in relation to the supply and use of prophylactics and the role of determination in relation to notifiable diseases. However, in light of what I have said already in relation to what is happening in the rest of the world, I do not consider that these safeguards go far enough.

Further, on 21 June this year, in the estimates hearing, the ACT Chief Health Officer told the estimates committee that not all STDs are notifiable conditions under the current determination. He went on to speak at length about the increase in sexually transmitted diseases. He said that in the ACT there are over 1,000 cases of chlamydia each year and he described other STDs and their increase as worrying. He said that HIV, gonorrhoea and syphilis are increasing, commenting:

Those things are a worry.

He further noted:

These are all issues that are not going away.

The Chief Health Officer raised what my colleagues and I consider to be serious concerns.

Ms Cheyne touched on the matter in two speeches today, once to raise concerns and once to say that it was not a problem. I do note that in the Chief Health Officer's report tabled after question time today his concerns about the extent of sexually transmitted diseases and antibiotic resistance were raised again.

The use of prophylactics is not the answer. Prophylactics can fail and they can be tampered with. The government's approach, in effect, is to place its trust in one precautionary measure. This Assembly has a responsibility to heed the Chief Health Officer's warnings in relation to sexually transmitted diseases. The Canberra Liberals certainly do. We will oppose this relaxation of the law until it can be demonstrated that it is absolutely safe. It will be on the government's head if it fails.

I commend my amendments 1 to 19 to the Assembly.

**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) (4.43): It is not my or the government's intention to support Mrs Dunne's amendments. Let me take two particular issues that she has raised in turn.

Firstly, in terms of removing the requirement for sole operators to register with the Commissioner for Fair Trading, through Access Canberra, this is an amendment that was seen as most important by key stakeholders. This provision does not set aside or treat sole operators in the sex work industry differently from other sole operators who are not required to register. To put that in context, a person who runs a hairdressing business from home does not need to register with Access Canberra. They still need to meet certain work, health and safety requirements, but they are not required to register in order to go about their business.

As Mrs Dunne noted, I did flag that some industries are required to register, and there are reasons for that. Lawyers deal with significant amounts of people's money in trust, and there are all these sorts of things. You have to take these industries on a case-by-case basis. That is what we have done here. We have looked at why people would be required to register, the impact that it is having, and whether the alternative approach is better. That is why we have adopted the alternative approach.

The main reason for this amendment to the legislation is that it removes the requirement for sole operators to register because it enhances both their personal privacy and, we believe, their safety. Whether we like it or not, sex work is an industry that does attract stigma and about which people make assumptions. It is not necessarily something you want to have on the public record for life. This amendment

enhances the health and safety of workers, reducing barriers to accessing services and supports because they can now report a crime to police without fear of being charged and prosecuted for being unregistered.

That is an important point. This is not about saying that the government thinks it is too difficult and we just want to make it go away. The reality is that people are not registering. We know that there are 14 people on the public register. All you have to do is open the *Canberra Times* one day and go to the back section; you will see that there are clearly more than 14 sex workers in Canberra. It is perfectly evident from the daily newspaper. And I am sure that is not a complete tally of who is in the industry in Canberra. I do not know how many people there are, and this provision will give us no further clarity.

This is not about saying it is too difficult; it is about acknowledging the fact that people are not doing it because they do not want to, for privacy reasons. That leads to people not going to health services and not contacting the police. That means that people are not accessing the sorts of safety and supports that we would want them to access in the event that something goes wrong or they feel they need that support. That is what is happening in the real world, and that is the basis on which the government is making these policy decisions.

Not requiring sole operators to register does not prevent agencies such as ACT Policing from undertaking investigations or serving warrants where they are relevant. And I certainly do not think it does anything in terms of trafficking, because, again, anybody who has been trafficked is not going to register as a sole operator.

**Mrs Dunne:** I did not say that.

**MR RATTENBURY:** I am not saying that you said that, Mrs Dunne, but that is one of the arguments that is floating around, and I think it is worth pointing that out. Someone who is operating illegally already is certainly not going to register. This is a discussion that I think is worth reflecting on.

The second point Mrs Dunne raised is the issue of removing the requirements around STIs. We do not support the amendments that prevent sex workers or clients with STIs from providing or receiving commercial sexual services. This is because, as I have said before, sex workers, just like anyone else in the community, have an obligation under the public health regulations to take all reasonable steps to prevent transmission of notifiable conditions.

Mrs Dunne talked about increasing prevalence. We know that the rate of use of prophylactics is higher amongst sex workers than in the general community. One could make the point that it is less likely that transmission will occur, and that is a worthwhile consideration.

The other point, as I touched on in my remarks this morning, is that people who have sexually transmitted infections can be either clients or sex workers. There is no reason they should not access these services, provided the right precautions are being taken. That is what we are doing here. We are taking away a discriminatory penalty

provision, an offence, and simply requiring all members of the community to take steps to prevent the transmission of these diseases. That is an expectation that, frankly, anybody in the community should have. If you know that you are a carrier of such a disease, you should take all the steps you can to make sure you do not pass it on.

As I said, the government and I will not be supporting the amendments that Mrs Dunne has tabled, because they go against the very intent and purpose of the bill, a bill that has been consulted on extensively. We have talked with people who have day-to-day knowledge of the realities of this industry, and we are committed to having a progressive and socially responsible approach to the regulation of the commercial sex industry. These reforms create more effective regulations that protect the rights of sex workers, their clients and the broader community, and they are informed by sex workers themselves, the very people who have the deepest understanding and knowledge of the issues.

Amendments negatived.

Bill, as a whole, agreed to.

Bill agreed to.

## **Work Health and Safety Amendment Bill 2018**

Debate resumed from 7 June 2018, on motion by on motion by **Ms Stephen-Smith:**

That this bill be agreed to in principle.

**MR WALL** (Brindabella) (4.50): As it is now, the opposition most definitely will not be supporting the Work Health and Safety Amendment Bill 2018 which is before us today. I will call this bill out for what it is: a gratuitous nod to the power and influence exerted over this town, through their connection to the ACT government, by the unions, most particularly in this case the ACT branch of the CFMEU.

This is a terrible piece of legislation that has been condemned by industry as being a burden on business, both financially and administratively, and touted as overreach. This legislation comes from a government that, as a jurisdiction, continues to try to bypass federal workplace laws in the pursuit of its own political agenda. Probably worst of all, this bill uses workplace safety as the premise to pursue the ideologically driven industrial relations agenda of the CFMEU and the union movement as a whole, with little regard to an individual's rights of freedom of association. There is no evidence to support the assumptions made in this bill that a worksite will be any safer than it was prior to the introduction of these laws.

The minister has said herself that the changes presented in this legislation go "above and beyond" the bar set by national workplace health and safety laws. They certainly go above and beyond. They go above the federal government's construction industry watchdog, which is tasked with reinstating law and order in the construction industry following the Royal Commission into Trade Union Governance and Corruption, the Australian Building and Construction Commission, and they go beyond the nationally

harmonised work health and safety legislation and framework designed to make it easier for businesses, particularly, to work across state borders.

When this legislation is enacted it will compel a principal contractor of a construction project which is worth \$5 million or more to establish a work group in consultation with an eligible union; make the appointment of health and safety representatives mandatory; and require health and safety representatives to undergo formal training in an approved training course. It will also make the formation of health and safety committees mandatory and, again, force training in an approved training course as part of that requirement.

The kicker is that all of this must be overseen by a trade union. In other words, this forces a union presence onto sites where in some instances the workers have actively sought to exclude a union presence simply because they cause too many problems. Let us not forget that the CFMEU is the worst recidivist corporate offender in the country.

It is also worth noting that the government will be responsible for accrediting training providers in order for the relevant training to be provided. I would suggest that members look closely at union-owned training entities, which will undoubtedly find a way to profit from their new-found powers.

The legislation requires that construction projects over \$5 million engage with all eligible unions. A union is eligible even if it represents just one worker on the project, resulting in every project being forced to negotiate with multiple unions. But ultimately it will be the CFMEU that is the biggest beneficiary of this change.

The financial burden for industry is real. And where will the cost ultimately be borne? Let me suggest that the homeowner will feel the pain of this impost. The delays that will come about as builders wait for the tick-off from multiple unions will be felt in the hip pocket by those trying to break into an ever more costly property market here in the ACT.

Let me make myself clear. There is no evidence to suggest that a unionised worksite is a safer worksite. Of the six deaths that have occurred in recent years on ACT construction sites, five occurred on sites which this legislation would capture. It is worth noting that all five of those sites had a union presence. It is also worth noting, likewise, that industrial manslaughter charges have recently been brought against prominent union members following another tragic workplace death.

Once again, there is no evidence to suggest that the measures enshrined in this legislation will have any impact whatsoever on safety on a worksite. In fact, it will more than likely impede any collaboration on safety issues. There is absolutely no sound evidence for making unions the authority on safety in the ACT.

I have spoken to many local construction businesses in the ACT about the implications this legislation will have for them. I am not talking about the big end of town here; I am talking about small to medium builders—builders trying to build townhouses, affordable homes—and companies of this kind. These businesses have

suggested they will feel an immediate impact of this legislation when it is enacted from January.

Let me read from a letter I received from one such business:

Whilst we do agree that Work Health and Safety should be reviewed regularly so we can identify ways we can improve ourselves and the construction industries safety, we do not agree with the proposed changes to consult unions for the formation of a workgroup is the way to improve safety. We believe that consultation of unions will be counterproductive to a worksite and by doing this safety will not improve.

As I have said, this bill does nothing more than allow the trade unions, and by that I mean as many unions as see fit, greater access to workers and worksites. It allows unions to sidestep existing right of entry provisions, particularly those enshrined in commonwealth law.

The HIA have said with regard to this bill:

... by enshrining a union presence into projects that may or may not have current union members onsite, fails to recognise the many other pathways for compliance with safety legislation that respects the rights of employees, contractors and builders to operate in a non unionised environment.

This bill manifestly illustrates just how beholden this Labor-Greens government is to the union movement. We only have to see just how far the unions will go to assert their influence. Just last week the minister for industrial relations was attacked by a number of unions, accusing her of not moving fast enough on the workplace reform agenda.

Therefore, it is little surprise that within a week this bill has been brought back for debate and that this week we will see the introduction of further legislation granting even more power and influence to the union movement in the ACT. I guess the hard lesson that the minister's predecessor, Mr Corbell, learned in the lead-up to preselection for the 2016 election serves as a strong reminder that the union support that members opposite and those on the crossbench enjoy comes at great expense to the ACT community.

What we have before us today is the first of it, the beginning of the end for fairness: fairness in workplaces, fairness for employees and employers alike, and fairness in government procurement processes—because that has indeed clearly been articulated as the next port of call. Government procurement will have further union influence enshrined in law in the not too distant future. The secret deals that have been done between unions and the ACT government, the deals that have seen unions having the power to veto contractors bidding for ACT government work, will be law before too long.

We are following the lead of the Victorian Labor government, with their militant union infiltration of all government projects. It is happening in Queensland, where we have known that union thugs are in charge of their building and construction industry

regulator. It gets worse. Just today, as part of the national Sensis business index report, we can see that businesses surveyed in Queensland have stated that excessive bureaucracy and too much notice taken of unions are the leading criticisms of the Queensland government levelled by small to medium businesses. It is also worth noting that the ACT's confidence in ACT government policy has this month taken a dramatic slide.

The ACT, Victoria and Queensland in particular are the poster jurisdictions of the socialist left wing of the Labor Party. Just think what would happen at a national level should there be a Shorten Labor government in power come the next election. Union thuggery would be rife across all industries and infiltrate all levels of government and procurement.

There was no genuine consultation with industry on this legislation. I am sure that when the minister rises she will say that this is not the case. However, we have the Master Builders Association writing to members:

The MBA has raised concerns through the Governments Construction Industry Advisory Council (established under the Work Safety Council) and we have made written submissions to government explaining our concerns. None of our suggestions have been adopted by government.

They continue:

On 5 occasions we have invited the Minister for safety to attend a meeting with our members to explain the laws, and on each occasion the Minister has not been available to meet our members.

This is consultation with a predetermined outcome, at best. It is also worth at this point recalling the evidence of the Royal Commission into Trade Union Governance and Corruption, specifically the evidence that related to the ACT. The royal commission confirmed what many had suspected: that unions, and specifically the CFMEU in the ACT, frequently engaged in practices of collusion, price fixing, boycotts, intimidation and harassment within the local industry simply to do deals for union backers.

This is the kind of action that you would attribute to an outlaw motorcycle gang rather than a workers' representative body, and it is sad to say that little has changed on the ground locally since. The CFMEU are still running defamatory smear campaigns against local builders in an effort to put them out of business. Why? It is because these businesses and these workers had the courage to stand up to the worst corporate thug in this country.

As has happened previously, I am sure Unions ACT, the CFMEU and others will try to paint a picture of me that is untrue. They have said in the past that I do not care about those who are injured on a construction site, or that I do not have enough empathy for the families devastated by the loss of a loved one on a worksite. I can assure this place that this is not the case.

It is one of the moments in your life when you remember exactly where you were when your phone rang and the instant feeling of sickness that comes over you as you hear the news that one of your staff has been involved in an accident on a job site, and the unstoppable shaking when you have to call his wife and explain that there has been an accident at work, that it is serious and that he is on his way to hospital.

This is an experience I want never to have again, and it is one that no-one should ever have to endure. Safety is everyone's responsibility, but I reiterate that safety should never be used as an industrial relations wedge or as a political plaything. When it is, people get hurt or, worse, they die.

This bill is terrible, and probably the worst legislation I have seen in my time in this Assembly. Good legislation should, above all, be fair. This is not fair. It is not useful. It is nothing more than a stake in the ground for what is to come as far as union influence over this government is concerned. I reiterate that the Canberra Liberals vigorously oppose this legislation.

**MS CODY** (Murrumbidgee) (5.03): Contrary to what Mr Wall thinks, I reckon this is a good bill. I fully support the government's bill. I am supporting it because health and safety in the construction industry should be a priority. Construction sites are dangerous places. Every jurisdiction in Australia classifies them as high risk. In the ACT, injury rates have improved since the 2012 *Getting Home Safely* report. However, there is still more to do to protect our construction workers.

Sitting here, listening to the debate, I see Mr Wall is yet again trying to have a crack at the CFMEU. I am sure Mr Hanson would take offence if someone started blaming the ADF for deaths of Australian citizens in terrorist attacks. Likewise, as a member of the union, I take offence. To blame an organisation that spends energy in the defence and promotion of the safety and security of construction workers is a particularly craven way of looking at the world. It is the sort of fetishism of conflict that we stamp out.

When organisations like the MBA and their Liberal allies engage in these fetishes, people get killed on site. Some days I struggle to believe that is not their goal. The point of this bill is to improve the quality of safety consultation in the construction industry.

**MADAM DEPUTY SPEAKER:** Order! Could you sit down please, Ms Cody. Did you just say that you struggle to believe that it is not the goal of members of this place—

**MS CODY:** No, I did not.

**MADAM DEPUTY SPEAKER:** to facilitate deaths on sites? Can you repeat what you said, please?

**MS CODY:** I said sometimes I struggle to believe there is not a goal.

**MADAM DEPUTY SPEAKER:** “That this is not the case”. What is the sentence before that?

**MS CODY:** Their MBA and Liberal allies.

**MADAM DEPUTY SPEAKER:** Yes. What did you say about the MBA and the Liberal allies?

**MS CODY:** That people may get killed on site.

**MADAM DEPUTY SPEAKER:** And you struggle to believe that this is not the case?

**MS CODY:** Sure.

**MADAM DEPUTY SPEAKER:** That that is what they wanted?

**MS CODY:** I did not say that; no.

**MADAM DEPUTY SPEAKER:** What I heard, and I may have misinterpreted—

**MS CODY:** Would you like me to withdraw, Mrs Dunne?

**MADAM DEPUTY SPEAKER:** I think it would be better if you withdrew.

**MS CODY:** I withdraw.

**MADAM DEPUTY SPEAKER:** Thank you.

**MS CODY:** The point of this bill is to improve the quality of safety consultation in the construction industry and hopefully rid us of the top-down, conflict-driven approach that gets people killed. This bill will ensure meaningful consultation and collaboration between workers and principal contractors at major construction projects. This is widely acknowledged as a crucial element of improving health and safety performance in the workplace. In fact, the model work health and safety laws already recognise this.

One of the objectives of the model laws is to provide fair and effective representation of workers, and consultation and cooperation regarding work health and safety. Despite this objective, and despite the importance of consultation and collaboration, the use of formal consultation mechanisms is inconsistent across territory construction sites, as stated in the RMIT University review of safety in the industry last year.

Under the current Work Health and Safety Act 2011, it is not mandatory for health and safety representatives and committees to be elected and suitably trained. It is up to a worker to request the election of one or more health and safety representatives. Furthermore, it is up to a health and safety representative of five or more workers at a workplace to request the establishment of a health and safety committee. The

obligation to ensure the election and training of health and safety representatives and committees is on workers.

Madam Deputy Speaker, this bill shifts that obligation. It places additional obligations on the principal contractors to ensure effective, consistent consultation on major construction projects. The bill requires principal contractors for major construction projects to facilitate the election and suitable training of health and safety representatives, as well as the establishment and training of health and safety committees. These changes will further enshrine the roles of health and safety representatives and health and safety committees.

I remember what does not seem that long ago seeing my dad's old BLF posters hanging around the house: "No ticket, no start" and "No pyramid contracting". Alas, those days are long gone. Our construction industry is rife with pyramid contracting. Whilst we will have more to say about wage theft in the future, right now I am proud to be supporting a bill that will ensure principal contractors cannot cop out of their responsibilities for safety. There will be no copping out.

If you are the one making big money on site then you are responsible. It is pretty simple. This bill places these additional obligations on principal contractors for major construction projects, because they set the standard at a construction site. They significantly influence the workplace culture and are ultimately responsible for the safety of all on the construction site.

Supporting the roles of health and safety representatives and health and safety committees will ensure our legislation is robust and effective. These representatives and committees both play key roles in ensuring consistent, genuine consultation in workplaces. They provide support to workers and management and lift the standard of management of work health and safety in workplaces.

Health and safety representatives are elected by workers in a work group to represent their health and safety interests. Health and safety representatives are equipped with a range of powers that help them ensure health and safety. They can monitor compliance with work health and safety obligations, investigate work group members' complaints about work health and safety matters and look into anything that poses a risk to the health and safety of work group members. They can also be present at interviews concerning work health and safety, accompany inspectors during inspections, and seek assistance from any person to resolve health and safety issues in their workplace, including their union representatives.

This bill will ensure that there are health and safety representatives on every major construction project. Right now, despite the important role they play, this is not the case. It also ensures they are properly trained, giving them the confidence often needed to effectively perform their role. Once appropriately trained, health and safety representatives can direct for unsafe work to cease where the situation warrants it.

Madam Deputy Speaker, this bill also makes it compulsory for a principal contractor to establish a health and safety committee for a major construction project and to ensure the committee attends suitable training. A health and safety committee is a

consultative body that facilitates cooperation between management and workers to ensure health and safety is paramount. It develops work health and safety standards, rules and procedures for the workplace.

Ensuring that both health and safety representatives and committees are suitably trained raises the competency bar and ensures that those who represent workers are well informed and equipped to promote best practice behaviour. This, of course, will have a flow-on effect across the construction industry. Workers who have worked on major construction projects will bring their knowledge, skills and appreciation of safety culture to smaller construction projects.

Madam Deputy Speaker, we are acting to make construction workers in the territory safe. That is our paramount goal. When workers and employers cooperate they can achieve safer, more productive workplaces. The measures presented in the bill are designed to improve safety on construction sites in the territory so that every single construction worker returns home safely at the end of the day.

I note that Mr Wall commented on the very serious nature of the many workplace accidents and unfortunate deaths that have occurred in the construction industry both across Australia and here in our own backyard. I am sure that, although I am speaking for many members on this side, no-one would disagree with the heartfelt concerns and feelings of loss that go out to those families and the pain that they go through on a daily basis. This bill is an opportunity to ensure that we are doing everything in our power to make sure that workers are safe and protected in their workplace. Thank you.

**MS LE COUTEUR** (Murrumbidgee) (5.15): The ACT Greens support the changes proposed in the bill. The intent of the changes is to improve safety in the ACT's construction industry. The ACT's construction sector is an area where, unfortunately, the safety record is poor. The ACT construction industry has suffered numerous deaths from workplace accidents. The ACT had the highest rate of construction deaths in the nation. This is not one of the things we want to have the highest of. We also have the highest rate of lost time injuries from injuries such as slips and falls.

In 2012 the government completed its *Getting Home Safely* report, which investigated the ACT construction industry and made 28 recommendations to improve safety. The government agreed to implement all of these recommendations and has made very good progress. While there is a positive downward trend in construction sector injuries, the rate remains unacceptably high. In 2016-17 two people tragically died from workplace injuries in the ACT. This is an important context to consider as we debate the changes in this bill.

The consequences of workplace safety failures in the construction industry are very serious. Often they are literally life or death. If something goes wrong on a construction site, a person can be killed or very seriously injured. While health and safety is important in all sectors of the workforce, the consequences are unlikely to be quite as serious as they are in the construction sector. In this regard, the safety culture on construction projects is critical. It can take only one oversight, one neglected issue, one lax moment, and a person can die or be critically injured. Safety needs to take a prominent place in the culture of the construction industry.

As the explanatory statement to the bill points out, the national work health and safety strategy acknowledges that work health and safety improvements are best achieved when health and safety are supported by the organisation's culture and embedded in policies, procedures and processes. The amendments in this bill are largely focused around improving the safety culture.

One of the outcomes of the *Getting Home Safely* report was the government commissioned review into the safety culture of Canberra's construction industry. RMIT University undertook that review and looked in depth at safety in the construction industry. While it did identify positive aspects and improvements that have been occurring in recent years, it also clearly identified shortcomings and significant gaps in the safety culture of the construction industry.

The report made clear that various issues identified in the *Getting Home Safely* report are still in need of further work. For example, it says the quality, effectiveness and consistency of WHS training needs improvement. This is an issue that changes in this bill will help to address. I am, of course, aware that the changes do not have universal support. The MBA, for example, are not supportive of the changes in the bill. They support the current arrangements, under which organising work groups and electing health and safety representatives is voluntary.

I accept that the proposals in the bill do deviate from the harmonised work health and safety regime, and that they do place extra obligation on contractors in major construction projects. But these are also the projects that have the most serious outcomes when health and safety efforts fail. I think it is acceptable that changes in the bill mandate relatively minor changes to try to improve safety culture and to try to improve communications around safety between workers and employers. The changes in the bill will require improved consultation on major construction projects, with the intention of building the safety culture within the construction industry.

The bill places new obligations on a person conducting a business or undertaking who is the principal contractor for a major construction project. A major construction project is one defined as having a contract price of \$5 million or more and it does not include single residential dwelling construction projects. The bill will require the principal contractor to facilitate the election of health and safety representatives and to provide training of health and safety committees.

As the explanatory statement explains, the health and safety representatives play an important part in the workplace. They facilitate the flow of information about health and safety between workers and their employers. They monitor safety actions taken by their employer, investigate workers' complaints and look into anything that might be a risk to the health and safety of the workers they represent. Trained health and safety representatives are also permitted to direct unsafe work to stop in certain circumstances and can issue provisional improvement notices.

The bill also mandates the relevant training of health and safety representatives. This is valuable, of course, to ensure that the health and safety reps know their responsibilities and can undertake them effectively on behalf of workers. In addition,

the principal contractor will need to establish a health and safety committee and have members attend a relevant safety course. Health and safety committees contain both workers and management and allow workers' reps and management to meet and work together to improve safety issues.

The bill also requires a principal contractor to consult with relevant unions while establishing work groups. Currently, under the harmonised work health and safety laws, this step is not required except upon request by employees. This change makes it mandatory. In this case, I think the change is beneficial and only strengthens work health and safety.

In my view, and in the view of the Greens, these are changes that are likely to improve the communications about safety at construction workplaces, improve the safety culture and, through that, contribute to overall health and improved safety outcomes. They set up fora through which the work health and safety issues can be discussed and resolved. They improve training on work health and safety, and they ensure workers and their representatives can have a strong voice when it comes to identifying health and safety issues and potential improvements.

As I mentioned, the MBA and the HIA have expressed their disagreements with these changes. I can see that, from one point of view, the changes seem like an administrative burden. Of course, that is part of what is happening. They may cost some money and they will take some time. But the issue here is that the health and safety of workers is very important.

The construction industry would appear to be an industry which could benefit from further initiatives in this area. There are hopefully longer term benefits as well, such as the lasting accumulated capacity that ACT health and safety representatives will receive via the training and experience they gain on ACT construction projects.

Lastly, I want to point out that the RMIT report on work health and safety culture in the ACT construction industry contains a lot of valuable research and a lot of other recommendations which are not addressed in this bill. I hope that the government will be able to use it as a useful source for ongoing initiatives to improve work health and safety in the ACT.

**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) (5.23), in reply: I do not intend to respond to everything Mr Wall said, but I would like to respond to one question that he asked: what will happen when a Shorten Labor government is elected? What will happen, Mr Wall, is that the ABCC will be abolished and we will have a prime minister who believes in businesses and unions working collaboratively together. His legacy in the union movement is exactly that: working collaboratively with business to ensure that workers' rights are protected and upheld. That is exactly the point of this bill. As Ms Cody has said, the aim of this bill is to facilitate collaboration on worker safety.

The bill strengthens work health and safety legislation. As Mr Wall has pointed out, it is, indeed, a deviation from national harmonised laws. We have done that before; other states have done that before when there is a gap that needs strengthening. As the Assembly is aware, the government is committed to ensuring that Canberra's workers operate in a healthy and safe environment. Unfortunately, our experience with the construction industry is that this is not always the case. For this reason, the government has adopted a multifaceted approach to improving safety outcomes in the industry, of which legislative change is just one element.

In addition to the changes proposed in this bill, the Minister for Regulatory Services, Mr Ramsay, and I recently initiated a wide-ranging independent review into work health and safety oversight in the territory. Work also continues via the tripartite subcommittee of the Work Safety Council on the development of a safety strategy for the construction industry. Of course, WorkSafe ACT continues its collaborative work with New South Wales colleagues addressing issues that are rife in the construction industry, such as risks of fall from height which we know can very easily lead to severe injury or even death.

There is no doubt that the construction industry is dangerous. We hear this in the stories from workers and their unions, and we see it in the data. The construction industry continues to perform poorly when it comes to health and safety outcomes, both nationally and in the territory. When compared to other industries, construction has a high rate of serious injuries and fatalities. This is why construction is one of Safe Work Australia's priority industries in the Australian work health and safety strategy 2012-22. Construction work is inherently risky, but this does not mean that we should accept high injury rates. The fact that there are more identifiable risks means that we must do more to keep construction workers healthy and safe. Safety must be given the highest priority. That is why this bill is before the Assembly today.

As acknowledged in the Australian work health and safety strategy, continued improvement in work health and safety requires ongoing collaboration and cooperation between all parties. Workers and their unions should be genuinely consulted in matters that relate to health and safety because we know that when workers and unions are involved in the decision-making process the decisions are the better for it. This bill requires effective, ongoing and meaningful consultation on major construction projects.

As I touched on when I presented the bill to the Assembly, last year RMIT University evaluated safety culture in the ACT construction industry and identified barriers to improving health and safety. One of the RMIT University findings was that the quality and effectiveness of formal consultation mechanisms was patchy. This is a missed opportunity. We know that there are many benefits of consultation and cooperation. Consultation is an important part of the risk management process. Seeking meaningful input from workers improves the effectiveness of safety procedures and creates shared ownership of these issues. Formal consultation mechanisms help workers raise concerns, express their views, and contribute to decisions about health and safety in their workplaces.

We know that workers, particularly young workers and those employed in insecure work arrangements, which are proliferating in the construction industry, might feel nervous about raising safety concerns without a formal mechanism through which to do it. Health and safety representatives and committees empower workers by giving them someone they can go to whose job it is to take their concerns seriously. These changes recognise that workers have an invaluable understanding of how processes are working at the coalface. Moreover, they are directly affected by poor health and safety standards and culture.

I was at a meeting recently where I noted that I had introduced this bill, and afterwards a relatively new CFMEU official—someone I had never met before—approached me and asked more about it. I said, “You know, this bill will require the election of health and safety reps and health and safety committees and ensure they get the training they need.” And he said, “That’s fantastic. I go on to too many worksites that haven’t got a health and safety rep and people don’t know where to go to express their concerns.” Having a well-trained health and safety rep makes all the difference in identifying health and safety risks, ensuring that they can be addressed by having someone on site who is empowered to address those concerns. A trained health and safety rep has the power to stop work if necessary if the risk is great.

We will be watching closely to ensure that the intentions of these amendments to provide workers with a stronger voice in consultation mechanisms actually produce positive results in the workplace. As others have noted, the Work Health and Safety Act already contains provisions that recognise the importance of consultation and coordination, but the onus is currently on a worker or multiple workers to request these formal consultation mechanisms. This makes consultation variable across worksites.

RMIT University suggested reviewing the ways in which workers are engaged and consulted on construction sites. We did that, and the measures introduced in this bill respond to that recommendation. I add that they do so without impinging on freedom of association. Nothing in this bill requires workers to be represented by unions. There is a requirement for a principle contractor on a major construction project to consult with an eligible union, but that requirement does not impose any requirements for a worker to be represented by a union. I also add that we have made these changes with a significant amount of consultation not only directly with the Work Safety Council but also through a consultation paper released in April this year.

One measure introduced in the bill, as I have said, requires the election and training of health and safety representatives. Health and safety representatives play a key role in consultation and cooperation on a worksite by representing the interests of work groups. They facilitate a worker voice for health and safety matters, and they are trusted because they are elected by workers in a work group who share common health and safety interests.

Unlike those opposite, the ACT government believes workplaces supported by union representatives are safer workplaces. Indeed, the Work Health and Safety Act in its nationally harmonised form recognises that unions are a key partner in ensuring

worker safety and upholding workers' rights to a safe and healthy workplace. Mr Wall's rhetoric on this matter does him no credit and is, as Ms Cody has noted, highly offensive to the union officials who are often the people who sit alongside families in their grief when workers are killed or seriously injured on a construction site.

Under these amendments unions are able to provide input on how to best organise workers into work groups in a way that recognises their shared interest in health and safety. We make no apologies for our government's position that a strong union makes an important, positive difference to the safety and culture of a workplace. That said, these amendments acknowledge that the requirement of consultation cannot be used as an alternative to right-of-entry provisions under existing laws or to unnecessarily delay a project.

While this bill is a departure from the national model health and safety laws, as I have noted, other jurisdictions that have adopted the laws have made changes since they were developed in 2011. The territory also departed from the model laws to be responsive to local issues, particularly relating to asbestos safety. Best practice in work health and safety is constantly evolving and we need to be responsive to protect our workers. This government believes that the measures introduced by this bill are vital to the safety of construction workers, and this position has also been put forward by the territory in Safe Work Australia's review of the model laws.

I conclude by thanking the scrutiny committee for its consideration of the bill and everyone who has had input into its development. This includes various unions, particularly the CFMEU, and other members of the Work Safety Council and its subcommittee, the construction safety advisory committee. Finally, I thank the officials who worked on the bill.

This bill will make our work health and safety framework more effective and more responsive and will raise the bar for safety in the construction industry. The government looks forward to seeing the results of these changes in better safety outcomes and workers getting home safely.

**Mr Wall:** Madam Deputy Speaker, I have a point of order. With indulgence, before the vote is put finally, I draw your attention to continuing resolution 5, members' code of conduct, specifically point 12, which states that members should:

Actively seek to avoid or prevent any conflict of interest, or the perception of such a conflict, arising between their duties as a Member and their personal affairs and interests, take all reasonable steps to resolve any such conflict or perception of a conflict that does arise...

In Ms Cody's comments, she stated her affiliation with the CFMEU, the large beneficiaries of this legislation. Likewise, Mr Pettersson's statement of registrable interests outlines his membership of the same organisation. Standing order 156, as to whether members of this place may have a conflict of interest either directly or indirectly, should preclude them from voting on this legislation.

**MADAM DEPUTY SPEAKER:** Standing order 156 is essentially in the same terms as section 15 of the self-government act, as I recollect. For the information of members who may not have heard Mr Wall, this relates to whether or not a member may have a direct or indirect conflict of interest in relation to the standing orders. The members' code of conduct, at continuing resolution 5, talks more generally about codes of conduct. It is the case that at various times members in this place have expressed their affiliation with particular unions. Could you expand, Mr Wall, on what you are seeking to achieve in raising this point of order at this stage? I want to seek the indulgence of members, because this is a slightly complex constitutional issue.

**Mr Wall:** I am happy to state a case, but the concern here is that, given that this does not relate specifically to a contract, the code of conduct is probably the more relevant article as to whether or not the conflicts of interest that appear on the record, on the members register, and that have been proclaimed in the debate on this matter, do in fact contravene those elements of the members code of conduct or the self-government act should the member partake in a vote and/or division on this matter.

Clearly this legislation conveys significant new powers on trade unions broadly. I note that all members of the government are members. This legislation relates specifically to the construction industry. Therefore, I refer to the construction union, being the CFMEU, which two members have declared that they are a member of.

I understand that this is uncharted territory. Perhaps a course of action might be that the debate on this matter is adjourned until members and the Assembly—and appropriately, I would suggest, the Speaker—have had time to consider the matter more broadly.

**Ms Stephen-Smith:** I would like to note that, as Mr Wall has acknowledged, there is no mention in this bill of a specific union. There are a range of unions that are involved in the construction industry, and this bill does not identify a single one of them.

I understand, in any case, that Ms Cody and Mr Pettersson have previously had advice on this matter. I will let Ms Cody speak on that, but I fail to understand how two members on this side of the chamber could have a conflict. All of us on this side of the chamber, in my understanding, are members of a union or more than one union. This bill does not specify any specific union.

As I have mentioned in my speech previously, work health and safety laws recognise unions as legitimate parties in protecting workers' rights, particularly around work health and safety. They have a legitimate role to play under the current act, and they will continue to have a legitimate role to play in protecting worker health and safety as permit holders under the national harmonised laws that we operate under.

**Ms Cody:** On the point of order, Madam Deputy Speaker, following on from Ms Stephen-Smith, I will not speak for Mr Pettersson, but I have received advice. I have declared that I am a member of not only the CFMEU but the Community and

Public Sector Union, better known as the CPSU, and have been a long-term member of both unions. I recently joined a third union. That was only this week; it has not quite made it onto my declaration of public interest, but it will be done tomorrow because I filled out the form today. Since I have been a member, I have sought advice on other matters that have come before this place as to whether my union membership is in any way, shape or form any form of conflict, and I have been informed that no, it is not.

**MADAM DEPUTY SPEAKER:** Can I just clarify? Are you saying, Ms Cody, that you have declared on your statement of interest your membership of two unions?

**Ms Cody:** I have declared two: CPSU and the CFMEU. They have been in hand since I was elected and sworn into this place in 2016.

**MADAM DEPUTY SPEAKER:** Mr Coe, on the point of order?

**Mr Coe:** On the generality of this, the bill is obviously a massive free kick for the CFMEU and indirectly for the members therein.

**MADAM DEPUTY SPEAKER:** Can you keep to the point of order, please, Mr Coe.

**Mr Coe:** It stands to reason, given that free kick, that members in this place would be conflicted.

**Ms J Burch:** Madam Deputy Speaker—

**MADAM DEPUTY SPEAKER:** Ms Burch, I cannot hear from you; you are not in your place.

This is not entirely uncharted waters, but it is an area that the Assembly has very occasionally gone into.

Ms Burch, do you want to speak on the point of order, now that you are in your place?

**Ms J Burch:** Thank you. I was just going to reflect that this is a matter of a point of order and not for debate.

**MADAM DEPUTY SPEAKER:** Yes; I agree wholeheartedly.

**Ms J Burch:** Given the leeway that has been provided, I would just ask this on the point of order. The members' membership of unions has been declared. I am a member of the AWU, as are many members here. Sorry, I am leaning into the debate.

**MADAM DEPUTY SPEAKER:** Just be careful.

**Ms J Burch:** Maybe I should sit down and seek leave to make a comment.

**MADAM DEPUTY SPEAKER:** No, no. I have to deal with the point of order. The point of order is a complex one. This might sound a bit wimpy, but I am only the Deputy Speaker.

**Ms J Burch:** I am happy to take the seat.

**MADAM DEPUTY SPEAKER:** There are a couple of things. We could adjourn the debate so that the Speaker can obtain advice on the matter from the Clerk.

**Mr Coe:** On that matter, given that Ms J Burch has just engaged in this debate, it would be very difficult for her to now take the chair.

**MADAM DEPUTY SPEAKER:** I would prefer to put some space between Ms Burch's comments on the point of order and her position as the Speaker.

This is a constitutional matter; it relates to section 15 of the self-government act. The code of conduct clearly relates to section 15 of the self-government act. Many of the issues have possibly been canvassed. I would like to put on the record that perhaps I, too, have a conflict of interest, having a close family member who works in construction. I do not know whether that is an issue for this case.

I am entirely in the hands of the Assembly. One option would be for us to adjourn this debate, let the Speaker seek advice from the Clerk on the matter, and come back and deal with it on the next day of sitting. I am entirely in the hands of the Assembly, if that is what the Assembly wants to do.

**Ms Cody:** This is ridiculous.

**MADAM DEPUTY SPEAKER:** I am getting the feeling that Ms Le Couteur might want to make a contribution.

**Ms Le Couteur:** I am feeling that I probably should make a contribution. I have two things to say. It is well known that all members of the ALP are members of unions; my understanding is that it is a requirement for them to be a member of a union.

**Ms Orr:** It is actually not.

**Ms Le Couteur:** I thought it was.

**Ms Cody:** It used to be.

**Ms Le Couteur:** Okay; it used to be a requirement. But it is—

**Mr Coe:** It does not mean they are not conflicted, though. A declaration does not mean you are not conflicted.

**Ms Le Couteur:** No; I agree. A declaration does not mean you are not conflicted. However, I will assume that this issue has been well debated within this Assembly and there is adequate precedent; it is just that the collective memory here is not good enough to dredge up the last bit of advice from the Clerk. I suggest that, assuming that advice must exist, we adjourn for long enough to get that advice from the Clerk. It must exist.

**Mr Coe:** Can you move to adjourn it, Caroline?

**Ms Stephen-Smith:** Not till next day.

**Ms Orr:** Don't adjourn it.

**Mr Coe:** Madam Deputy Speaker, I move that the debate be adjourned.

**MADAM DEPUTY SPEAKER:** I am in a difficult position procedurally, because Ms Stephen-Smith has actually closed the debate.

**Ms Stephen-Smith:** Yes, I have.

**MADAM DEPUTY SPEAKER:** The process from here is to go to the Clerk. We could go there, and if members do not want to finalise the bill today, we can come back to finalise the bill. Procedurally, on the advice of the Clerk, I cannot go anywhere other than to resolve the question that the debate be adjourned. In that case, on the basis of the advice of the Clerk, I will put the question that the bill be agreed to in principle.

Question put:

That this bill be agreed to in principle.

*A division being called and the bells being rung—*

**Mr Wall:** Madam Speaker, before you call the Clerk, I have a procedural matter on your previous ruling. Mr Coe sought to adjourn the debate prior to the vote being put. You had stated that the debate had been closed. Standing order 49 states that no further debate shall occur, but I draw your attention to standing order 65, "Adjournment of debate". It states:

Except for a Member who has spoken to the question, or who has the right of reply, any Member may move the adjournment of the debate, which question shall be put forthwith and determined without amendment or debate. If the question is resolved in the affirmative, the Speaker shall then put a question to fix the time for the resumption of the debate.

I understand the division has since been called, but there was an attempt to adjourn the debate prior to the vote being put. Procedurally, standing order 65 does require that question to have been put forthwith and without debate.

**MADAM DEPUTY SPEAKER:** I think that you are right. Mr Coe did move that the question be adjourned.

Question put:

That the debate be adjourned.

The Assembly voted—

Ayes 10

Miss C Burch	Ms Lee
Mr Coe	Mr Milligan
Mrs Dunne	Mr Parton
Mr Hanson	Mr Wall
Mrs Kikkert	
Ms Lawder	

Noes 12

Mr Barr	Ms Le Couteur
Ms Berry	Ms Orr
Ms J Burch	Mr Pettersson
Ms Cheyne	Mr Ramsay
Ms Cody	Mr Steel
Ms Fitzharris	Ms Stephen-Smith

Question resolved in the negative.

Question put:

That this bill be agreed to in principle.

Ayes 12

Mr Barr	Ms Le Couteur
Ms Berry	Ms Orr
Ms J Burch	Mr Pettersson
Ms Cheyne	Mr Ramsay
Ms Cody	Mr Steel
Ms Fitzharris	Ms Stephen-Smith

Noes 10

Miss C Burch	Ms Lee
Mr Coe	Mr Milligan
Mrs Dunne	Mr Parton
Mr Hanson	Mr Wall
Mrs Kikkert	
Ms Lawder	

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 Barr**) proposed:

That the Assembly do now adjourn.

## Thoroughbred racing

**MR PARTON** (Brindabella) (5.55): I rise to speak in support of Canberra's thoroughbred racing community and industry. They have received the rough end of the deal from racing authorities across the border in New South Wales when it comes to eligibility for regular highway handicaps in Sydney and the race now known as the Kosciuszko, as well as some others.

Canberra-based trainers have been cruelly cut from these races. This is having an extremely negative effect. Highway handicaps are Saturday afternoon racing held at the metropolitan tracks in Sydney. They are restricted to horses trained in country centres, allowing non-Sydney trainers to go to the races in Sydney and for their owners to experience a big day at Royal Randwick or at Rosehill.

Until recently, highway handicaps were open to Canberra-based horses. I know firsthand what effect these events have on owners. The now retired racehorse Agrionius had two starts in Sydney, both of them in highway handicap races. We would never have gone to Sydney without it. Despite the fact that he was unplaced in both of his Sydney runs, it was one of the highlights of the syndicate's time racing this horse.

Some months ago, the industry in New South Wales made the call to exclude Canberra-based trainers from highway handicaps. The announcement has been made that the Kosciuszko will also exclude Canberra-based trainers. This is a short-sighted and narrow-minded decision. It significantly weakens the industry here in the ACT.

Why is that short-sighted and narrow-minded from New South Wales? It is because strength in Canberra racing translates to strength for New South Wales racing in the surrounding regions. A large chunk, a little under half, of the prize money on offer here in Canberra is won by horses trained in New South Wales. So if our industry declines here, it will have a dramatic effect on racing in southern New South Wales.

The Canberra Racing Club has responded to the loss of highway handicaps by introducing their own version, the Federal, a series of higher prize money races just for Canberra-based trainers. But there is now growing pressure for a number of our trainers to leave, basically to set up stables just across the border in Queanbeyan, in Sutton or in Goulburn.

I will be meeting with Peter Stubbs from the Canberra Racing Club to discuss our possible options in this space in coming days. But I can foreshadow also that I intend to make contact with Peter V'landys from Racing New South Wales, with the racing minister in New South Wales and additionally with the New South Wales Deputy Premier to make it quite clear that we see this as an unfair situation and, hopefully, to put pressure on the powers that be in New South Wales to return to the status quo.

I still have hope that common sense will prevail in this space. In terms of advocating on behalf of the industry, in terms of lobbying in the spaces that I have already mentioned, I would love to see some support from the Minister for Regulatory Services. I am genuinely more than happy to brief his office and his staff in this space if they so choose.

### **Giralang shops**

**MS ORR (Yerrabi) (5.58):** I rise this evening once again to talk about Giralang shops. Members are well aware of the various updates I have provided to the Assembly and to the wider community during adjournment debates. I am very pleased that today

I can provide another Giralang shops update, notably more exciting than those previously.

Last Thursday we reached a significant milestone in the lengthy development process for Giralang shops. Minister Gentleman announced the approval of the development under his call-in powers as the Minister for Planning and Land Management. As a former resident of Giralang and now local member, I understand the frustration that has surrounded this development for more than 15 years. The local community has grown tired of the lack of action to progress the construction of the shops, so upon being elected I knew this was something I needed to address.

The developer's initial plans for the site were not supported by the local community due to concerns with height, the impact on the local area and general dissatisfaction with the proposed spaces for public use. Once the developer revised his plans and presented these to the community through the restart Giralang information campaign, it became clear that the developer, the community and the government would be able to work together to deliver shops for Giralang.

Throughout the restart Giralang community consultation process, I strongly advocated for Giralang residents to be involved every step of the way. In my meetings with the shops developer, I continued to present the ideas and concerns that Giralang residents had raised with me. I am pleased that the developer listened seriously.

Giralang residents were also able to provide their feedback directly to the developer in two community meetings held at the Giralang community house and the Giralang Primary School hall. I would like to acknowledge the developer for agreeing to undertake such an engaging approach, and I thank the community for sharing their feedback and once again raising their voices. The now-approved development application includes a 1,000-square metre supermarket, commercial and residential tenancies, parking both underground and at Menkar Close and improvements to the existing carpark at Giralang Primary School.

Since the former shops were closed more than 15 years ago, Giralang residents have always wanted a shops precinct to return to the heart of their suburb. I know that locals want shops that meet the needs of everyone and I am confident that the approved DA will deliver that for Giralang. Over the coming months I will be speaking with the developer to ensure everything is on track for construction to commence and to ensure that the community is kept in the loop as the development process continues. I am excited by this significant milestone. I look forward to meeting with locals down at the shops once they are completed.

### **Ms Sophia Hamblin Wang**

**MS CHEYNE** (Ginninderra) (6.01): Every day we see countless women around the world and around us achieving truly incredible things at home, in sport, at work and in every field. In a world dominated by men, women are proving again and again that they are just as capable—capable of taking charge and generally knocking out of the park as well.

I want to draw the Assembly's attention today to yet another remarkable woman in Canberra, our very own Sophia Hamblin Wang. Sophia is the chief operations officer at Mineral Carbonation International, or MCI, this year's winner of the 2018 resource innovator award at the Raw Materials Summit in Berlin.

Sophia completed her undergraduate degree at the ANU, graduating with first-class honours in international business. She then went on to complete her PhD in the same field, focusing her studies on corporate social responsibility. She followed her passion for sustainability, technology and the environment to become the only female member of MCI's executive leadership team.

This year, as the chief operations officer, she led MCI to a win at the Raw Materials Summit in Berlin. At the summit, Sophia and MCI went up against four other start-ups from the US, the UK, Latvia and Germany. Before an audience of 200 guests, each company presented their plans for using non-fossil raw materials like plants and carbon dioxide to produce chemical products.

The competition, as you might expect, was fierce. But in the end it was unsurprising that MCI brought home the prize. The winning idea converted minerals and carbon dioxide from waste into materials that are useful in construction—the theme of the day. MCI's technology will take the harmful greenhouse gas out of the atmosphere and lock it away in cement and brick. It is an ingenious way to combat climate change and to reduce the use of non-renewables. Sophia, as COO, was instrumental in MCI winning the award.

This is a woman leading a tech company. In a male-dominated industry where she is more likely to meet a man named John on her leadership team than a woman at all, Sophia is thriving. It is 2018 and Australian women, as you know, Madam Speaker, are still under-represented in leadership and management. Women make up 60 per cent of all commonwealth public servants, but only 43 per cent of the senior executive service are women. We make up about 50 per cent of the workforce, of course, but only 21 per cent of executive managers in ASX 200 companies are women. That is 381 women to 1,423 men in leadership, which is pretty appalling.

In this environment, Sophia's role in building the company as the chief operations officer is all the more impressive. Her ability to assert the ingenuity of MCI's technology over her competitors at the summit is proof that femininity is never a barrier to leadership.

Madam Speaker, all around us women are changing the world. We are fighting for our place. We are affixing each other's crowns. I am sure the Assembly will join me in congratulating Sophia on leading MCI, on winning the 2018 resource innovator award and on continuing to put Canberra on the map. Sophia's achievements are a testament to what women can achieve when they take the chance. Her success in the fields of technology innovation and management empowers men and women alike.

Question resolved in the affirmative.

**The Assembly adjourned at 6.06 pm.**

## Schedule of amendments

### Schedule 1

#### Prostitution Amendment Bill 2018

##### Amendments moved by Mrs Dunne

1

Clause 7

Page 3, line 1—

*omit clause 7, substitute*

7

**Offences against Act—application of Criminal Code etc**  
**Section 3A, note 1**

*insert*

- s 12 (Registration notice etc to be given to commissioner)
- s 13 (Annual notice to be given to commissioner)
- s 14 (Other notices to be given to commissioner)
- s 26A (Commercial operator must provide health and safety equipment).

2

Clause 13

Page 4, line 16—

*[oppose the clause]*

3

Clause 14

Page 5, line 1—

*[oppose the clause]*

4

Clause 15

Page 5, line 6—

*[oppose the clause]*

5

Proposed new clause 15A

Page 5, line 7—

*insert*

15A

**Register**  
**Section 11 (6), new definition of *sole operator***

*insert*

***sole operator*** means a sex worker who—

- (a) solely owns and operates the business of a sole operator brothel; or
- (b) solely owns and operates a sole operator escort agency.

6

Clause 16

Proposed new section 12 heading

Page 5, line 10—

*omit the heading, substitute*

**12 Registration notice etc to be given to commissioner**

7

Clause 16

Proposed new section 12 (1) (a)

Page 5, line 13—

*omit*

commercial brothel or commercial escort agency

*substitute*

brothel or escort agency

8

Clause 16

Proposed new section 12 (2), definition of *registration notice*

Page 6, line 2—

*omit*

commercial brothel or commercial escort agency

*substitute*

brothel or escort agency

9

Clause 16

Proposed new section 12 (2), definition of *registration notice*, paragraph (e)

Page 6, line 17—

*omit*

the brothel or escort agency

*substitute*

a commercial brothel or commercial escort agency

10

Clause 16

Proposed new section 13 heading

Page 6, line 22—

*omit the heading, substitute*

**13 Annual notice to be given to commissioner**

11

Clause 16

Proposed new section 13 (1) (a)

Page 6, line 25—

*omit*

commercial brothel or commercial escort agency

*substitute*

brothel or escort agency

12

Clause 16

Proposed new section 13 (2), definition of *annual notice*

Page 7, line 6—

*omit*

commercial brothel or commercial escort agency

*substitute*

brothel or escort agency

13

Clause 16

Proposed new section 13 (2), definition of *annual notice*, paragraph (e)

Page 7, line 21—

*omit*

the brothel or escort agency

*substitute*

a commercial brothel or commercial escort agency

14

Clause 16

Proposed new section 14 heading

Page 8, line 1—

*omit the heading, substitute*

14

**Other notices to be given to commissioner**

15

Clause 16

Proposed new section 14 (1) (a)

Page 8, line 4—

*omit*

commercial brothel or commercial escort agency

*substitute*

brothel or escort agency

16

Clause 16

Proposed new section 14 (2) (a)

Page 8, line 14—

*omit*

commercial brothel or commercial escort agency

*substitute*

brothel or escort agency

17

Clause 17

Page 9, line 1—

*[oppose the clause]*

**18**

**Clause 23**

**Page 10, line 15—**

*[oppose the clause]*

**19**

**Clause 32**

**Page 14, line 11—**

*[oppose the clause]*

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