



Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

NINTH ASSEMBLY

23 AUGUST 2018

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Thursday, 23 August 2018

The Assembly met at 10 am.

(Quorum formed.)

MADAM SPEAKER (Ms J Burch) took the chair, 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.

ACTION bus services

Ministerial statement

MS FITZHARRIS (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (10.03): I welcome the opportunity today to report back to the Assembly on the work that we are doing with Canberra's bus network. We live in Australia's fastest growing city. In the next 15 years, Canberra's population is expected to reach more than 500,000. Canberrans' lifestyles are also changing. As more people move away from a nine to five work schedule, there is a greater need for more transport services for evening and weekend travel.

We also know from current regular public transport users that they expect a better public transport system and we know that a great many Canberrans do not use public transport to go to work, school or shopping because it does not meet their needs. For example, only around eight per cent of Canberrans catch a bus to work at the moment, with 10 times as many people driving. Similarly, only around five per cent of primary school students in Canberra use a bus to get to school, with 16 times as many primary school students—over 80 per cent—being driven to school.

We know we can do better. The ACT government is investing now to ensure that the best possible network, fleet and infrastructure are in place to meet the needs of our growing city and to ensure that Canberra remains one of the most liveable cities in the world. The design of a modern, integrated network of bus and light rail is a critical first step.

Despite the scare campaign being run by those opposite, the fact is that our government invests over \$150 million each year in public transport. Since 2016 we have invested heavily in public transport, including Canberra's largest ever infrastructure project, stage 1 of light rail, and \$43 million to purchase 80 new buses for our growing bus fleet. We invested an additional \$26 million in 2016 to roll out the new rapid bus network and since then we have continued to invest in a better bus network for our city.

For example, in the past two years we have invested an additional \$7 million for free travel on two new rapid bus routes, free off-peak buses for seniors and concession cardholders, the new airport and route 182 Weston line services; \$2 million to

progress the procurement of an integrated bus and light rail ticketing system; \$1.7 million for faster bus travel through bus priority infrastructure, bus service improvements and new bus stops; and \$8.3 million over four years in community transport through the community transport coordination centre, incorporating the flexible bus service and special needs transport.

As members are aware, an initial phase of community engagement for the redesign of the public transport network was undertaken late last year. The first phase of consultation provided Transport Canberra officials with an opportunity to speak directly to the community about how Canberra's public transport network is changing, including the introduction of more rapid bus routes.

The community told us that their top three priorities for encouraging more people to use public transport were faster trips and more direct routes, more frequent and reliable services, and increased services at both peak and off-peak times, such as during the evening and on weekends. The proposed bus network will make it easier for more Canberrans to use public transport by delivering on what we know people in our city have asked for, and what we know works in every bus service that is successful around the country and around the world.

Key features of the new network include 10 rapid routes, served by high frequency bus or light rail services that will run at least every 15 minutes from 7 am to 7 pm Monday to Friday, and frequently at other times; a well-connected local bus network designed to get customers where they need to go within their district, such as local shops or schools, as well as to town centres and key transport interchanges where they can connect with rapid services for longer trips; and a ground-up redesign of the public transport network to better service schools, allowing the government to provide 30 per cent more buses past schools than there are today and give more kids an opportunity to use public transport or active travel to get to school.

I would like to reiterate that the government is very conscious of the need to improve bus services in the evenings and on weekends, and the need to run a more reliable public transport network. It is critically important for encouraging more Canberrans to use public transport that services are available and turn up on time. This is why the proposed network will include better services in every district during the day on weekdays, in the evenings and on weekends.

We have heard from Canberrans that later services on a Sunday will allow them to avoid driving if, for example, they want to go to the movies at 4 pm, since there will be a bus to get them home afterwards. We have also heard from people who work on weekends and the evening in retail, hospitality and other industries that running buses later into the evening and for longer on weekends will mean that they can now get the bus to work.

Similarly, we know that frequent and direct services are key to getting more people out of their cars. We want the new public transport network to provide a genuine alternative to driving for more Canberrans and help more families avoid having to buy a second or even third car.

As members would also be aware, the ACT government has recently completed the second phase of public consultation on our plans for public transport in Canberra in 2019 in which we focused on getting practical feedback from Canberrans about the detailed proposal for the new bus network.

A record amount of feedback has been received from the community, including on specific local services, how interchanges will work in the future and what else the government can do to help the community use public transport more. This has included 9,667 survey responses on yoursay.act.gov.au and paper survey forms at roadshows and community meetings.

Through the feedback we have received from the community, we know that many of the proposed changes have been well received, especially the introduction of more frequent rapid and local services. We also know that there is strong support from customers using buses outside peak times for better daytime, evening and weekend bus services that make the alternative to travelling by car a more attractive and realistic choice for more Canberrans.

We have also heard from many Canberrans who have expressed concerns about some of what is proposed, including Xpresso services, dedicated school services and how people will change between different services at our interchanges. A key initiative in delivering the new network will be to ensure that customers are well informed and provided with assistance on how to navigate their new travel options.

The ACT government is now considering all of this feedback from the community and will be able to provide further detail about the services to be provided, including timetables, once they have been developed. While we remain committed to the core design principles of the network, which are built on what the community has for many years told us they want in a bus network, and what we know makes for successful bus networks around Australia and the world, we are genuinely listening to this feedback.

Of course, I would like to be clear that it is impossible to develop a timetable without first finalising the underlying network. Once the timetable is released, there will be a final short period in which the community can alert Transport Canberra to any significant errors in that timetable.

We will have more to say about the final design of the network in the coming months. This will include timetables, as well as more information for schools and parents about their services, and what local infrastructure will be delivered as part of the rollout of the new bus network.

Madam Speaker, Transport Canberra buses are measured for on-time running through one of the strictest measures in the country using GPS technology from the MyWay ticketing system. On time running for Transport Canberra is currently at 73 per cent for the 2017-18 financial year. Performance data is published on the ACT government's open data portal at www.data.act.gov.au.

Publishing the data in an open format allows the public to view, download and analyse the performance of the public transport system. Transport Canberra is a leader in the provision of open data. Transport Canberra also reports on other performance measures, including service reliability, which is a measure of services that are run as scheduled. This was 99.59 per cent in 2017-18. Services commencing on time, which is a measure of services that commenced as scheduled or within four minutes of departure, ran at 85.2 per cent in 2017-18. Transport Canberra are also looking at introducing new performance measures for the network that are focused on improving customer experience. This may include measuring the performance of planned connections and headway performance, which really means ensuring that buses arrive at regular intervals and not in a bunch.

More fundamentally, the new bus network will allow Transport Canberra to deliver more reliable services because long circuitous routes have been simplified to be more direct. More buses will run along key rapid corridors with bus priority measures that keep buses running fast and on time, such as bus lanes and queue jumps. As part of the new network, Transport Canberra is retiming bus routes across the city to better estimate realistic running times for bus services in 2019.

Our existing dedicated school services are scheduled wherever possible to arrive at school as close as possible to bell times in the morning and depart from school soon after bell times in the afternoon. Transport Canberra has committed to making sure that this remains in the new network so that all kids can get to school on time and can get picked up to get home in the agreed time frames.

In the 2017-18 financial year, service reliability for dedicated school services was 99.97 per cent compared with 99.59 per cent for the whole network, a very good result. Dedicated school services commencing on time in the am peak was 85.5 per cent, higher than the 82 per cent for the whole network. Subject to final decisions in the coming months, the proposed changes to the way school students get to school in 2019 should improve reliability for both school students and all of Transport Canberra's other customers.

To ensure that we are delivering a new bus network that makes it easier for students to catch public transport, we have consulted with the school's transport liaison committee, which includes representatives from the education directorate, the Association of Independent Schools, the Catholic Education Office, and parents and friends committees for public, catholic and independent schools, who have all provided useful feedback on the proposed changes.

Transport Canberra has redesigned the bus network from the ground up to better serve students travelling to and from their local public primary school, high school or college. In particular, it will be easier for many students travelling to schools that are close to rapid routes and major interchanges to get to and from school from 2019.

Every school will be served by a bus. Indeed, there will be 30 per cent more trips past schools in the new network. This will give students greater flexibility and more options for getting to and from school. Student enrolments are expected to increase at

a rate of around three to four per cent over the next decade. It is critical that Transport Canberra looks at school travel now to ensure that as the city grows and demand for school transport grows, the public transport system can be responsive to the needs of our community.

Importantly, the new network will no longer require students to stand at school bus only stops in many locations where kids can be stranded if they miss their bus. However, some school bus only stops will remain, particularly where they are located in school grounds.

Madam Speaker, I think we can all agree that we need a public transport system that will attract as many passengers as possible. A well-designed public transport system will give individuals greater transport choice as well as keep our city liveable and productive. Canberrans have told us consistently that they want more frequent services seven days a week. Our investments in the rapid bus networks have proven to be a success and we are changing the bus network to deliver exactly that.

The resolution earlier this year also called on the government to provide the Assembly with information on the take-up of Uber in Canberra. On 31 October 2015, three ride-share booking services were operating legally under an interim agreement until the legislation was enacted in November 2016. Uber remained as the only ride-share provider until July 2017 when four other providers applied for accreditation.

Today there are a total of nine accredited ride-share transport booking services in Canberra, with five of those actively operating with their driver partners, and with the newest launched on 22 May 2018. As at 30 June 2018, there are 2,269 licensed ride-share drivers, 1,852 ride-share vehicles and 2,010 accredited operators. Access Canberra still receives and processes 40 ride-share applications per week. It is clear that the government is interested in investing in a truly integrated public transport network across our city. We have partnered with ride-share companies like Uber on a number of occasions to help people get home quickly and safely.

In December last year we ran services every Friday and Saturday until New Year's Day offering inexpensive and convenient public transport options to help Canberrans get to and from the city's nightlife hotspots. Transport Canberra partnered with Uber to offer an easy, affordable and safe way for people to get around the city on Friday and Saturday nights.

The ACT government is committed to continuing to explore other options for integrating our public transport services with other services to help people get to where they need to go and encourage a bigger uptake of public transport. This is not just by creating a better bus network but also through expanding our bike-and-ride and park-and-ride facilities, upgrading our depots and bus interchanges, and investing in more active travel through more footpaths and more cyclepaths, like the exciting initiative underway particularly in the Belconnen town centre. We are also innovating our ticketing system.

These are all changes, widely agreed around Australia and around the world, that are vital to increasing the uptake of public transport networks, to investing in the

liveability of cities, and to bringing down emissions to meet our ambitious objectives on tackling climate change.

Madam Speaker, I look forward to future announcements about how the ACT government is delivering a city-wide integrated public transport network that can move people around our city effectively, while providing a real alternative to the car.

I present the following paper:

Bus services—Punctuality and evening and weekend timetables—Ministerial statement, 23 August 2018.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

Reducing gambling harm Ministerial statement

MR RAMSAY (Ginninderra—Attorney-General, Minister for Regulatory Services, Minister for the Arts and Community Events and Minister for Veterans and Seniors) (10.18): This government is hard at work delivering on its commitment to reform the gambling industry and to support our local clubs. We are helping clubs move away from reliance on gaming machine revenue. We are making sure that gaming machines are used in a way that is responsible and appropriate in the current social landscape. And that means that our gaming machine industry is focused on delivering results for people who enjoy their local clubs and are supported by them, and for the workers whose livelihoods come from those clubs.

We are giving the regulator the teeth to make sure that the rules are followed. And we are making sure that the community contribution scheme serves the people who need help most. Firstly, I am pleased to set out the pathway to reducing the number of gaming machine authorisations in the ACT to 4,000 by May 2020. This commitment is part of the parliamentary agreement, and the government has been hard at work delivering results.

Today I am tabling the club industry diversification support analysis. Mr Neville Stevens AO delivered in this report a transparent, independent set of recommendations to government about how to reduce the number of gaming machine authorisations in the territory. We will be agreeing in part, or in whole, to each of the 18 recommendations directed to government in this report.

This government has been clear that we value the contribution that our clubs make to the life of this city. Our efforts to reduce gambling harm have included, and will continue to include, measures to support our clubs to be sustainable, diverse and

community focused. The government will be offering incentives as recommended by this report.

The incentives will focus on helping small and medium clubs which contribute to the diversity of the industry. They will be eligible for up to \$12,000 cash per authorisation voluntarily surrendered by 31 January 2019. For-profit hotels will receive \$6,000 cash per authorisation surrendered. Hotels are exempt from compulsory surrender and as a group hold 50 authorisations in total. These can only be used for outdated class-B gaming machines that are being phased out. There will be no cash incentives for large clubs.

The Stevens report recommended providing offsets for land-related fees and charges in exchange for authorisations across the sector. The offsets could be applied to lease variation charges and other land, planning and building-related fees. Offsets will be available to large clubs at a rate of \$15,000 per authorisation. Small and medium clubs and club groups can choose to take up the option at a higher rate of \$25,000 per authorisation. Since cash incentives are also available to them, small and medium clubs can choose to forfeit some authorisations for cash and others for offsets in a combination that will best support their plans.

Clubs that choose to go pokie free by getting rid of all their authorisations will be rewarded with a 25 per cent bonus on top of other incentives. In order to be eligible for this bonus the venue will be required to maintain community facilities for five years and cannot apply to have gaming machines again during that period.

These incentives are designed to reach our target of reducing the maximum number of pokie machines by 946 from the current 4,946. Clubs who take up the incentives will have the option of buying back authorisations they surrender through the trading scheme subject to the forfeiture provisions of the scheme.

The government will engage Mr Stevens to help clubs work through their options. His report shows a thorough understanding of the industry. As an independent expert he will be best placed to help clubs develop their plans for engagement. We believe this package will achieve our target of 4,000 authorisations jointly with the clubs industry.

After 31 January 2019 any remaining authorisations above 4,000 will be compulsorily surrendered. The default will be 20 per cent for all clubs over 20 machines. Legislation will be introduced later this year to provide for compulsory surrender in two rounds, the first in April 2019 and the second in April 2020. Clear timelines have been sent to all clubs to support them in engaging in this process. Clubs that do not voluntarily engage will have the maximum number of authorisations they can own permanently reduced.

One of the most important features of the government response is that the trading scheme will continue. This means that clubs can continue to trade authorisations with one in four being forfeited. Over time this will reduce the maximum number of authorisations in the territory below 4,000. We are committed to reviewing the trading scheme and the 4,000 cap in five years to give time for the scheme to work. This will

also give clubs a degree of certainty about the number of machines in the scheme and their forfeiture obligations into the future.

Arising from the consultation with the clubs industry the analysis report made several recommendations to improve the capabilities of our local clubs to diversify. We will establish a diversification support fund with monthly contributions from clubs based on the number of authorisations they hold. For the first three years those club contributions will be matched by government.

The fund will cover training of club boards for strategic planning, land and development studies. Importantly, it will also be available to workers in the industry. The government recognises that changes to any industry must take account of the impact on working people, and we will give them a voice in this process. There will be union representation on the governing board of the diversification fund. Workers will be able to apply for support and training to improve their skills.

Earlier this week I announced that we will be improving our gambling code of practice. We will ensure that the examples of courageous people like Professor Laurie Brown and others serve as a foundation for stronger, more robust protections. A key component of those changes will be to expand training and make that training better suited to minimising gambling harm. The Gambling and Racing Commission has already been updating the existing training program to make sure that it is consistent with a public health approach. It is clear that we have evidence to support doing more.

The workers who are responsible for carrying out these functions will be supported with a new training package that gives them the connections and the knowledge they need to be secure in taking a harm-minimisation approach to their jobs. We will be asking workers in our clubs to exercise greater responsibility to protect against gambling harm, and so it is only fair that we provide them with the resources to do so confidently and in a secure working environment.

I will be discussing these proposed changes with workers, clubs, academic experts and community representatives, including those with lived experience of gambling harm at the next gaming machine harm reduction roundtable. This is being planned for the end of September, and participants will receive invitations shortly. I will bring forward legislation and updates to the code before the end of this calendar year as a result of those consultations.

The final element to our comprehensive set of gambling industry reforms I will discuss today is about community contributions. Consultation has recently closed on an options paper circulated by my directorate, and I thank those who took the time to engage with the options paper and outline their views about how the scheme could work to best to serve the community.

The contributions scheme was designed to ensure that our broader community and not just members of clubs benefit from the social licence given to clubs to operate gaming machines. There has been a scare campaign about the intentions of the government. We engaged in a genuine consultation and we have definitively ruled out any question of reducing the existing community contributions amount of eight per cent.

Clubs will, as is the situation now, be able to make decisions about the distribution of the eight per cent community contribution. We will increase the amount required for community contributions, and part of that increase will go to the Chief Minister's Charitable Fund. We will keep working with community groups and the industry in deciding on what the amount of the increase should be. This will expand the amount of money the community gets and extend the already broad reach of support from the scheme.

This government is committed to a sustainable, diverse and community-focused clubs sector. We are going to support our clubs to preserve and strengthen the services they offer to this community. At the same time we are going to make sure that we have even more robust protections against gambling harm.

We have engaged with club workers, clubs and experts in this field to develop today's pathway to reach 4,000. We will keep consulting and keep delivering on this government's commitment to a safer, stronger, and more connected city where our clubs industry is diverse and sustainable and provides robust protections against gambling harm.

I present the following papers:

Pathway to 4000 gaming machine authorisations and reducing gambling harm—
Ministerial statement, 23 August 2018.

ACT Club Industry Diversification Support Analysis—Findings and
recommendations, prepared by Neville Stevens AO, dated 4 June 2018.

I move:

That the Assembly take note of the ministerial statement.

MR PARTON (Brindabella) (10.28): Earlier in the week I alluded in this chamber to the banners that were placed in clubs in the lead-up to the election campaign of 2016 that read, "Don't let ACT Labor destroy your clubs." That is what they feared in 2016, and that fear is real. This is not a scare campaign from the Liberals; this is real. Mr Barr, Mr Rattenbury, Mr Ramsay and every single member on the Labor-Greens benches are keen on closing your club. They do not understand the importance of community. They do not understand the importance of local grassroots sport.

I think it is actually important to note in this debate that they do not understand the Australian tradition of having a punt. They just do not get it. While you are off having a bet on the Melbourne Cup, they are scratching their heads. It is not in their DNA. They will never understand it. It is not funky enough for them; it is just a little bit too last century, a little bit mainstream. Having a punt is just a bit too "hits and old school" for them.

I have spoken to many club executives and club staff in recent weeks and I would seriously love to know how many the minister has spoken with. When I say "the minister", I do not mean Neville Stephens; I do not mean the minister's chief of staff;

I do not mean others in his office. What I mean is: I would love to know how many people from club land the minister has actually had conversations with in recent months other than Athol Chalmers and Rob Docker. I think the numbers would be pretty thin.

I spoke to one club executive earlier in the week, the day after the email went out from the minister's office detailing the two new taxes and the machine reduction offer. This club executive was quite emotional. He told me that soon after getting that email he called in the accountant, and they started doing the mathematics that night on club closure. I cannot tell you which club that is—it is not for me to make that announcement prematurely—but I can just about guarantee that clubs will close because of what has been announced in the past few days.

Another club executive told me through gritted teeth that they would have to reassess a long-term sporting program. It is not for me to say which sporting program that is, but it is one that everyone in this room will be aware of and it has had far-reaching benefits across our community. The mathematics of sustaining it do not stack up once these new taxes are taken into account.

Mr Ramsay stood in this chamber yesterday and made the claim that there is not a maximum level of community contributions. He said there is nothing to stop the clubs just giving more back to the community. I do not know what planet the minister lives on. I do not know what unicorn-filled utopia he thinks Canberra is. He seems to believe the evil clubs can just keep on finding money to give away. They can just give all their money away: all of their money, they can just give away. They do not have to worry about paying wages. They do not have to worry about paying the electricity bills. They do not have to pay their suppliers. They do not have to pay those exorbitant water fees. They can just give all of their money away.

The minister has never run a business in his life and he does not seem to understand that clubs are not corporations; they are community clubs owned by the community. They give away as much as they can to the community. Just about all of them give back more than the mandated eight per cent. Some of them give away over 30 per cent. The more you tax them, the less that goes back to the community. When you tax them in this way you are robbing the community.

The government's consultation on community contributions was a joke. Seriously, when you ask a death row inmate about which way he would prefer to be executed, you cannot then come into this chamber and say, "We're only doing what the prisoner asked for. We're only doing what they told us. He's the one who opted for the electric chair. We're are only fulfilling his wishes."

I refer to a media release from the minister on 4 June this year where he said:

In the coming week, the Justice and Community Safety Directorate will be in touch with clubs and other key stakeholders about how they can contribute to the review. The broader community will be able to have their say through the Government's YourSay website.

That never happened. It was never on the your say website. There it is in black and white in the media release on 4 July, but it never appeared on the your say website like most of the other consultations because I think they would rather have not got much feedback. They ended up getting a fair bit.

The minister also suggested in this chamber yesterday that he is only following through on the recommendations of the Auditor-General. I know that he would be well aware that the AG's report was not scathing of the clubs. The Auditor-General spoke about the process and the guidelines provided to the clubs, and former Labor Chief Minister Jon Stanhope said just that in his a *City News* article yesterday. I have it here in front of me. Mr Stanhope said:

In any event, to deny a club the primary role in determining how its community contribution will be disbursed potentially subverts the very reason that the club was established and the basis of its existence and success.

Isn't this remarkable? We are talking about a former Labor Chief Minister who has no love for poker machines. He has made it abundantly clear that he has no love for poker machines whatsoever.

I will quote some more from Mr Stanhope because he went on to say:

As I have said—

and this flies in the face of answers given by this minister in question time yesterday—

I think it is clear that these actions are a response to the political activism of ClubsACT during the last election to which the government has taken serious but unjustified exception.

That is not a Liberal scare campaign; that is the former Labor Chief Minister Jon Stanhope.

I will finish with another quote from Mr Stanhope who said:

The proposal to hypothecate community contributions to a central charity for disbursement is in effect to convert the contributions into a tax.

If the government is genuinely concerned that there are services and organisations missing out or falling through the cracks, then surely responsibility for that rests solely with the government.

That is former Chief Minister Jon Stanhope.

Clubs will close. When they do this minister is solely responsible. Jobs will be lost. When they are lost this minister is solely responsible. My message to the minister and everyone in this government is: leave our clubs alone.

Question resolved in the affirmative.

Crimes (Restorative Justice) Amendment Bill 2018

Mr Rattenbury, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

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) (10.37): I move:

That the bill be agreed to in principle.

I am pleased to introduce the Crimes (Restorative Justice) Amendment Bill 2018. The bill will amend the Crimes (Restorative Justice) Act 2004 to provide increased opportunities to access restorative justice for victims of crime in the ACT.

Restorative justice is a voluntary, facilitated process in which victims of crime, offenders and, where appropriate, their respective communities of care have the opportunity to participate actively in responding to an offence, establishing who has been affected and collectively making decisions about how to repair the harms experienced following an offence.

Victims of crime have reported that participating in restorative justice processes has helped them to better understand what happened, to regain a sense of control and to sleep better at night, and has lowered their symptoms of trauma and anger. While restorative justice may not meet the needs of every victim of crime, ensuring that victims of crime have the opportunity to access restorative justice if and when they need or want it is a key government priority.

The ACT has a long and proud history as an innovative national leader in the use of restorative justice practices. We are the only Australian jurisdiction to have enacted legislation which specifically relates to the operation of a restorative justice scheme. The ACT scheme currently allows for referrals to be made for offences involving young offenders and adult offenders for both serious and less serious offences.

Our scheme will further expand later this year when phase 3 is commenced by ministerial declaration, which will allow referrals to be made for family violence and sexual offences. Following the commencement of phase 3, all eligible victims of crime and all eligible offenders in the ACT will be able to access restorative justice. The declaration of phase 3 will complete the rollout of the ACT's restorative justice scheme as envisaged by the restorative justice subcommittee, a collective of territory leaders across justice and social services sectors who reported to the ACT sentencing review committee in 2003.

The commencement of phase 2 of the restorative justice scheme early in 2016, which made the scheme available for offences committed by adult offenders, resulted in an increased number of referring entities being able to make referrals to restorative justice. I am pleased that opportunities to make referrals involving adult offenders

were actively embraced by the new referring entities, with more than 315 adult offenders being referred to restorative justice between February 2016 and June 2018. During this period, phase 2 referring entities have actively engaged with the restorative justice unit and identified a number of opportunities to improve the operation of the restorative justice scheme, including by removing legislative barriers which limited their ability to use their referral powers under the Crimes (Restorative Justice) Act 2004.

Today's bill highlights the government's continued focus on prioritising the justice needs of victims of crime. Referring entities have spoken, and the government is introducing these reforms in response to issues they have raised following the implementation of phase 2.

These reforms, once passed, will allow more victims of crime to access restorative justice if and when they need or want it, providing greater agency for victims of crime navigating the criminal justice system. I would like to thank the referring entities: ACT Policing, the courts, child and youth protection services, the Director of Public Prosecutions, Corrective Services and the Victims of Crime Commissioner for their input into these reforms.

A key change made by the bill is to one of the eligibility criteria for a referral of an offence for restorative justice. Under the current scheme, when making a referral through restorative justice, referring entities are required to conduct an assessment of each required participant's capability to agree to participate in the restorative justice process. The ACT Supreme Court expressed concerns about the ambiguous nature of this process in the 2016 case of *R v Forrest*. Then Justice Refshauge identified that referring entities were being required to draw indirect references about the capability of a potential participant to agree to participate in restorative justice where the participant was not before the courts. The bill removes the requirement for a referring entity to assess a potential participant's capability to agree to participate in restorative justice prior to making a referral. Instead, this assessment will be conducted at the suitability assessment stage by dedicated expert staff in the restorative justice unit. These amendments simplify referral processes for referring entities and ensure that participants are subject to a consistent assessment process conducted by officers with experience and training in restorative justice practices.

Another key change made by the bill is another amendment to the eligibility criteria for referral. Currently, for an offence to be referred to the referring entity, they must be satisfied that the offender accepts responsibility for the commissioning of the offence. The change made by the bill will allow for young offenders who have been charged with a less serious offence to be referred to restorative justice where they do not deny responsibility for the commissioning of an offence. This is a subtle but significant reform which recognises that there may be a range of reasons that a person may not accept responsibility for an offence at the point of apprehension. Young offenders who access restorative justice under this modified threshold will be subject to the same suitability assessments, once the referral has been made, as other offenders, meaning that they will need to accept responsibility for the offence for the purpose of participation in restorative justice for a restorative justice conference to take place.

This change strikes a delicate balance between promoting access to restorative justice for young offenders and providing a safe process for victims of crime. This amendment has particular importance for its potential to reduce the number of Aboriginal and Torres Strait Islander young people who come into contact with the formal criminal justice system. It makes allowance for the potential for historically based mistrust of law enforcement that may influence the response of some young Aboriginal and Torres Strait Islander offenders following apprehension by police.

I turn now to an important change made by the bill which will support victim-led referrals. The current scheme does not support the Victims of Crime Commissioner to make a referral through restorative justice because, as a victim services provider, the Victims of Crime Commissioner does not have the ability to liaise directly with offenders to obtain their agreement to participate in restorative justice or to provide them with an explanation of restorative justice. This contradicts the objectives of the Crimes (Restorative Justice) Act as it limits the rights of victims of offences to make decisions about how to repair the harm done by offences.

The bill introduces significant reforms which will allow post-sentence referring entities, including the Victims of Crime Commissioner, to make a referral to restorative justice where they are satisfied, having regard to the objects of the act, that it is not appropriate or it is not reasonably practicable in the circumstances to notify the offender that the offence is being considered for restorative justice. This amendment will strengthen the Victims of Crime Commissioner's ability to utilise her referral powers, and provide additional scope for the restorative justice unit, once phase 3 has commenced, to manage some offences of sexual and family violence where power imbalances mean that it is not safe to notify the offender at the point of referral that the referral has been made.

At this stage, the amendments will only allow for referrals without prior notification of an offender where the offender has already been sentenced for the offence. Further work will be undertaken, including consultation with stakeholders, to consider whether there is scope for such referrals earlier in the criminal justice process in ways which support victim-led referrals and at the same time protect the human rights of offenders.

I turn now to the provisions in this bill relating to referrals made by the courts. The courts have the ability to make a referral to restorative justice prior to the entry of a plea before them. These referrals are regulated by section 27 of the restorative justice act. The courts have requested that section 27 of the act be clarified to highlight that it only applies to referrals made prior to the entry of a plea. Where section 27 is triggered, additional reporting requirements are placed on the courts. The amendments introduced by this bill transfer a court's duty to provide a copy of a court referral order to an offender and victim of crime, to the director-general of restorative justice.

Referrals made under section 27 introduce additional reporting requirements for the director-general of restorative justice. Currently, the director-general must report to the court which made the referral about the outcome of the restorative justice referral, and make comment on the eligibility of the offence and the suitability of participants for restorative justice. The bill makes a change to prioritise the privacy of participants

in a restorative justice process by removing a requirement for the director-general to report on their individual suitability for restorative justice, and instead require the director-general to report on the overall suitability of the offence referred. This creates safeguards for victims of family violence and sexual offences by reducing the risk that their choice to decline a restorative justice process will be conveyed directly to an offender.

Finally, I turn to the amendments which increase ease of access for people with disability seeking to participate in restorative justice processes. The bill amends provisions requiring participants to provide written consent for a restorative justice process or to physically sign a restorative justice agreement where they are unable to do so. Allowing participants to flexibly provide consent for restorative justice processes reduces barriers for participants with disabilities engaging in restorative justice processes. I would like to thank Women with Disabilities ACT, in particular, for their engagement in the development of this reform.

This bill introduces significant reforms to reflect the government's commitment to providing increased access to restorative justice for victims of crime in the territory. It further cements our position as an innovative leader in the use of restorative justice practices. The amendment is introduced to create additional opportunities for victims of crime to be empowered to participate in their justice processes while delivering safeguards which will support the ability of the restorative justice unit to safely manage family violence and sexual offences when phase 3 of the scheme commences.

While this government recognises that restorative justice may not meet the justice needs of every victim of crime in the ACT, we will keep working to ensure that all eligible victims of crime have the opportunity to access restorative justice if and when they need it, or want it, in line with our commitment to building a safer, stronger and more connected city. I commend the bill to the Assembly.

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

Red Tape Reduction Legislation Amendment Bill 2018

Mr Ramsay, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MR RAMSAY (Ginninderra—Attorney-General, Minister for Regulatory Services, Minister for the Arts and Community Events and Minister for Veterans and Seniors) (10.50): I move:

That this bill be agreed to in principle.

Madam Speaker, today I introduce the Red Tape Reduction Legislation Amendment Bill 2018. The ACT government is committed to cutting unnecessary regulatory burdens for businesses, community groups and individuals. This bill is the fifth in a

series of red tape reduction omnibus bills, complementing larger government regulatory reforms.

As part of the Red Tape Reduction Legislation Amendment Act 2017, the government reduced duplication and reporting requirements for ACT charities that were regulated under commonwealth legislation. The bill introduces amendments to the Associations Incorporation Act 1991 to further streamline reporting for charities registered with the Australian Charities and Not-for-profits Commission. To reduce red tape, the bill simplifies the way we categorise associations based on their income. It strengthens and clarifies governance requirements by modernising management of associations, and updates a range of processes for contemporary practice.

Many of the incorporated associations in the ACT are small, volunteer-run organisations. We want to support them by making it easier for them to understand and comply with the legislative requirements. To enable us to help associations transition to the new rules, these changes will take effect from July 2019.

This bill will remove references to car market operators from the Traders (Licensing) Act 2016 and the Sale of Motor Vehicles Act 1977, as car market operators have ceased operating in the ACT. It will amend the Land Titles Act 1925 to provide a more efficient process for industry in the lodgement of plans, maps and other documents, including removing outdated requirements for final plans to be submitted on linen paper, which needs to be sourced from the UK.

The ACT and the Australian government agreed to establish a common method for the assessment and listing of threatened species in 2015. Amendments to the Nature Conservation Act 2014, made in 2016, were the first stage of those reforms. This bill amends the act to remove duplication for the listing of key threatening processes under the commonwealth Environment Protection and Biodiversity Conservation Act 1999 and to streamline the processes for conservation advices. This bill also streamlines the processes under the Planning and Development Act 2007 for notifying the decision as to whether the ACT planning strategy needs to be reviewed.

A key part of the ACT government's program of regulatory reform is to review the stock of regulation to ensure that it is up to date and responsive to current community needs. People now have a greater choice of forms of identification available to them, including in digital forms on their mobile devices. For Canberrans who enjoy a night out, the ability to have ID on your phone means that, along with mobile phone payments such as tap and pay, and apps to contact friends and call a rideshare, you no longer need to carry a wallet. The world is becoming more digitised, and Canberra is moving forward as a smart city that supports a safe, vibrant and innovative nightlife.

While facilitating greater choice for the community, it is also important that identity documents used to satisfy regulatory requirements have robust and secure processes of verification. This bill will amend various acts and regulations to provide for alternative documents of identification for use in licensed venues, the casino and venues selling tobacco. New forms of identification which have been assessed as being robust and secure will be prescribed through regulation. The first of these to be prescribed in regulations is the Australia Post Keypass ID, which has verification

processes equal to the government forms of identification permitted under the act and is increasingly used by people across Australia to verify proof of age and identity.

The ACT has had the Electronic Transactions Act 2001 to provide for information requirements in legislation in electronic form. To ensure that there is no barrier to the use of electronic forms where it is the most efficient and appropriate approach, the bill removes references to the compulsory or sole use of outdated communications through the statute book, such as “fax” and “telex” machines.

This government is ensuring that our legislation is fit for purpose. The red tape reduction bill ensures that we are consistently simplifying our legislation and our regulation, as well as modernising it so that it is reflective of the modern, innovative and ever-improving city we live in. I commend the bill to the Assembly.

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

Legislative Assembly Sitting pattern 2019

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) (10.55): I move:

That:

- (1) unless the Speaker fixes an alternative day or hour of meeting on receipt of a request in writing from an absolute majority of Members, or the Assembly otherwise orders, the Assembly shall meet as follows for 2019:

February	12	13	14
	19	20	21
March	19	20	21
April	2	3	4
May	14	15	16
June	4	5	6
July	30	31	
August			1
	13	14	15
	20	21	22
September	17	18	19
	24	25	26
October	22	23	24
November	26	27	28; and

- (2) unless the Assembly otherwise orders, the Assembly:
- (a) will convene on 10 May 2019 at 10 am for a ceremonial sitting to commemorate the 30th anniversary of self-government for the Australian Capital Territory, being 11 May 1989; and
 - (b) notwithstanding the standing orders, the only business that will be considered by the Assembly at this sitting will be prayers and reflections, followed by consideration of notices and orders of the day that concern the 30th anniversary of self-government, and shall adjourn thereafter.

MR WALL (Brindabella) (10.56): The opposition will be supporting the motion. The pattern is not quite as short as some have been, but—

Mr Barr: And early enough notice for you this year?

MR WALL: It was good. Thank you.

Question resolved in the affirmative.

Icon Water contracts with ActewAGL Order to table

MR COE (Yerrabi—Leader of the Opposition) (10.56): I move:

That, in accordance with standing order 213A, this Assembly orders the tabling of the Icon Water contracts with ActewAGL (Corporate Services Agreement and Customer Services and Community Support Agreement).

I firmly believe that we need more transparency when it comes to the operations of Icon Water. In particular, the contracts they have with ActewAGL be made public and in full. The vast majority of Canberrans did not know these contracts existed. The reason for that is because nothing at all was published about them. It was only when I asked questions in annual report hearings last year that we discovered the existence of these contracts.

Icon Water has gone into arrangements to the tune of \$25 million per year and there was no visibility of this expenditure and no visibility of the contracts. It goes to the sort of operation being run at Icon Water that they had no intention of bringing any clarity to how this money is being spent. Of course, \$25 million spread across the water payers of Canberra is very significant. When that \$25 million per year is rolled into the water bills of every single Canberran, we are talking about a huge amount of money each Canberran is paying to fund these two contracts with ActewAGL.

The two contracts in question are the customer services and community support agreement and the corporate services agreement. Whilst on face value it seems quite reasonable that there would be contracts for the delivery of these services, the two issues of particular concern to me are: firstly, the cost or the value of these contracts; but, secondly, the lack of information available about these contracts.

In estimates a few weeks ago a representative of Icon and the minister said that in a boost to transparency they have now put the contracts up on their website. I note that the contracts that have been put up on the website are simply the ones that were provided to me under freedom of information. So rather than being this benevolent gesture, it is quite the opposite. They were forced to provide it by FOI and only then did they publish them on the website.

I do not know whether anybody in this place had a look at these contracts, but Mr Rattenbury might care to have a glance because even the contents page and the title page have redactions: agreed terms, part A, definitions and interpretation, priority of contract documents, condition precedent, duration of contract. What are 5, 6 and 7? This is the title page. We are not talking about the actual details here; we are talking about the contents page of a contract.

Part A, 5, 6 and 7—not there; Part B, 12 and 13—not there; 17—not there; 19—not there; 22, general requirements—not there; 29, 30, 31, 32, 33—not there; schedule 3—not there. I am not talking about the whole paragraphs or the whole sections; I am talking about the titles. The titles of those sections are apparently not fit for Canberrans to know about. It is shonky.

This is meant to be a wholly owned ACT government asset. This is meant to be the taxpayers' water department. Instead, we have a shonky setup where they do not want us to know not just the value of these contracts—only reluctantly did they tell us that—but they do not even want us to know how the contracts are being delivered and what they are for.

The exclusions I read were to the customer services and community support agreement. There is also the corporate services agreement. And, again, the redactions are many: 5, 6, 7, 11, 12; it goes on and on. When you get into the actual deliverables it is riddled with redactions. Entire pages are blacked out. Page 33, half blacked out; all of 34, blacked out; half of 35, blacked out; half of 36, blacked out; all of 37; all of 38; all of 39; most of 40; it goes on and on.

This is meant to be a government about transparency and openness, yet its 100 per cent owned water operation cannot even publish a contract in full. I think it is very shonky, and I very much hope that Mr Rattenbury sees fit that the taxpayers who are paying for this should at least see what they are getting as part of the contract.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism and Major Events) (11.02): The government will not oppose this motion this morning, but the Assembly needs to note a number of important points. Firstly, the documents being requested are not documents the executive holds. They are not documents created by the executive or owned by the executive, which is what standing order 213A generally refers to. The documents in question are contracts between Icon Water and ActewAGL relating to commercial matters of service provision.

Icon Water is a commercial entity which operates at arms-length from the government under the terms of the Territory-owned Corporations Act. The Leader of the Opposition is wrong in the assertion in his speech earlier. Icon Water is not a government agency as the act makes clear in stating:

- (1) A territory-owned corporation or subsidiary is not, only because of its status as a territory-owned corporation or subsidiary—
 - (a) the Territory; or
 - (b) a representative of the Territory; or
 - (c) a government entity under the Legislation Act,

So that is very clear. That is in legislation. That is the basis on which Icon Water operates.

In response to prior requests for the public release of these documents, Icon Water has consulted with the other commercial parties to the contracts and advised the government that sections of them are commercial in confidence. Icon Water has, however, published a significant amount of information about the contracts on their website, including as much of the documents that they believe could be released without infringing on commercial confidentiality.

These service contracts are set to expire in 2023. Ahead of this date Icon Water has advised the government that it will assess its ongoing service requirements and options and conduct market sounding on the future provision of the services currently delivered under these contracts. There is a real risk that Icon Water will not be able to negotiate for competitive future contracts that get the best deal for Canberra consumers if the commercial detail of their current arrangements is fully available in the market.

Icon Water also has an obligation to abide by the confidentiality of its commercial partners. After all, these contracts do not just reflect on the commercial arrangements between Icon Water and ActewAGL but also potentially contain information relevant to ActewAGL's other contractual arrangements that are completely unrelated to Icon Water.

More generally, members in this place should reflect upon the appropriateness of using standing order 213A to circumvent the ACT's freedom of information laws just because they do not like the outcome. The documents being requested today have been the subject of an FOI request. That request was responded to and as much of the documents as could be released without compromising commercial confidentiality has already been released. This comes on top of Icon Water also making this material available to all Canberrans via the company's website and not just providing them directly to the FOI applicant.

We voted in this place to provide the strongest and most transparent freedom of information laws in the country. We have introduced these laws because we understand and support the value of transparency in holding government agencies

accountable and giving Canberrans confidence in the public administration of the territory.

Using Assembly processes to attempt to circumvent the FOI process after Icon Water has participated in that process in good faith, engaged seriously with it and provided all the information it reasonably could makes a mockery of these nation-leading transparency processes that all members of this Assembly supported. Members need to reflect on that going forward.

If the Assembly orders production of these documents the government will seek these from Icon Water. We expect that their advice will be consistent with that already provided to the government: that everything which can be made available has already been made available and remaining details are commercial in confidence. We will, of course, take this process forward if that is the will of this Assembly this morning.

MR RATTENBURY (Kurrajong) (11.06): The Greens will be supporting this motion. Standing order 213A was established in order to resolve disputes like this. There has been some history in this place of people having different views about what should or should not be released. There are also recognised standards and tests about what is an appropriate document to be released, tests such as public interest, whether documents are commercial in confidence and the like. That is why standing order 213A was established, and that is why we are happy to support this matter to be resolved through that process today.

The nature of that is that once that process is gone through we have a result. If Mr Coe does not get the outcome he is seeking, he will need to reflect on how he wants to respond to that. But that is why we are happy go to this process. However, this is the last time we will do this unless the full extent of the FOI act has been used.

The new freedom of information laws allow for an appeal mechanism where a claimant is not happy with the release of documents under the FOI process. That has been revamped in the FOI legislation for the matter to go to the Ombudsman for a review of that decision. That was a very significant shift in the FOI legislation where previously it went to an internal review process.

Mr Coe: This was done under the former act last year.

MR RATTENBURY: Mr Coe has clarified one point, and I will come to that in a moment. Under the new act you can appeal to the Ombudsman. We had sought clarification earlier in the week of whether the Liberal Party had gone to the Ombudsman. At the time we were told they had not. Mr Coe has just clarified across the chamber that this was done under the old act, so that opportunity does not exist here. But certainly I would expect that in the future, before a 213A claim comes through, members would have used the full extent of the freedom of information process because we have created that mechanism.

I accept that that is not applicable in this case and that casts a slightly different light on the matter. But we need to make sure that we make full use of those opportunities going forward, because the Ombudsman is there. Getting in an arbiter has other costs,

and there are efficiencies in using the Ombudsman if we can. For the purposes of today we are happy for this to be tested by the independent arbiter. That is exactly what that role is for.

I think there is an interesting whole other discussion around the nature of ownership of these entities. Mr Coe has made the point that Icon Water is a wholly owned government asset, but ActewAGL is no longer wholly government owned. That brings in these commercial-in-confidence questions. My understanding is that Icon's reluctance to release these documents is because it will impact on commercial matters for ActewAGL. That can be debated, but that is what has happened as a result of the moves to move ACTEW away from being wholly owned by the government.

The community has a perception that ACTEW remains wholly owned by the government. If you ask most people who have been around Canberra who have been here a while they still think of it as a government entity. In fact, it has a very different agenda now; it has a corporate agenda as part of that partnership with AGL. That brings a different filter onto the way they view the world. That is muddying some of the questions and information Mr Coe is seeking here. Nonetheless, we are happy to support the motion today.

MR COE (Yerrabi—Leader of the Opposition) (11.10), in reply: I appreciate the support of all members in this place for the provision of 213A to be enacted here with regard to these two agreements. I want to touch on something Mr Rattenbury just mentioned with regard to the complex or sensitive nature of the arrangements with ActewAGL. That is why this particular contract is quite significant. Icon Water has given a preferred tenderer status to ActewAGL to the tune of \$25 million a year as this contract. But I wonder whether the other partner of ActewAGL is also giving special contracts to the joint venture.

If Icon Water half owns ActewAGL and they are in part propping up the operation through these contracts, that is potentially giving equity to the other shareholder of ActewAGL. So there are all sorts of complications here.

Whilst most Canberrans have some sort of affinity with ActewAGL, the complex arrangement with regard to its ownership and governance means that it is not always as simple as we might like it to be. When you have Icon Water putting large amounts of money into ActewAGL it begs the question whether the other joint venture partner is treating that joint venture in the same way. If not, how can we be sure we are getting value for money? How can we be sure that some of this money is not going in profit to the other joint venture partner? Some real questions have to be explored at a later date because they are a little tangential to the basic request for these agreements to be published.

Mr Barr all but accused me of trying to circumvent the FOI laws. Well, we are the legislators. If Mr Barr would prefer that I moved an amendment to the FOI act that these agreements be published, it is still going to come to this chamber for a vote; it is still going to be a will of the legislators. To say that a vote in a parliament is somehow circumventing the law is a bit of a stretch. As Mr Rattenbury said, 213A is there for a

reason. This is precisely the sort of reason for which it might be used. I am pleased that the Assembly will be supporting the motion.

Question resolved in the affirmative.

Administration and Procedure—Standing Committee Report 7

MADAM ASSISTANT SPEAKER (Ms Lee): On behalf of the Speaker, I present the following report:

Administration and Procedure—Standing Committee—Report 7—*The Conduct of Miss C. Burch MLA*, dated 20 August 2018, together with a copy of the extracts of the relevant minutes of proceedings.

MR WALL (Brindabella) (11.14): I move:

That the report be noted.

MS CHEYNE (Ginninderra) (11.14): I wish to speak briefly on this as the complainant against Miss C Burch. In particular, I want to put on the record my thanks to the Commissioner for Standards for taking this very seriously. It certainly was not vexatious. I appreciate that he did not treat it as vexatious. In fact, certainly in my time here there have been very few investigations conducted by the Commissioner for Standards, even when complaints have been made. So I think that does point to the seriousness of the complaint that was made.

I certainly accept the findings but I want to draw members' attention to particular elements of this report, the hypocrisy that has particularly come about from it, and some of Miss C Burch's key points of defence, which I find particularly hilarious given what she happened to do yesterday. First of all, Miss C Burch continues to block me on her Facebook page.

Mr Coe: Oh, you have never blocked anyone, have you, Andrew?

MS CHEYNE: This is not about Mr Barr; this is about me.

Mr Wall: And you are talking about hypocrisy.

MS CHEYNE: Just you wait! Apparently, in Miss C Burch's defence—

Opposition members interjecting—

MS CHEYNE: Look, I am just quoting from the report of the Commissioner for Standards and what he said Miss C Burch said to him. Apparently, two comments on a Facebook post was trolling. Seriously, we are both Gen Y. I think we know the definition of trolling. Two factual comments on a Facebook page is not trolling.

Secondly, I always thought that the Canberra Liberals believed in freedom of speech. Indeed, I checked out the “our beliefs” page when I made my adjournment speech. I note that the “our beliefs” page has been updated. That was fascinating for me to discover today. But, contrary to the great Menzies tradition, the Canberra Liberal Party have now swapped out their previous beliefs. They have now chucked in the great Menzies’ tradition. Fantastic; good on you! No 13 is great: “human freedom and freedom of speech.” So why block? Why block? If you—

Mr Wall: You have freedom to say what you want. It doesn’t mean we have to listen.

MS CHEYNE: You are listening right now, Mr Wall. I think that says a lot. Secondly—

Opposition members interjecting—

MADAM ASSISTANT SPEAKER: Members! I think we should let Ms Cheyne finish.

MS CHEYNE: I also note that in her defence Miss C Burch said that she decided to block me from making further comments on her Facebook page because she did not think it was becoming for members to get into arguments over politics on social media. Then she said:

While Ms Cheyne’s comments may have also been factually accurate—

That is a great admission—

they do not contradict my post. After multiple comments were made—

As I said, two; some people are scared of two comments—

I took this to be “trolling” behaviour and made the decision to block her from my page. I do not believe that my desire to avoid a public argument—

A politician avoiding a public argument; can you believe it, Madam Assistant Speaker?—

with another Member via social media is in any way relevant to my honesty or integrity.”

Mr Coe: Point of order, Madam Assistant Speaker.

MADAM ASSISTANT SPEAKER: Point of order, Mr Coe.

Mr Coe: I ask you to reflect on whether this speech is bringing the Assembly into disrepute. Is this really what the Assembly is here for, to talk about this?

MADAM ASSISTANT SPEAKER: There is no point of order, Mr Coe. Ms Cheyne.

MS CHEYNE: I am almost finished. Madam Assistant Speaker, I seek leave to table some social media posts published yesterday.

Leave granted.

I table the following posts:

P-plate drivers—Curfew—Screen shots from Miss C. Burch’s social media posts (3).

I would ask that Miss C Burch seriously reflect on the defence that she has provided to the Commissioner for Standards. This is actually a really serious report. She needs to reflect on her own honesty and exactly what she was trying to achieve.

Yesterday, as a member who does not support trolling, who does not want to get into arguments with people on social media, she posted a meme on twitter that shows Minister Rattenbury. I think we are meant to be puppets but the way that it works, it looks like a mobile; so I would ask them to reflect on exactly how they put together their—

Mr Coe: You can rest assured it is going to get a lot more re-Tweets now.

MS CHEYNE: I do not think anyone is actually listening, Mr Coe.

Mr Coe: Exactly! Exactly, Tara!

MS CHEYNE: Exactly, thanks. Not only did she do it on Twitter but then she went and did it on her Facebook page, again, where I am still blocked. If she had any courage she would just unblock me.

I think, at last count, membership of the ACT Young Liberals goes well into your late 30s; so I understand that Miss C Burch is certainly still a member of the Canberra Young Liberals. They also shared the post and said, “Please respond.”

I thought it was unbecoming for members to get into debates on social media—according to one of their own. One of their own Canberra Young Liberals, one of the members who apparently believes in freedom of speech, then does this. Get it together! You have been here nine months; work it out. If you are going to be a leader, maybe you should ask your own ACT Young Liberals to have a think about exactly what they are sharing when you have a particularly embarrassing report now being published about you.

Mr Wall: Madam Speaker, I do not wish to speak to the motion but I seek your guidance. Ms Cheyne’s comments made a number of reflections around the substance of the report, in particular the commissioner’s ruling. I think she erred in suggesting that the commissioner in fact got the ruling wrong in this instance. I seek that you as the chair reflect on those comments and decide whether Ms Cheyne has actually overreached the mark on this one.

MADAM ASSISTANT SPEAKER: Thank you, Mr Wall. I will do so and get some advice from the Clerk. Perhaps I could ask Madam Speaker to come back and talk about some of those reflections.

MISS C BURCH (Kurrajong) (11.22): On 7 June Ms Cheyne rose in this place to make accusations in an adjournment speech. She said that I had made misleading and dishonest comments on my Facebook page. Ms Cheyne reminded me to reflect on these actions. However, she chose to wait until right at the end of the sitting day before the winter recess to make these comments without actually giving me a chance to respond.

As would have been appropriate, she should have allowed me to respond in this chamber before writing to the standards commissioner about the Facebook post in question. I did not think it was appropriate then to respond in this place while this was still considered by the standards commissioner. So I rise today to respond to these accusations.

The day after the 2018 ACT budget was announced, I made a Facebook post that included the following text:

This budget saw rates, fees and charges continue to rise, yet Canberrans just aren't receiving the basic local services that we deserve.

The post went on to say:

Labor has tripled your rates ... but failed to increase weekend and evening bus services."

Admittedly, I was rather confused when I first heard of Ms Cheyne's accusations and I am still not quite sure whether it is a lesson in budgeting or a lesson in reading comprehension that she requires. Ms Cheyne's main issue of contention seems to be that a month earlier on 9 May the Minister for Transport and City Services had said that the government was "looking to" expand the light rail timetable and "looking to" expand rapid bus services.

Looking to do something is not the same as actually doing something. It may surprise Ms Cheyne to know that the opposition does not often take the government at their word. It is only this morning that we have received an update from the minister on the motion discussed on 9 May.

Further to this, the context of my post was the ACT budget, which had been announced the previous day and was referenced in the post itself and not, as Ms Cheyne seemed to believe, in the motion that had been debated in the Assembly a month earlier. Any reasonable person would surmise that if the government is looking to provide additional services within a financial year they would need to allocate additional budget funding in order to do so.

I find it ironic that Ms Cheyne has accused me in this place of misleading and dishonest comments on social media and, in her complaint to the standards

commissioner, given some of her own commentary around the budget. The week the budget was announced Ms Cheyne made claims on social media that, “Stamp duty is reducing while rates are increasing. It is not an increase in tax overall.”

Unlike my social media comments, this statement from Ms Cheyne is factually inaccurate. The ACT government’s own source tax revenue has been growing at a rate of 8.2 per cent annum since 2012-13. Rates revenue has doubled in the past five years and tripled since 2012. Over the past 12 months, the ACT government has collected almost \$80 million more in stamp duty than it did in 2012. The numbers do not lie and there is no way to spin it. This is an increase in tax overall.

Ms Cheyne: Point of order.

MADAM ASSISTANT SPEAKER: Yes, Ms Cheyne, point of order?

Ms Cheyne: Relevance; this was about budget funding for buses and honesty—

MISS C BURCH: It is about misleading comments on Facebook.

Ms Cheyne: and the Commissioner for Standards’ report. There was nothing about rates.

MADAM ASSISTANT SPEAKER: Thank you, Ms Cheyne. I believe there is no point of order. Miss Burch.

MISS C BURCH: I go back to the post that we are talking about here, which said:

This budget saw rates, fees and charges continue to rise, yet Canberrans just aren’t receiving the basic local services that we deserve.

So I think the increase in rates and taxes is entirely relevant to this debate. I also find it ironic that Ms Cheyne in her adjournment speech on 7 June quoted to me the importance of freedom of speech and honesty, as she has done again today, sitting behind the Chief Minister who actively and publicly has shown his disdain for anybody holding him to account. I refer the Assembly to a *Canberra Times* article written on 11 March entitled, “I hate journalists and I am over the mainstream media.” And another in the *Australian* dated 15 March entitled, “The ACT Chief Minister Barr reigns in an unaccountable utopia.” These articles, and Ms Cheyne’s behaviour, speak to a larger problem with this government, and that is one of transparency.

This government hates to be held to account and will stop at nothing to prevent dissenting views from being heard or shared both in this place and around Canberra. This government loves to act without recourse and blindly refuses to listen to what the people of Canberra want and need.

Ms Cheyne accused me of restricting information. Yet in what seems to be another example of her growing fondness for hypocrisy, she supports a minister who has run a disingenuous consultation process on the proposed new bus network during which she has refused to provide all the necessary information, such as timetabling information,

that would allow residents to provide informed feedback on how the new network will impact them.

The *Canberra CityNews* article only yesterday neatly sums up the government disdain for criticism:

Too many times this government has rolled out questionable survey results that do not match the reality of people's needs.

I could not agree more. Ms Cheyne's primary defence in her complaint against me, and again today, seems to be that I have proven my comments were dishonest by blocking her on Facebook. I admit that I did block her, but not for the reasons that she believes. She has mentioned that she had only made two comments on the post. They were two comments made in really quick succession while we were all in the chamber and I had not had the opportunity to respond. I stand by my comment that this was trolling behaviour.

I do not believe that my desire to avoid a public argument on social media with another member is in any way relevant to my honesty or integrity. Actually, the opposite is true. I blocked Ms Cheyne so as not to impugn the reputation of all members in this place by descending into what has become, given Ms Cheyne's record on social media, a schoolyard argument with no real resolution.

I stand by my statement that I do not think it is becoming of members to get into arguments. Ms Cheyne conveniently left out that I said, "arguments over politics and semantics on social media". I would have been happier to have this debate in the chamber. However, as I said she waited until the last adjournment speech on the last sitting day before the winter recess to raise this issue.

I do not control the ACT Young Liberal Facebook page. It is common practice for those on opposing sides of politics to block each other on social media. I and my colleagues have been, and unblocked by the Chief Minister on numerous occasions.

Ms Cheyne's feigned outrage at my blocking her and her subsequent complaint to the standards commissioner are childish, petty and a waste of government resources. It is simply another attempt by this government to shut down debate and silence people who disagree with them.

Question resolved in the affirmative.

Administration and Procedure—Standing Committee Membership

Motion (by **Mr Rattenbury**) agreed to:

That, notwithstanding the provisions of standing order 16, Mr Rattenbury be discharged from the Standing Committee on Administration and Procedure for the meeting scheduled for 6 September 2018 and that Ms Le Couteur be appointed in his place for that meeting.

Environment and Transport and City Services—Standing Committee

Statement by chair

MISS C BURCH (Kurrajong) (11.30): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Environment and Transport and City Services relating to the nature in our city inquiry.

The committee was pleased to receive 69 submissions from the community, from scientists, landscape architects, urban planners, wildlife and conservation groups, statutory office holders, utility companies, sport and recreation groups, neighbourhood groups, community advocates, and individual citizens.

Given the current high workload of members across all committees, the committee has concluded that additional time is needed to fully examine the large number of detailed and substantial submissions to nature in our city; therefore, it will be extending the reporting date to the end of July 2019. The committee will be contacting each submitter to explain the reasons for the extension of the inquiry and to keep them informed. The committee will soon announce a hearing schedule that is likely to be in early 2019.

Appropriation Bill 2018-2019

[Cognate bill:

Appropriation (Office of the Legislative Assembly) Bill 2018-2019

Cognate papers:

Estimates 2018-2019—Select Committee report

Estimates 2018-2019—Select Committee—government response]

Debate resumed from 21 August 2018.

Detail stage

MADAM ASSISTANT SPEAKER: I remind members that in debating order of the day No 1, executive business, they may also address their remarks to executive business order of the day No 2 and Assembly business orders of the day relating to the report of the Select Committee on Estimates 2018-2019 and the government response.

City Renewal Authority—Part 1.12

Proposed expenditure agreed to.

Legal Aid Commission (ACT)—Part 1.13

Proposed expenditure agreed to.

Icon Water Limited—Part 1.14

MR COE (Yerrabi—Leader of the Opposition) (11.32): I made some remarks with regard to Icon Water and their appropriation earlier, in the debate about the publishing

of the two service agreements. I think there is a lack of clarity, and perhaps even a lack of governance, with the operations of Icon Water. It seems that to an extent we are getting the worst of both worlds instead of the best of both worlds with regard to the corporation. They are not necessarily as efficient as you would hope a private sector organisation would be; nor are they as accountable as a public sector organisation should be. Rather than getting efficiency and accountability, it seems that we may well be getting the opposite. I think that there has to be a revisit of the arrangements that are in place with regard to Icon Water.

For many years, Canberrans have been paying for infrastructure as an embedded component of their water bills. Now, Icon Water are seeking to have additional levies to pay for infrastructure. It makes you wonder what the infrastructure component of previous ICRC determinations was all about if they now do not have enough money to actually pay for infrastructure upgrades. Where has all that money gone that was embedded in people's power prices?

I think there needs to be a revisit of this structure. We look forward to saying more about this at a later date.

Proposed expenditure agreed to.

Cultural Facilities Corporation—Part 1.15

MRS DUNNE (Ginninderra) (11.34): I would like to speak very briefly on the budget item for the Cultural Facilities Corporation. I commend the corporation once again for its good work in providing Canberrans and the people we welcome to the ACT as visitors with well-managed flagship arts venues and historical places and for its proactive approach to attractions and the programs that they offer.

I believe that the Cultural Facilities Corporation was an inspired initiative of my mentor, Gary Humphries. It has stood us in good stead over nearly 20 years now as a flagship cultural organisation in the ACT. During the estimates hearings, officials—with the minister's blessing, for which I thank him—offered me the opportunity to tour the Canberra Museum and Gallery. This was so that I could see how the planned capital works would impact on the operations and exhibition spaces in the building.

I was pleased to take up the opportunity. It was graciously hosted by the chief executive and the gallery director. It was very easy to see why the storage and workshop spaces need to be expanded. It was good to see that the careful planning of expanded spaces not only will give the public more insight into what goes on behind the scenes, but will also make the exhibition spaces more functional.

Gallery 5, the upstairs gallery, will be upgraded so that it will be an attractive space and give the Sidney Nolan collection a permanent display area. It will also create more opportunity for programs, especially for visiting schools. I hope that one day another project will begin so as to make the stairway access to the upstairs area a little less clunky. It is stylish, but access is a little difficult.

The budget also provides for some upgrade works to the Canberra theatre as well as to the three historic places the corporation manages, Lanyon, Mugga-Mugga and Calthorpes' House. Minister, I would appreciate the opportunity for on-site briefings at those places too, so that I can see for myself how the enhancements to these venues will, in turn, enhance the visitor experience. I would appreciate the minister's assistance in facilitating those briefings.

The Cultural Facilities Corporation is one of the ACT's quiet achievers. It is very effective in managing the government's bureaucratic processes but at the same time recognising that its priority should lie with its staff, volunteers and the public. The corporation delivers good service to the people of the ACT. I applaud it and its people for that work.

MR RAMSAY (Ginninderra—Attorney-General, Minister for Regulatory Services, Minister for the Arts and Community Events and Minister for Veterans and Seniors) (11.37): I thank Mrs Dunne for her comments. I will be very happy to facilitate an on-site visit for her to our excellent facilities in different parts of Canberra.

Through this budget, the government is recognising the importance of the arts, culture and heritage in our community by making a major investment in venues and programs run by the CFC. That investment will support the CFC's vision for Canberra to be a creative capital that values the arts for their intrinsic qualities, and further their contribution to building a more inclusive and resilient society. The arts continue to make our city an exciting place to live and an attractive destination for business and tourism. They play a key role in the economy of the ACT and the region.

Funding announced in the budget will improve the visitor experience at the CFC's venues, making the venues more accessible to visitors with special needs, achieving high standards of workplace health and safety for CFC staff, and supporting effective business operations.

We will be providing capital funding of \$350,000, to upgrade the CMAG storage and display areas, as has been mentioned, and enhance its capacity to collect, to conserve and to exhibit our region's art and history well into the future.

We are investing \$680,000 in capital funding at the CFC's historic places. Most of these funds will be spent at Lanyon for a new workshop and office, an electric people mover to help people with mobility issues move around the precinct more easily, and a study into water supply infrastructure. Funds will also be spent on conservation works at all three historic places managed by CFC, Lanyon, Calthorpes' House and Mugga-Mugga. And we will invest \$105,000 for improvements to telecommunications at Lanyon.

At the Canberra Theatre Centre we are investing nearly \$1½ million in a package of capital works to enhance safety and accessibility for patrons, and to maintain a higher level of work health and safety for staff. The main items in the package are upgrading the public toilets at the centre, with ambulatory cubicles; installing a lift and new wheelchair-accessible seating at the midpoint of the auditorium; upgrading the live

captioning equipment; and upgrading fire safety equipment, fire safety doors and roof safety infrastructure. We will also provide non-capital funding of \$145,000 to support technical training at the Canberra Theatre Centre, leading to increased employment opportunities in Canberra's stage and theatre industry.

The new funding announced in this budget is in addition to the government's ongoing investment in CFC's operations, at a level of \$9 million per year. The new budget funding and the ongoing investment in the CFC demonstrate this government's commitment to enhancing the cultural life of our community and developing Canberra's status as a creative capital. This support recognises that the CFC is indeed a leader in this creative city, providing high quality cultural experiences based on the arts and heritage resources that it holds in trust for the people of Canberra, and continuing to play a significant role in our region's cultural and economic life.

Proposed expenditure agreed to.

ACT Executive—Part 1.16

MRS DUNNE (Ginninderra) (11.41): The ACT executive sets the tone for the rest of the ACT government. And what a tone it is! To begin with, I note that the ACT executive appropriation this year does not envisage an eighth minister. I would welcome the Chief Minister's comments on how the eighth minister will be funded when he begins that role. I hope it is not going to come out of the Treasurer's advance, because it certainly was not unforeseen.

This budget reflects the decisions that are made every day by the government, and it reflects the influence that is brought to bear on the government by the Labor machine, led by UnionsACT and the CFMMEU. These decisions show a lack of process, a lack of accountability and a lack of clarity. And although it was not a recent decision, as Mr Coe amply stated yesterday, the secret deal with the CFMEU over its building in Dickson and Downer would not have come to light had it not been for an anonymous tip-off. That closed deal, brought about by influence on the Labor machine, was not transparent. It sets the scene for much that we see in the executive. There is a lack of due process and decision-making.

I will reflect on the decision to restructure Health as a classic example. The restructure of ACT Health did not go to cabinet. It did not have the supervision of the ACT executive. The Chief Minister made the decision, instead, based on a single brief from the Head of Service. The minister for health and the Minister for Mental Health claim that they were involved, but there is not so much as a post-it note to indicate or support that claim.

The restructure has a clear impact on many other portfolios: disability services; police and emergency services workers, who interact daily with ACT Health; women's health; Indigenous health; aged care; and child and adolescent health. None of these areas of government was consulted or had the opportunity to give coordination comments on a major policy change. The lack of consultation with ACT Health led to problems with accreditation, as has been highlighted with the problems that the government has experienced this year.

ACT Health is clearly struggling to implement the restructure. There is one month to go until the restructure starts, and we still do not know which staff will be part of which directorate and which will be part of Canberra hospital and health services. The Chief Minister claims that he took the decision based on his control of administrative orders, but there was no change to administrative orders on 15 March. We will see what is revealed when the minister makes the forthcoming changes to administrative orders. The control of administrative orders does give the Chief Minister power to hire and fire—that is true—but it also comes with a responsibility to make informed decisions based on the issues before us.

We have an executive which is quite beholden to the Chief Minister. The Chief Minister calls the shots. That is quite clear because of the decisions in relation to the split-up of the Health structure. This means that the ACT executive is becoming increasingly arrogant.

The timing of the Health restructure shows a complete lack of concern for the welfare of people at the hospital. It was agreed to at about the time that the auditors came through for the accreditation. It meant that they lost their chief executive. The chief executive was not available during the time of the Health accreditation. This left staff quite at sea and at a loss to understand why their chief executive was not available during the accreditation. This is clearly reflected in the documents provided in the FOI request. At the initial consultation over the split, this was a constant item of discussion amongst the staff: “Why were we left high and dry without a chief executive during the accreditation process?” That might to some extent explain why there were 33 fails in the accreditation. It put our accreditation at risk.

I have to reflect on the Chief Minister’s priorities and the priorities of this government. As Mr Barr has made quite clear with his “I hate journalists” comments, he wants to have a new approach to media in the ACT. It is interesting that at the same time we have a highly tuned media machine that supports the executive. Given the number of media and communications people across the directorates, it is our estimation that taxpayers pay about \$10 million a year in public relations and communications staff. Last week, for instance, the minister who hates journalists and thinks that conventional media is outdated spent taxpayers’ money to speak—

Ms Cheyne: Oh—

MRS DUNNE: You will have your turn if you want it. This is a chamber where I think we have freedom of speech. There was a great deal of talk about freedom of speech just recently.

Ms Cheyne: You tell me, Mrs Dunne.

MRS DUNNE: If Ms Cheyne is tired, she can leave or she can just wait her turn.

It was interesting that although the Chief Minister derides conventional media, he was prepared to spend taxpayers’ money last week to speak to senators about an issue that he held dearly. The money could have been more effectively spent on lobbying than a

glaring advertisement in a News Ltd paper, which I thought was interesting given this government's views on News Ltd.

Most ministers have communications officers working in their directorates. For instance, ACT Health has 28.75 communications officers. Even with that, they cannot actually get much done in relation to good PR for the hospital.

As I have touched on before, the influence of UnionsACT and the CFMMEU is legion in this place. I refer to a published article in the *Canberra Times* of 20 July last year titled "Unions ACT moves to bring ministers into line". It referred to a letter from Alex White to all Labor MLAs asking them to inform UnionsACT if they planned to meet with the MBA. The MBA is an organisation of some considerable standing across the country but suddenly it has become a proscribed organisation for Labor members. Since then, those opposite, including the minister, have given the MBA the cold shoulder.

However, UnionsACT and the CFMMEU have been free to meet with the minister over procurement issues and the so-called local jobs code. This means that procurement policy has been unduly influenced by UnionsACT and the CFMMEU. Recently the CFMMEU distributed a pamphlet in Kurrajong highly critical of Minister Stephen-Smith. As Mr Coe noted yesterday, Minister Stephen-Smith did nothing to defend herself about this.

These are some of the issues that go to the tone of this government, to the tone of this executive, which is led by Minister Barr. When you look at the expenditure in the executive, most of that goes not for the benefit of ACT taxpayers but to the benefit of the union machine.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism and Major Events) (11.51): I thank Mrs Dunne for that thoroughly constructive contribution to debate in the Assembly this morning, the character assessments and all. Thank you; I will reflect on your words, Mrs Dunne, and give them the consideration they are due. On a day when the House of Representatives appears to be curtailed because there is not a Prime Minister and there is not a functioning Australian government, to get a lecture from Mrs Dunne about how to run an executive government is pretty extraordinary.

The Leader of the House in the House of Representatives has had to move that the federal parliament shut down. The Liberal Party is in such chaos just three kilometres from here, so I take lectures from Liberal Party MLAs on how to run executive government with all the credibility that party can muster at this point in time around how to run a government.

In relation to the specific question Mrs Dunne asked around the executive budget, members would be aware that in the past when the executive has expanded there is a transfer of appropriation from the Office of the Legislative Assembly to the executive and that covers part of the increased costs with an additional minister. The executive has the capacity to reorganise its internal budgets in order to meet additional

expenditure. Anything that remains beyond that can be dealt with through either a further appropriation or the Treasurer's advance.

Given that there will be an opportunity for a further appropriation in this fiscal year associated with the mid-year review, should there be a need to provide any additional resource to the executive budget that would be the time and place in which it would occur. But I note that funding transfers from the Office of the Legislative Assembly to the executive budget.

More broadly, the government will remain focused through this period of massive political instability in our nation without a functioning Australian government today, with multiple candidates for the Prime Ministership of this nation, and another sitting Prime Minister politically assassinated in office by their own party. The Labor side of politics has experience; we have lived through this ourselves and we know how debilitating that is for not only the political party but the good governance of this nation.

Members of the executive here have worked very hard over the past six months with their federal ministerial colleagues, and I speak particularly of Minister Rattenbury and the work around the national energy guarantee that has just been trashed by dinosaur conservative coal lovers. People prepared to go into the Australian parliament bearing lumps of coal saying, "This is our future," are now the moderate contenders for the leadership of our nation. Scott Morrison is now the moderate candidate to lead the Liberal Party. It is Scott Morrison up against Peter Dutton for who will lead this shambles of an Australian government.

What we need now is an election federally. Whoever ends up as Prime Minister at the end of this day should immediately call a federal election. Why? Because the Council of Australian Governments requires there to be a functioning Australian government. In many areas of joint responsibility between the executive of the Australian Capital Territory and the executive of the Australian government we need a way forward. Whether that is in energy policy, health, schools funding, housing and homelessness, or any of these areas where there is joint responsibility, a functioning Australian government is necessary to deliver services in this community.

We have a functioning executive in the Australian Capital Territory, and for Mrs Dunne to come in here and lecture us about how to run a government on a day when the Liberal Party is imploding across this nation is extraordinary.

Mrs Dunne: It is not imploding here, so just be careful.

MR BARR: No, the right wing have already taken over. The Canberra Liberals are a wholly owned subsidiary of the far right. That is already done and dusted. That happened when Zed Seselja beat Garry Humphries—your mentor, Mrs Dunne—when the moderates were swept aside and when the response to losing the 2016 election was to go even further to the right by installing Alistair Coe as your leader. You are the A to Z of conservatism in this city. You are proud of it because that is where you stand in the Liberal Party.

Yes, you are probably going to have a win today in that the moderates in your party will be crushed, absolutely crushed. But for those of us who have to get on with governing in the Australian Capital Territory, we need to be able to work with a functional Australian government, and we do not have that today. So we will not be lectured by Mrs Dunne on how to run executive government.

Proposed expenditure agreed to.

ACT Gambling and Racing Commission—Part 1.17

MR PARTON (Brindabella) (11.58): We have spoken a lot about gaming and racing policy in the JACS directorate line in this debate, and I do not wish to bore the Assembly by talking any more in this space. As much as I know Mr Ramsay enjoys my speeches on this subject, we have nothing further to add than what was stated in the debate on the JACS directorate earlier.

MR RATTENBURY (Kurrajong) (11.58): I will make a few brief remarks on the section of the budget related to the ACT Gambling and Racing Commission. The Greens believe that people who choose to gamble are entitled to an environment that minimises their risk of developing gambling problems. We know that gambling can have serious social and economic impacts that affect individuals, families and communities, which is why it is so important that our regulator is empowered to prioritise harm minimisation and enforce sanctions where breaches are identified.

I was pleased to see that harm prevention is listed as a priority for the commission in this year's budget papers in line with the broader announcements we have seen in recent days. The budget papers highlight the findings from a recent study from the ANU Centre for Gambling Research which found that while there are harmful impacts from high intensity gambling, or what some people might refer to as problem gambling, the bulk of gambling harm is experienced by a larger group of Canberrans who experience moderate to low levels of harm.

The budget papers also cite a 2014 survey which found that over 15 per cent of adults in Canberra had a close family member who had experienced gambling harm in their lifetime—that is one in six or one in seven Canberrans—with 6.1 per cent saying that this had been in the previous 12 months—so one in 16 people. Of these, 38.8 per cent of family members said the issue had affected their family and relationship, their mental health and/or their financial security. This is why we cannot dismiss gambling harm as a small or insignificant problem or rely only on the numbers of so-called problem gamblers to inform our response.

I am pleased to see the commission and the government adopting a public health approach to this issue. Looking beyond the immediate impacts on the gambler and considering the wider flow-on effects. While the priorities and the strategic objectives of the commission seem to align with the evidence and the government's commitment to reducing gambling harm, the actions we saw recently in the case of Professor Laurie Brown did not align with this approach. While education and engagement with gaming venues is an important part of the regulator's role, there is equally a need for

strong enforcement in cases where significant gambling harm has resulted. I know that the government, through Minister Ramsay, is working on a package of reforms to help improve the gaming code of conduct, and I look forward to seeing the outcomes of that work.

The Greens are also pleased to have secured a series of commitments to reducing harm from gaming in the parliamentary agreement, including reducing the number of poker machines down to 4,000, increasing the problem gambling assistance fund levy, and the consideration of harm-minimisation measures such as mandatory pre-commitment and bet limits.

This is a reflection of the government's commitment to taking this issue seriously, and I certainly welcome the statement made by the minister this morning in which he has outlined in greater detail the plans to practically move to that point of reducing the number of licences for poker machines in the ACT to 4,000 and the other measures associated with that package.

Unfortunately, we have seen from recent events that our current system is not yet adequately set up to protect people from gambling harm. We do not currently have the mechanisms to ensure that strong action is taken against those who are not compliant with the code of conduct. If there are not appropriate penalties in those cases where we see such significant harm, then the commission cannot meet its objectives of taking meaningful action and ensuring compliance with the legislation.

I know this is an issue many Canberrans feel strongly about, and I look forward to seeing changes before the Assembly in the near future. We only have to look at the Laurie Brown case and how fiercely that penalty was fought against to understand that putting real penalties in place has serious consequences and that people actually stand up and take notice.

We have already spoken about the importance of the community contributions scheme in this place over recent weeks and days so I will only briefly touch on this issue. As the Auditor-General's report made clear, the administration of the scheme needs to be improved with clearer definitions for what are community contributions, and better auditing of those payments by the commission. The Greens want to see the scheme made more transparent to ensure that it is maximising benefit for the Canberra community.

I support the minister's announcement that the clubs will retain control of the current eight per cent of revenue under the scheme because it is important that clubs are still able to support local sports teams and community groups. We also support the expansion of the scheme to allocate an additional amount to a centralised fund so we can expand the reach of the scheme to other community groups that are not currently accessing it.

I know there has been a lot of feedback through the recent consultation process, and this has been taken on board. I believe we have an opportunity to find a balanced outcome that recognises the benefits of the current model, improves current processes, and broadens the scheme's benefits to even more community groups.

I noted the line of questioning by the Liberal Party over the past couple of days where they asked the minister to make various guarantees about who would and would not receive funding. The great why in those questions was the assumption that there is currently a guarantee, but it is entirely discretionary on the part of the clubs as to who they give money to. That is often built on personal relationships, connections, historical trends or whatever the association might be.

It is symptomatic of the way the Liberal Party presents these issues that they assume that there is any guarantee in any of that funding. A change of general manager, a change of whatever—you name it—could see those very same community groups lose their funding one year because of a decision by the club. That sort of distortion by the Liberal Party in this place and a cute attempt to put the Attorney-General in an uncomfortable position reflects more on them than it does on the decisions the attorney is taking. It is simply not an accurate reflection of the reality on the ground.

I also want to briefly speak on the introduction of a point-of-consumption wagering tax in this budget. This tax is already in place in other jurisdictions, most notably South Australia, and it is being introduced right across the country. It is appropriate that gambling taxes are applied across all forms of gambling. While online gambling has and continues to present some regulatory challenges, we should be open to new approaches for enforcing those standards when the technology allows for it.

We also know that some forms of gambling such as poker machines and wagering have greater adverse impacts than other forms such as lotteries. Given this, it is even more important that these kinds of high-risk gambling products are appropriately regulated. Under the wagering tax model outlined in the budget, operators will be required to pay a 15 per cent tax on the revenue from those bets placed in the ACT or made by ACT residents. This initiative will not only provide revenue, but also data to inform the commission's regulation and monitoring of gambling activities in the territory.

Increasingly, we are identifying new ways to monitor and regulate online markets, and I am pleased to see the government taking action in this space. New proposals for the regulation of online gambling are now being proposed, including the introduction of pre-commitment systems and other harm-minimisation approaches. I look forward to seeing the options for regulation and harm minimisation in this space continue to improve.

We know that gambling technologies are highly addictive, and that is why part of the responsibility for reducing gambling harm rests not just with the individual but also with government. Government action on gambling must prioritise the health and social wellbeing of people ahead of gambling industry interests. We must move away from an unsustainable and an unethical reliance on gambling revenue. The Greens will continue to call for an evidence-based public health approach on this important issue.

Proposed expenditure agreed to.

Public Trustee and Guardian—Part 1.18

MR HANSON (Murrumbidgee) (12.07): The Public Trustee and Guardian is an area of service which often does not get a lot of public attention unless something goes wrong. As we know, that is unfortunately what happened a number of years ago, and on top of that the agency then went through a significant restructure. At this junction it seems to me that after a very difficult period this group has weathered those storms and is now back on track providing important services to Canberrans.

I thank the staff for their hard work during these tough times and acknowledge the improvements that have been made and the effort required to make those changes work in the interests of our community.

However, I raise one issue which is addressed not only by the Public Trustee but also the Legal Aid Commission, the Human Rights Commissioner and the Public Advocate, that is, the issue of elder abuse. As Andrew Taylor, the Public Trustee and Guardian, said in estimates:

Most of the business units that we have at Public Trustee and Guardian are involved at some level of the elder abuse spectrum ... it is our experience that what we see is the tip of the iceberg because it is not reported. It is not reported because as much as 60 per cent of elder abuse is committed by a family member. There are reasons for not reporting abuse within a family. With the true picture that is out there, we do not see it at all.

This is an area that behoves us in many of our portfolio areas to be alert to and mindful of. It is an area that is in many ways hidden in the community. There is much debate, rightfully, at the moment in our community about issues such as domestic violence, and I do not think elder abuse, which is perhaps an equally significant issue, is receiving as much attention. Maybe it is time for us as a community and certainly as an Assembly to turn our minds to that very important issue.

Proposed expenditure agreed to.

Independent Competition and Regulatory Commission—Part 1.19

Proposed expenditure agreed to.

Total Appropriated to Territory Entities

Proposed expenditure agreed to.

Treasurer's Advance—Part 1.20

Proposed expenditure agreed to.

Total Appropriations

Proposed expenditure agreed to.

Clauses 1 to 10, by leave, taken together and agreed to.

Title.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism and Major Events) (12.10): This will be the last opportunity to speak on the budget, so I particularly thank the team within ACT treasury for once again delivering a very comprehensive set of budget papers and answering hundreds and hundreds and hundreds of questions during the estimates process. I also acknowledge the very hard work of my office, particularly Dr Jen Rayner, for coordinating what has been a very significant budget for the territory.

This is the single biggest piece of work undertaken within government each year, and it is always very pleasing to arrive at this stage in the budget process. With an extensive amount of scrutiny and two weeks of budget debate, I think we can confidently say that the ACT budget and the appropriations that are edging up towards \$6 billion are the most scrutinised \$6 billion in Australian politics, and that is a very good thing.

Having said that, I thank my ministerial colleagues for their hard work during the budget process. And it is all about to start again, Madam Speaker.

Title agreed to.

Question put:

That the bill be agreed to.

The Assembly voted—

Ayes 13

Noes 10

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

Question resolved in the affirmative.

Bill agreed to.

Appropriation (Office of the Legislative Assembly) Bill 2018-2019

Debate resumed from 5 June 2018, on motion by **Mr Barr**:

That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (12.16): I will be brief, but as the deputy presiding officer now and as the presiding officer when the bill came into the form in which it is presented now, it is worth commenting on. I thank the government for the appropriation for the Legislative Assembly to keep this place going. I note some of the improvements in the physical infrastructure in the Assembly which are welcomed by members and staff and people who visit here, although we still have not succeeded in keeping all the noise out.

Of most importance is the appropriation for the Auditor-General. As the Chief Minister noted when he presented this bill, the appropriation is not what the Speaker asked for and it is not what the public accounts committee asked for. But I note that we are gradually seeing an increase in the number of performance audits being done by the Auditor-General: we will move in this period from seven to nine performance audits.

It has long been the view of successive public accounts committees that we should be moving gradually to about 12 performance audits each year. The performance audit process is a very important part of the work of the Auditor-General and it does need to be funded out of ACT taxpayers' revenue. The financial audit part is paid by fee for service. It is still paid for by the taxpayer because the organisations audited are government entities, but the appropriation relates entirely to the performance audit process.

I recollect that there were requests for provision to cover the recruitment and appointment of a new Auditor-General, and I note the government has, rather, asked the Auditor-General to dip into the Auditor-General's reserves for that and for an extra performance audit in this calendar year. We need to be careful about that because soon the Auditor-General will have depleted those hard-earned and hard-accrued surpluses, and I think there is an issue there. We cannot leave the Auditor-General without some leeway for unexpected expenditure.

Knowing that once every seven years we have to appoint a new Auditor-General, it should be something that the government is prepared to pay for out of its own revenue rather than relying on the accumulated revenues of the Auditor-General, and I am disappointed.

I am pleased to see an increase, as I said, in the number of performance audits. But at this stage it does not meet the requirements and the policy position of the Canberra Liberals. We will continue to work towards an increase in the number of performance audits beyond the nine which are anticipated by the end of this budget cycle.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism and Major Events) (12.20): The Office of the Legislative Assembly provides important procedural and administrative advice and support to the Assembly and its committees. I know all members in this place are very grateful for all of the work the office does, so thank you.

The office also plays a particularly important role in supporting the committees of this place, which have increased in number and complexity in recent years. Committees

play a very important role in scrutinising the work of government, ensuring that the bills we pass here are workable and practical and creating opportunities for Canberrans to have their say on issues of community importance.

In the months ahead the Assembly committees will be dealing with some very big issues, like end of life issues, compulsory third-party insurance reform and the establishment of the ACT's integrity commission. While this work often goes on in non-sitting weeks and perhaps without the level of attention of, say, question time or sitting day parliamentary debates, these committees are another essential part of the ACT's democratic process.

In the 2018-19 fiscal year the Office of the Legislative Assembly will also be focusing on a range of other practical priorities including: continuing the digital transformation of the Assembly's business processes and progressing planning for the digitalisation of the Assembly's archived records; completing the double glazing of the Assembly building's external windows to improve energy efficiency and reduce energy costs and noise; exploring improvements to the physical security of the building through a review of the layout of the public entrance to the Assembly building; and, very importantly, hosting ceremonial celebrations in May of 2019 for the 30th anniversary of the first sitting of the Assembly.

I commend the OLA's appropriation to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Estimates 2018-2019—Select Committee Report

Debate resumed from 31 July 2018, on motion by **Mr Wall**:

That the report be noted.

Question resolved in the affirmative.

Estimates 2018-2019—Select Committee Report—government response

Debate resumed from 14 August 2018, on motion by **Mr Barr**:

That the Assembly take note of the paper.

Question resolved in the affirmative.

Sitting suspended from 12.23 to 2.30 pm.

Questions without notice

Chief Minister's Charitable Fund—Hands Across Canberra

MR COE: My question is to the Chief Minister. Last month you announced that Hands Across Canberra will administer the Chief Minister's Charitable Fund. What tender process was undertaken in order to select Hands Across Canberra as the organisation to run your charitable fund?

MR BARR: There was not a tender process.

MR COE: What process did you go through in order to select Hands Across Canberra, and has an agreement been struck with them already?

MR BARR: I took a proposal through the budget process. I announced, as part of the parliamentary agreement two years ago, the intention to establish a charitable fund. The government's view, given our longstanding involvement with Hands Across Canberra and its established reputation in the community, was that establishing a whole new entity to manage the fund would be a duplication and unnecessary. It was a decision of the budget process to allocate a one-off payment, an endowment, to establish the fund, which is modelled on the Lord Mayor's charitable fund in Melbourne. There is a deed of agreement between the ACT government and Hands Across Canberra for the management of the fund.

Mr Coe: Point of order.

MADAM SPEAKER: Point of order, Mr Coe.

Mr Coe: It is on relevance. The question was about what process was undertaken to select Hands Across Canberra; it was not about the decision to establish a charitable fund. Whilst the Chief Minister has gone through the process for deciding to go ahead with a charitable fund, he has not yet addressed the question about how he chose Hands Across Canberra.

MR BARR: I took a submission to cabinet, and cabinet determined that Hands Across Canberra would operate the charitable organisation. That was part of the parliamentary agreement from two years ago.

Ms Lawder interjecting—

MR BARR: It was part of the parliamentary agreement from two years ago where we committed to establishing an independent charitable fund.

Mr Coe interjecting—

MR BARR: A fund modelled on the highly successful Lord Mayor's fund in Melbourne.

MR PARTON: Does the ACT government have an actual contract with Hands Across Canberra?

MR BARR: There is a deed of agreement; yes.

Planning—Woden

MS LE COUTEUR: My question is to the Minister for Planning and Land Management and relates to the government's free kick building height bonus for Woden town centre. Minister, the planning committee unanimously called for the bonus only to apply where there was real community benefit like community facilities. Instead, the government promised a broader investigation into rolling out community benefit provisions across Canberra. Has this work started and when will it be finished?

MR GENTLEMAN: I thank Ms Le Couteur for her question and her interest particularly in Woden and the opportunity for proponents around Woden to assist the community as we do development across the ACT as well as Woden. We do know that the Woden Valley Community Council has had some input on this as well. I have engaged with the directorate to begin that process. I can come back with some details about how that will go forward.

MS LE COUTEUR: Minister, given, as you said, the Woden community is concerned that the free kick height bonus will apply until the broader investigation is done, can you promise the community of Woden—and I guess of Canberra as a whole—that this work will be given priority?

MR GENTLEMAN: Certainly in the scheme of things we have announced it will go forward so it will be given a priority in order of its workload. We will ensure that we go forward with that in the not-too-distant future.

MR PARTON: Minister, what actual benefit will the community get from those additional heights?

MR GENTLEMAN: There is quite a bit of opportunity for the community in ensuring that proponents provide community benefit to the ACT, particularly in the Woden area. There is a lot of opportunity there for better urban open space, better amenity and other community benefits.

Chief Minister's Charitable Fund—Hands Across Canberra

MS LAWDER: My question is to the Chief Minister. Chief Minister, last month you announced that your government will provide seed funding to Hands Across Canberra for the Chief Minister's Charitable Fund. How much money has the ACT government transferred to the fund?

MR BARR: The allocation is in the budget papers and it is \$5 million. But let me correct an element of Ms Lawder's question that is incorrect. Hands Across Canberra have not been granted the money. A new not-for-profit company limited by guarantee called the Chief Minister's Charitable Fund is the entity. The grant is governed by a three-year renewable funding deed.

The fund is managed by an independent board. That independent board will initially mirror the board membership of Hands Across Canberra. In the first three years 25 per cent of the funding provided will be used for charitable purposes. The remainder will be invested. The corporate structure is of a not-for-profit company limited by guarantee external to government and governed by a constitution and an independent board.

The fund has been set up as a charity under the Australian Charities and Not-for-profits Commission Act 2012. The initial board members will comprise the same board members as Hands Across Canberra. The objects of the fund are modelled off the highly successful Lord Mayor's charitable fund based in Melbourne. I hope that information clarifies the matter for Ms Lawder.

MS LAWDER: When did or will the ACT government transfer money to the Chief Minister's Charitable Fund for Hands Across Canberra?

MR BARR: In the 2017-18 financial year.

MS CHEYNE: Chief Minister, what benefits and services do you see the charitable fund providing to the Canberra community?

MR BARR: As I indicated in my answer to an earlier question, through the parliamentary agreement we committed to establishing the independent fund, and we committed to reviewing the community contributions scheme, with a view to maximising the direct benefit to the community for the scheme.

These two issues were front and centre of the parliamentary agreement; indeed they were features of public discourse during the 2016 campaign and are issues that I think have been quite extensively canvassed since. We aim to increase the amount of philanthropic effort in our city and to build opportunities for community organisations to work together to improve outcomes right across our community.

Hands Across Canberra have been incredibly successful throughout their history at achieving those ends. I note the commentary from Mr Parton in relation to their success, and I share that view that they have been a very worthy organisation, broadly supported across the Canberra community, and were indeed ideally placed to undertake this role on behalf of the Canberra community. This was in the budget. We voted on it this morning.

Mr Wall: No, we didn't.

MR BARR: Yes, we did.

Mr Wall: Well, we didn't vote for it.

MR BARR: We voted on the appropriation.

Mr Coe: You said it was in the 2017-18 approps.

MR BARR: It was in the budget.

Mr Coe: You said the money had been spent already.

MR BARR: It was in the budget.

Mr Coe: No, it wasn't. It said zero.

MR BARR: It was in the budget papers.

Mr Coe: It said zero in the budget.

MR BARR: It was in the budget papers.

Chief Minister's Charitable Fund—Hands Across Canberra

MR WALL: Chief Minister, last month you announced that your government will provide seed funding to Hands Across Canberra for the Chief Minister's Charitable Fund. Under what legislation will the payments to Hands Across Canberra or the fund be made?

MR BARR: The Financial Management Act.

MR WALL: Chief Minister, will the ACT government be paying Hands Across Canberra for the administration of the fund? If so, how much has been, or will be, factored in for the administration of the fund? Have any payments been made so far?

MR BARR: Yes, a modest amount of funding of \$100,000 has been allocated to set up the fund. Ongoing administration costs will be kept to a minimum in line with standards for similar funds around the nation.

MR COE: Chief Minister, how do you determine what the cost to manage this fund is going to be? Will those funds be drawn from the Chief Minister's Charitable Fund, or will it be a separate grant or appropriation? What other guidelines will exist?

MR BARR: The answers to all of those question are available as part of the deed of agreement.

Budget—community input

MS CHEYNE: My question is to the Chief Minister. Chief Minister, this morning the Assembly passed the appropriations bill for the 2018-19 budget. When will work commence for the 2019 budget, and how can Canberrans get involved?

MR BARR: Thank you, Ms Cheyne. I was completing an answer to the previous question, advising the Leader of Opposition that he was not aware of what his colleagues in estimates had in fact asked for.

Community consultation for the 2019 ACT budget will commence next week. I am pleased that we have passed this year's budget. Each year the government allocates \$6 billion towards services and infrastructure for our community. We are very focused now on turning our attention to next year's budget.

The 2019 budget consultation website will go live this coming Monday, 27 August, and we will be accepting submissions through to the middle of October. We passed the budget this week, and we will start work on next year's budget four days later. This extended period of community engagement will mean that there is additional time for feedback and suggestions from stakeholders and the broader community to help guide proposals that will be brought forward for the 2019-20 budget. We will look to continue to invest in services and infrastructure for our growing community.

In previous years, we have received hundreds of submissions from across stakeholders, business organisations and community groups as well as individual Canberrans who bring forward good ideas. The government considers all of this input closely in the budget process, and input from stakeholders, community organisations and individual citizens ensures that we can put together a very strong budget each year that reflects the needs and aspirations of the Canberra community.

MS CHEYNE: What steps is the ACT government taking to involve more Canberrans in the budget process?

MR BARR: Canberrans who are keen to provide their input on the 2019-20 budget can make a submission online from next week by visiting the government's your say website community engagement platform. All input and submissions that their submitters wish to be made public are then uploaded to a budget consultation website on the treasury page for people to consider.

In making submissions, we are asking Canberrans to think about four big questions: what services are most important for the territory; how can the government deliver current services more efficiently or in ways that better meet the needs of our community; are there services that the government should stop delivering or deliver in a different way; and what new ideas, services or programs should the government consider to meet the emerging or evolving needs of the community?

Of course, individual groups and organisations will always place their own direct requests for funding through this process as well. The government gives close consideration to these submissions. But when joining the consultation process, we certainly encourage everyone to think about the bigger picture of how we can best meet our growing city's needs and deliver the services and infrastructure that will see our city continue to get even better.

MR PETTERSSON: Chief Minister, what are some examples of the community's input influencing outcomes in past ACT budgets?

MR BARR: We certainly want to see as many Canberrans as possible from as many different backgrounds and walks of life having their say on how our city works.

Participatory budgeting is an approach that has been used successfully in other places around Australia and around the world to directly involve members of the community in decisions around how public money should be allocated. This approach is particularly useful for hearing from groups who may be most affected but are often not engaged by more traditional consultation methods, such as younger Canberrans and those experiencing disadvantage.

Last year the Assembly proposed that the government undertake a participatory budgeting exercise to help inform the 2019 budget process and we have started work on scoping this project. The better suburbs community engagement being run by Transport Canberra and City Services includes a pilot of this approach, with a group of Canberrans being asked to deliberate on how nearly \$2 million for playground upgrades should be allocated across Canberra.

This is a promising new era for community engagement on the priorities of Canberrans and we will continue to explore its potential as we work to deliver future budgets.

Clubs—community contributions

MR PARTON: My question is to the Chief Minister and Treasurer. I refer to an article by your good friend and former Labor Chief Minister Jon Stanhope in the *City News* of 23 August. Mr Stanhope said:

The proposal to hypothecate community contributions to a central charity for disbursement is in effect to convert the contributions into a tax.

If the government is genuinely concerned that there are services and organisations missing out or falling through the cracks, then surely responsibility for that rests solely with the government. Labor and the Greens have, for example, cut funding in the current Budget for social protection and provided for growth of less than inflation for housing and health.

Why did the government decide to change the community contributions scheme into a tax?

MR BARR: We have not. So both Mr Parton's question and the former Chief Minister's commentary are wildly inaccurate.

MR PARTON: Chief Minister, what level of responsibility does your government have for services and organisations missing out on funding or falling through the cracks?

MR BARR: Most of the times where we have picked up the pieces of organisations that have missed out on funding and fallen through the cracks have been the result of decisions of the federal Liberal government. There have been countless examples of that discussed during the debates on the budget this year where we have in fact taken on the responsibility that the federal Liberal government have abrogated because they are so focused on dragging themselves even further to the right and focusing on themselves and not governing for the people of Australia.

We remain focused on increasing the amount of funding available for community organisations both through our budget allocations annually and through these new measures. That is our objective: to increase the amount of funding available, and we look forward to that outcome as a result of our reforms. Our approach stands in marked contrast to the stripping away of funds from community organisations, which the Liberal Party has sponsored at the federal level.

ACT Health—proposed organisational changes

MRS DUNNE: My question is to the Minister for Health and Wellbeing. I refer to the ministerial statement of earlier this week, on 21 August, on health accreditation and the restructure of ACT Health.

Member interjecting—

MRS DUNNE: The minister would be disappointed if I did not ask her a question. You stated:

The formation of two organisations means that some of the existing functions within ACT Health will either move or be restructured, while others will be required in both organisations.

Which of the existing functions within ACT Health will move and which of the existing functions will be restructured?

MS FITZHARRIS: I thank Mrs Dunne for the question and can assure her I would not be disappointed if she did not ask me a question.

As I indicated in my statement, there is a transition unit. It is undergoing quite an extensive piece of work. And, as my statement indicated, those decisions are yet to be finalised and must, of course, involve careful consideration of staff. It is clear that there are some broadly called corporate functions where there will need to be those functions existing both within ACT Health and within the clinical service organisation.

MRS DUNNE: Minister, can you inform the Assembly when these decisions will finally be made? Will they be made before 1 October and the commencement of the dual structure or will you still be playing catch-up after 1 October?

MS FITZHARRIS: As I have indicated all along, as I indicated in my statement and as I will say again here today, the two organisations will be formed on 1 October and, therefore, those decisions will be taken prior to that.

MR MILLIGAN: Minister, why is it that you still cannot give a definitive answer about the restructure of ACT Health five weeks before it is due to start?

MS FITZHARRIS: That work is well underway, as I outlined in my statement earlier in the week, and I very much look forward to making further announcements about that between now and 1 October.

Arts—minister's creative council

MR PETTERSSON: My question is to the Minister for the Arts and Community Events. Minister, can you update the Assembly on the establishment of your arts advisory body, the minister's creative council?

MR RAMSAY: I thank Mr Pettersson for the question. I was pleased to announce earlier this month that we were establishing the inaugural minister's creative council as an advisory body to help inform the ACT government's arts policy and strategic direction and further facilitate good communication between Canberra's creative communities and the government.

The creative council will comprise up to 12 members of Canberra's arts community who must have demonstrated experience in the arts, including areas such as visual arts and craft, curatorship, music, dance, Aboriginal and Torres Strait Islander arts and cultures, theatre, physical theatre and circus, literature, community arts and cultural development, screen arts, comedy, design and arts events.

Expressions of interest to be appointed to the council opened on 1 August and they close tomorrow. I am advised that as of this morning there have been 31 applications. I am delighted to see such a strong interest. Of course, anyone interested in applying to be on the council still has until tomorrow evening.

I am looking for a diverse, multidisciplinary membership for the council to ensure that we are capturing advice and insights from across our broad and varied arts community. The council should reflect the diversity of our arts sector across all levels of practice and participation, generating great ideas for the arts in Canberra and contributing to the ongoing growth for our flourishing arts sector.

MR PETTERSSON: Can the minister please advise what qualities and expertise are being sought from potential members of the creative council?

MR RAMSAY: I thank Mr Pettersson for the supplementary question. In deciding on the composition of the creative council I will be looking for people who can provide a broad range of knowledge, skills and qualifications relevant to the arts community. Each member of the council must be able to demonstrate experience in one of the art forms that I have listed today. Additional skills such as sector development, artist development, business, governance, risk management, legal, financial or social inclusion will also be considered desirable.

I am looking for people who are strongly connected to the ACT arts community so that they can provide informed advice and sector perspectives directly to government. I will be expecting council members to engage directly with the ACT arts community to encourage collaboration, identify opportunities and flag concerns, providing a point of contact for the arts community and passing these views on to government. The council is intended to utilise creative and critical thinking to provide strategic vision, generate great ideas and propose innovative solutions to benefit artists and the arts in Canberra.

This is a great opportunity for our arts community to help shape government policy and influence the future of the arts in the ACT. I encourage anyone who is interested in applying to go to the ACT diversity register website and click on “Current Board Vacancies”.

MR STEEL: Minister, how will the creative council benefit the arts and wider community?

MR RAMSAY: I thank Mr Steel, as always, for his questions. The goal of the creative council is to be a positive, solutions-focused ministerial advisory body for the arts in Canberra. As a two-way conduit of information, it will be able to provide strategic advice to the ACT government on the arts and sector issues.

Establishing the council is a direct response to community feedback to the ACT government and follows a series of roundtable discussions with the arts sector since July last year about its role and purpose. It will be another way to make sure that Canberra artists have the opportunity to share ideas, influence strategic direction and bring concerns to government, in addition to the many ways our arts community already engages with government, including through meeting with me and my office, access to specialist public servants in artsACT, targeted information sessions, roundtable consultations and through sharing their work with all of us in performances, exhibits, installations and festivals.

The council is intended to reflect the diversity of the ACT arts sector across all levels of practice and participation to ensure the best representation possible of our arts community and to build on our vision to have a diverse and dynamic arts ecology which is valued locally, nationally and globally.

This will assist the government to build on our arts policies, which promote and advance the arts across government and the community, reflecting the importance of the arts to all Canberrans for their health, wellbeing, personal and creative expression, and social inclusion.

Government—integrity commission

MISS C BURCH: My question is to the Chief Minister. The exposure draft of the integrity commission legislation limits the commission from looking into matters if an investigatory body has already investigated or decided not to investigate conduct. The meaning of an investigatory body includes an entity with power to require the production of documents or the answering of questions. Chief Minister, under your current exposure draft, is it your intention that the Auditor-General should fall under the meaning of an investigatory body given they have powers to require the production of documents or the answering of questions?

MR BARR: This is the subject of consideration by the select committee, and I will not comment further at this stage.

MISS C BURCH: Chief Minister, is the drafting of this provision based on the approach of other jurisdictions and, if so, which jurisdictions and how has it affected their investigations?

MR BARR: The drafting of the exposure legislation was undertaken by parliamentary counsel looking at both the recommendations of the select committee and similar acts that operate in other states and territories. But, again, I do not want to pre-empt the committee's report in relation to this matter. It is an exposure draft, and I am not going to give policy advice on the run or announce executive policy in question time.

MR COE: Chief Minister, would the integrity commission be able to look into the land deals that have haunted your government over recent years?

MR BARR: That would be a matter for the integrity commission once it is formed.

National Multicultural Festival—service of alcohol

MRS KIKKERT: My question is to the Minister for Multicultural Affairs. Minister, I note from your media release earlier this week that you now agree with the Canberra Liberals that the decision to ban community organisations from selling alcoholic beverages at the 2018 Multicultural Festival was not appropriate and lacked adequate consultation and engagement with the multicultural community. Minister, have you formally apologised to the community groups that were impacted by this decision, many of whom reported to me that it made them feel like second-class citizens? If not, why haven't you?

MS STEPHEN-SMITH: I thank Mrs Kikkert for her question. I would note that on 23 January this year, I did say on radio that the feedback might be that we went a bit too far with this policy, and that there was an opportunity to pull that back a bit. I note, and I have said a number of times in this place, including in answer to a question on 10 May, that I said from that point we would, of course, be reviewing this policy; that it may not have been the right way to address the legitimate concerns that had been raised about the amount of alcohol on the footprint and the level of intoxication on the footprint. I would note that—

Mr Hanson: On a point of order, Madam Speaker.

MADAM SPEAKER: Resume your seat. A point of order?

Mr Hanson: The minister has outlined the fact that she got the policy wrong, but the question was very specifically about whether she has apologised to the community groups that were made to feel like second-class citizens. Could she address the issue of whether she has apologised and, if not, why not.

MADAM SPEAKER: Minister, you have a minute to get to that point. Thank you.

MS STEPHEN-SMITH: As I was saying, legitimate concerns have been raised by a number of stakeholders, including stakeholders from the multicultural community, about the level of intoxication and the amount of alcohol that was for sale on the footprint. Feedback has also been received in terms of the safe and family-friendly festival that was delivered by the incredible Multicultural Festival team in 2018, including the multicultural community stakeholders, and that they thought it was a fabulous festival.

I have not received the kind of feedback from the community that Mrs Kikkert claims to have received. If members—

Mr Wall: A point of order, Madam Speaker.

MS STEPHEN-SMITH: Can I finish answering the question, because I am actually coming directly to the point of the question—

Mr Wall: No. A point of order, Madam Speaker.

MADAM SPEAKER: Can you stop the clock.

Mr Wall: I would like to draw your attention to two standing orders, please: standing order 118(a), which states that the minister shall be directly relevant, and 118(b), which states that a minister shall not debate the subject matter to which the question refers.

MADAM SPEAKER: Thank you. I think I heard before the point of order was raised, or during it, that you are coming directly to that question?

MS STEPHEN-SMITH: Thank you, Madam Speaker. As I was saying—

Mr Wall: Madam Speaker—

MADAM SPEAKER: Resume your seat.

Mr Wall: On that ruling, Madam Speaker, you failed to address the point of order regarding 118(b), which states that a minister shall not debate the subject matter to which the question refers. The first 90 seconds of her answer has been a debate around the subject matter, not an answer to the question.

MADAM SPEAKER: The question was around the policy, the rationale about it. She went to that.

Mr Wall: She treated people like second-class citizens, and has she apologised?

MADAM SPEAKER: Don't push me, Mr Wall. If you really want me to go to this, the standing orders say that the questions need to be concise, short, and that the supplementaries be on one single issue as well. Many supplementary questions go broader than that. Minister, I do ask you, for the peace and harmony of this place, to use your 10 seconds left, please.

MS STEPHEN-SMITH: Should I receive the kind of feedback that Mrs Kikkert claims to have received, I will address that directly with the people from whom that feedback is received.

MRS KIKKERT: Minister, what financial assistance is this government providing to multicultural groups whose ability to adequately fundraise was curtailed by this year's alcohol ban. If none, why not?

MS STEPHEN-SMITH: The participation grants for the National Multicultural Festival are currently open, and I encourage community members to apply for those grants. As I said in this place last week in response to a question, the multicultural participation grants that are offered annually will open later this year. Again, I encourage multicultural community organisations to apply for those grants.

MR HANSON: Minister, have you apologised to ACT Policing for earlier implying that they had supported the ban on the sale of alcohol by community groups when in fact they did not? If you have not apologised to ACT Policing, why not?

MS STEPHEN-SMITH: I actually discussed this matter with the Chief Police Officer when I caught up with her one day. The Chief Police Officer did confirm in a radio interview earlier this year, when the FOI was released in April-May, that Policing had expressed concerns about the amount of alcohol sold and intoxication across the footprint, and that is very clear from the documents released under FOI.

As I said on 10 May, I was not aware, in making my statements previously, that ACT Policing had provided specific advice by email in relation to what would be a better way to limit licences. I was, I have to say—and I am quoting from *Hansard*—“extremely disappointed to learn that that specific advice had been provided”. I said that in this place on 10 May.

But I also need to say that this level of criticism of the very hardworking small team in the Office of Multicultural Affairs that delivers a fantastic—

Opposition members interjecting—

MS STEPHEN-SMITH: It was not my decision. I have said it many times.

Mr Hanson: On a point of order of relevance, the supplementary was very specific, about whether she has apologised to police for her statements that alleged that ACT Policing supported the ban when in fact they did not support the ban. Whether she agreed with the policy or not is irrelevant. The point is that she made statements about ACT Policing which were not true and has she apologised. That is the question. If she could be directly relevant, I would be delighted.

MADAM SPEAKER: Thank you, Mr Hanson. I am going to let the minister finish. In the beginning of the response to the question she spoke of conversations with the police. I cannot direct the minister how to answer but I have inferred from the answer that she has had a conversation with the police about these matters. Minister.

MS STEPHEN-SMITH: Thank you very much, Madam Speaker. I will read from the participation policy that was released on 4 August, signed by the Director-General of CSD on 4 August, under a heading “Risks”:

Community and Diplomatic applicants will no longer be issued a liquor permit. This decision was made due to the concerns raised by ACT Policing as there was an increase in the number of liquor stalls on the footprint in 2016-17.

That was the advice I was given. I consistently said that the advice was that ACT Policing was concerned about the level of alcohol sales and intoxication on the footprint. The documents released under the FOI absolutely confirm that that was a concern of ACT Policing—absolutely confirm that that was a concern of ACT Policing.

Multicultural affairs—multicultural acceptance and community cohesion

MR STEEL: My question is also to the Minister for Multicultural Affairs. Minister, what is the ACT government doing to combat racism and to strengthen social cohesion?

MS STEPHEN-SMITH: I thank Mr Steel for his question and I am sorry that I will not be receiving any from him in the future; except of course I note that I welcome him to the ministry. Our community is made up of many cultures, many religions and many languages. People have settled in our city from all over the world. This government is committed to ensuring that every Canberran is granted the opportunity to participate in society on equal terms.

That means pursuing your vision for the ACT where every resident is free from hate and vilification. That means working to make sure that every Canberran is free from attempts to misrepresent their community or their culture. That means setting a high standard for Canberra, a standard that refuses the divisive racial politics sometimes seen in other jurisdictions.

The ACT government is taking concrete steps to make sure that this high standard is reflected in all that we do. The ACT multicultural framework provides the structure for all government agencies to promote an inclusive and harmonious community through their respective programs and activities. The government also ensures that it provides opportunities for Canberrans to celebrate their culture through events such as Chinese New Year, Harmony Day, Ramadan, Diwali, Holi and World Refugee Day.

Of course, the National Multicultural Festival attracts thousands of people to our city each year for the ACT's and Australia's biggest celebration of cultural diversity. The recent reviews and the additional funding provided in the 2017-18 budget review and in the 2018-19 budget will further strengthen this wonderful celebration.

This government is also proud of the standards that guide our conduct in this place and our conduct as leaders in the community. In this regard, I would like to acknowledge that each and every member of this place shares a strong commitment to our multicultural community and its wellbeing. However, we should also remember that the standard we walk past is the standard we accept.

MR STEEL: Minister, are you aware of any other political leaders who are undermining cohesion and inclusion in our communities?

MS STEPHEN-SMITH: I thank Mr Steel for the supplementary. We all know things are a little crazy in the house up on the hill right now; apparently there are two Liberal Party members vying for the top job. One of them is, of course, Peter Dutton, a man

who has had no compunction when it comes to sowing division and fostering racism in our community.

In January this year Mr Dutton said on 2GB that people in Melbourne:

...are scared to go out to restaurants of a night time because they are followed home by these gangs.

He said they were worried about home invasions and cars being stolen and that politicians:

...need to call it out for what it is. Of course it's African gang violence.

On 4 August on the same radio station Mr Dutton talked about these African gang members in Melbourne who are running riot. Last week lawyer Nyadol Nyoun talked about the impact these types of comments have had on her; that it is the first time since she came to Australia as a refugee in 2005 that she remembers not feeling safe enough.

Of course, such comments from Mr Dutton have not started just this year. In November 2016 Mr Dutton singled out the Lebanese Muslim community. There are almost 200,000 Australians with Lebanese heritage, yet Mr Dutton chose to belittle the contributions of all these people—people like Canberra's own Diana Abdel-Rahman—by holding them all accountable for the actions of apparently 22 people. He then doubled down on the *Bolt Report* saying that:

The reality is that Malcom Fraser did make mistakes in bringing some people in in the 1970s—

referring to Lebanese Muslims—

and we're seeing that today.

He said in that this instance “we are talking about the Sudanese community”.

This man—the Liberals' current scaremonger in chief—is in the running to be the leader of our country. This man would preference white South African farmers over children and families who have lived in refugee camps in Thailand Jordan and Uganda; and the ACT's Liberal senator, the Zed in the A to Z of conservatism, has sided with a man who engages in the politics of fear and division. (*Time expired.*)

MR COE: Minister, how do you respond to calls that your foreign investment tax is xenophobic as it primarily targets Chinese investors?

MS STEPHEN-SMITH: I completely reject those calls, Madam Speaker.

ACT Health—data review

MR HANSON: My question is to the Minister for Health and Wellbeing. Since 2012, there have been two Auditor-General's reports and six consultants' reports on

ACT Health data. There have been 175 recommendations made in these reports. The health data review that you released on 21 August this year stated that ACT Health had completed the implementation of 69 of these recommendations as at March this year. Why has ACT Health fully implemented less than half of the recommendations of reports by the Auditor-General and consultants on health issues?

MS FITZHARRIS: Some of the recommendations were longer term; some are duplicative. But what is important about the system-wide data review, which has now completed, is that it has done a full accounting, and that has been subject to independent external evaluation. Those have been met and now the review and its implementation plan will lead on from all of those recommendations and seek to not only address those recommendations but also plan for a future where clinicians and consumers and external reporting bodies can be confident of the integrity and usefulness of ACT Health data.

MR HANSON: Minister, what impact has the high level of churn in Health managers and senior executives had on the failure to implement these recommendations?

MS FITZHARRIS: I am not aware of any in particular, but what I am very pleased about is that the review has concluded. It was overseen by a review panel that included senior representatives of ACT Health and the Chief Minister, Treasury and Economic Development Directorate. It was also sat on by senior representatives of the Australian Institute of Health and Welfare and the CEO of the National Health Funding Body, two well-regarded commonwealth agencies that provided tremendous oversight to the system-wide data review.

It took 12 months. It needed to take 12 months. It needed to be widely consulted on with staff. It is an excellent review. I am very pleased that it was able to be tabled in the chamber this week, and I look forward to us getting on and implementing the recommendations, noting, of course, that the government funded one of the foundation recommendations, which was to establish a data warehouse. That work is well underway, and I am feeling very confident about the future of ACT Health data. I am also very much looking forward to providing more information to our community so that they can access good information about our ACT health system and its performance.

MRS DUNNE: Minister, why does ACT Health commission expensive reports from consultants only to have the recommendations of these reports ignored?

MS FITZHARRIS: They were not ignored.

Education—digital assessment tools

MS LEE: My question is to the Minister for Education and Early Childhood Development. Minister, in your future of education statement, you said:

Consistent with the government's existing investment in technology in education, the government will implement digital tools and platforms for a range of purposes such as monitoring and evaluating student progress and enabling

personalised learning led by a student in partnership with their teachers and parents.

Minister, in practical terms, what does this mean?

MS BERRY: I thank Ms Lee for the question and her interest in formative assessment tools for students, teachers and parents in our schools in the ACT. Currently ACARA is actually working on a formative assessment tool which will be able to measure a child's learning, and gain in learning across a year, and be able to measure their growth by having an ICT tool that would be able to properly measure and be used effectively by teachers, students and parents to be able to see that assessment across a year from the start of the year to the end of the year, to be able to measure that growth, depending on a child's ability and needs, and their support through school.

That is the sort of assessment tool, that formative assessment, which was asked for when I was having conversations over the past 18 months or so which led to the strategy being developed, that teachers, parents and students wanted to be able to see in a way that was easily read but that easily guided students to where they needed to be and to different kinds of support that they would need, and a teacher would be able to see where they could support a student from the start of the year to the end of the year and very clearly parents could see the growth over a year.

As I said, there is a tool being developed by ACARA. The ACT government looks forward to seeing that work. We are also looking forward to learning from our sister city Wellington in New Zealand, in the work that they are doing around the formative assessment since they abolished their national standardised test.

MS LEE: Minister, is NAPLAN a part of that development? What impact will the Assembly's education committee's current inquiry into standardised testing and the federal education minister's review into NAPLAN have?

MS BERRY: As Ms Lee should know, the NAPLAN review is on the use of that data: whether that data is being used appropriately; whether it is providing teachers, students and parents with the information that they need to support a child in their learning; and whether it is providing the benefits to students, schools, teachers and parents that it was originally designed to; or whether it is causing more harm by identifying schools and pitting schools against each other.

The review goes to that particular part of NAPLAN. At this stage, there is not a review of NAPLAN overall. Literacy and numeracy are important and vital parts of a child's learning. That will not change. But how we measure a child's learning from the start of the year and throughout the year to ensure that they get a year's learning from a year's schooling is where a formative assessment tool takes into account more than just a moment-in-time test based on a very limited amount of data that is not timely and does not provide the information that teachers need to support children in their learning.

MR MILLIGAN: When will the ACARA assessment tool be available?

MS BERRY: Good question; that is a question I have asked myself, and I do not know the answer to it. I am not aware of a time frame. But in the meantime the ACT directorate will be working on formative assessment to support teachers in their teaching and students in the classroom and to provide parents with the information they need to ensure that their children are getting the best education possible.

Roads—Gungahlin

MR MILLIGAN: My question is to the Minister for Transport and City Services, and is in relation to roads in Gungahlin. Minister, the TCCS website states that the upgrade to the Mirrabei Drive, Gundaroo Drive and Anthony Rolfe Avenue roundabout is due to be completed in the third quarter of 2018. Minister, is this project still on track to be completed within the next five weeks to meet this time frame?

MS FITZHARRIS: I am surprised Mr Milligan needed such assistance to draft this question. Nonetheless, no, it is not, and I will ask TCCS to update that. As I indicated in a reply either last week or in a previous sitting, this project will not be delivered in this quarter, but in the following quarter. TCCS is working extremely closely with the contractor to make sure it can be delivered as soon as possible, and I will ask TCCS to update their website.

Mr Wall: You're a nasty piece of work.

MR MILLIGAN: Minister, why can the relatively straightforward addition of an extra lane not be completed now—

Members interjecting—

MADAM SPEAKER: Members!

MS FITZHARRIS: I am sorry, Madam Speaker, but Mr Wall just called me “a nasty piece of work”, which ended up meaning that I did not hear Mr Milligan’s supplementary question.

MADAM SPEAKER: Mr Wall, I think that is unparliamentary behaviour. Can you withdraw it, please.

Mr Wall: I withdraw.

MADAM SPEAKER: Members, there is all sorts of name-calling across the chamber. Some of it I hear; some of it I do not hear. I do not think it is appropriate for anybody. It serves no-one well to be caught in *Hansard* and on audio and visual behaving appallingly. Mr Milligan.

MR MILLIGAN: Thank you, Madam Speaker. Minister, why can the relatively straightforward addition of an extra lane not be completed now that the outstanding works seem to relate mostly to landscaping and tidying up?

MS FITZHARRIS: Because it is not a relatively straightforward piece of work. As I have indicated previously, considerable work needs to be undertaken under the ground and also at that quite large roundabout, which is being turned into a four-way intersection. One of the reasons it has been delayed is because it is simply not a relatively straightforward piece of work. As I have indicated, TCCS is working very closely with the contractor to complete it as soon as possible.

MADAM SPEAKER: Ms Cheyne, a supplementary.

Mr Hanson: Have you got one?

MS CHEYNE: I certainly do. Minister, are you looking forward to the works being completed?

MS FITZHARRIS: Oh, yes, I am, Madam Speaker!

Opposition members interjecting—

Mr Coe: Point of order, Madam Speaker. The question asks for an expression of opinion and therefore I think it is out of order. But we can help you draft one if you need it.

MADAM SPEAKER: I am going to allow it to run.

Mr Wall: That is clearly asking for an expression of opinion.

MADAM SPEAKER: Alright. As I provided Mrs Kikkert earlier this week an opportunity to rephrase her question, Ms Cheyne, would you like to rephrase your question?

Ms Cheyne: No.

Environment—peacocks

MS CODY: My question is to the Minister for Transport and City Services. Minister, can you update the Assembly on the results from the ACT government's internationally renowned community consultation on the draft peafowl management plan?

MS FITZHARRIS: Yes, I can, and I am very pleased to update the Assembly on this important and very colourful issue. The draft peafowl management plan proposed the management of the peafowl population through trapping and relocation methods, or humanely euthanising if no suitable rehoming options were available.

More than 400 submissions were received during community consultation on the draft peafowl management plan, highlighting the community's affection for the peafowl in Canberra's inner south. The eight-week consultation process showed that the majority of respondents support the retention of peafowl in the Narrabundah area. A minority

support the removal of peafowl and a further 29 per cent neither supported nor opposed. In addition two petitions were submitted, with over 1,700 national and international signatories. This consultation also received international attention, with locals in favour of retaining the peafowl being interviewed on Russian television.

We have read the comments from the local community, we have listened, and I am pleased to announce that we will not remove the peafowl from their current habitat, by either fair means or foul. The ACT government has committed to not removing peafowl from Narrabundah, but acknowledges that the issues raised by some residents need to be addressed.

The government will continue to work with the community to develop an agreed community-led approach to managing the peafowl population that will be led by residents, with government assistance and oversight. The first step will be to facilitate the formation of a community group that is representative of all views, including residents who support the retention of peafowl and residents that support the removal of peafowl from the Narrabundah area.

MS CODY: Minister, did the consultation ruffle some feathers or was the community able to come together to come up with a way humans and peafowl can live in harmony?

MS FITZHARRIS: I thank Ms Cody for the supplementary question. I can now let fly. Whilst there has been an active community debate around the retention of the peafowl population—I think the correct collective noun is “ostentation”—I can assure the Assembly that feathers have not been ruffled and there has been no “fowl” play.

In fact the consultation process revealed an overwhelming consensus to retain the peafowl. They have also been affectionately and colloquially referred to as majestic disco chickens and it has also been said that they may even be a drawcard for local tourism. It has also highlighted the ability of the community to come together, collaborate with government and propose new ways in which residents and peafowl can live harmoniously in the Narrabundah area and, indeed, feather their nests.

Responses from local residents and relevant organisations recognised that the peafowl are an integral part of the Narrabundah community and highlighted concerns around the various methods for their removal proposed in the draft plan. A number of residents responded that they supported the retention of peafowl but agreed that some population control may be necessary in future if negative impacts became sufficiently problematic.

Respondents made various suggestions for ongoing management in order to retain the peafowl whilst minimising issues posed by the population, including undertaking an awareness campaign and reducing population numbers in a humane way. A number of respondents offered to rehome the peafowl. Any proposals to relocate peafowl would need to be considered in light of a finalised management plan.

In the illustrious history of our country in Australian land grabbing, peacocking was a technique used by squatters to secure desirable pieces of land. One can only deduce

from peacocks nesting in Narrabundah that a peacock's eye is an eye to the main chance, and not a chirp off the old block.

MS CHEYNE: Minister, noting the government's policy of inclusiveness, were the peahens of Narrabundah consulted as well as the peacocks?

MS FITZHARRIS: Indeed. The government taking its policy of inclusiveness seriously, we would never, of course, consult only one part of the peacock ostentation of Narrabundah. Unfortunately, we did not receive many tweets, but I will draw members' attention to the resounding chorus of support. I quote—

Mr Hanson: Madam Speaker, on a point of order—

MADAM SPEAKER: Resume your seat.

Mr Hanson: It is a serious matter, Madam Speaker.

MADAM SPEAKER: Stop the clock, please.

Mr Hanson: On the rules for questions, under standing order 117(b)(vi), I note that questions should not contain ironical expressions. I would ask you to rule on whether the questions that have been asked by the backbench and the lead-in to the questions are ironical or not.

MADAM SPEAKER: That is a borderline call, Mr Hanson. It being the last question of three sitting weeks, I am going to let this one fly, as they say.

MS FITZHARRIS: As I said, we did not receive many tweets, but I will draw members' attention to the resounding chorus of support from the peafowl of Narrabundah. I will quote.

Ms Fitzharris then played a recording of birdsong.

Mr Coe: Use of a prop.

MADAM SPEAKER: Please, minister. I have made that ruling before when other members have brought props in: please put the prop away.

MS FITZHARRIS: Madam Speaker—

MADAM SPEAKER: I think we have stopped the clock on you, minister.

(Time expired.)

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

Personal explanation

MR COE (Yerrabi—Leader of the Opposition) (3.28): Under standing order 46, I believe I have been misrepresented.

MADAM SPEAKER: Mr Coe.

MR COE: Earlier today, during question time, I asked the Chief Minister some questions about the Hands Across Canberra deed. Either in interjection or in response to those questions, Mr Barr said that the deed had been provided to the select committee on estimates and that I was not across what had been provided to that committee. I believe this is wrong. I believe the deed was not provided. I ask that Mr Barr either correct the record or, better still, provide us with the deed.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism and Major Events) (3.28): Madam Speaker, the deed is available on the Chief Minister, Treasury and Economic Development website under “Chief Minister’s charitable trust”. It has been on the website for some time, Madam Speaker.

Supplementary answer to question without notice Education—disability funding

MS BERRY: In relation to a question that I got from Ms Lee last week regarding funding for students with disabilities, I want to confirm the ACT government’s commitment of \$23.2 million, which provides needs-based funding for students with a disability, adjusted for growth in the number of students with a disability in ACT public schools. It also includes a component of funding to support students with complex health needs through the continuation of the health care access at school program.

Needs-based funding for students with a disability is based on the student-centred appraisal of need approach, noting that work towards national consistency in this, under the nationally consistent collection of data approach, is continuing.

Leave of absence

Motion (by **Mr Gentleman**) agreed to:

That leave of absence be granted to Ms Orr for today’s sitting due to illness.

Capital works program—quarterly progress report Paper and statement by minister

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism and Major Events) (3.30): For the information of members, I present the following paper:

Financial Management Act, pursuant to subsection 30F(3)—2017-18 Capital Works Program—Progress report—Year-to-date 30 June 2018.

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

Leave granted.

MR BARR: I present to the Assembly the June quarter capital works progress report for the territory. The 2017-18 budget committed to a capital works program with just a tad over \$1 billion of available funding for expenditure. The government has delivered \$657 million worth of capital investment: \$558 million on infrastructure development and \$99 million on information communications technology and plant and equipment. This included \$132 million spent on new works and \$525 million spent on works in progress.

The report being tabled today outlines the significant milestones delivered during the June quarter. In relation to better roads for Gungahlin, the Horse Park Drive duplication has reached physical completion, and the Majura Parkway to Majura Road link road has reached physical completion. In relation to the nurse-led walk-in centres, overall project delivery has reached 82 per cent of completion. The Gungahlin walk-in centre commenced construction in February 2018 and reached 95 per cent completion at the end of the June quarter. Handover of the building is expected in September of 2018. Work continues to progress the Weston Creek walk-in centre. In relation to the University of Canberra public hospital car park, the project has reached physical completion.

I commend the report to the Assembly.

Alexander Maconochie Centre—review of opioid replacement program
Findings of death of Steven Freeman
Papers and statement by minister

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) (3.32): For the information of members, I present the following papers:

Alexander Maconochie Centre—Review of the Opioid Replacement Treatment Program—Report of the ACT Health Services Commissioner—Government response, dated 23 August 2018.

Coroner's Report—Findings of Death of Steven Freeman—Government response.

I ask leave to make a statement in relation to the papers.

Leave granted.

MR RATTENBURY: I would like to begin by acknowledging the traditional custodians of the land we are meeting on, the Ngunnawal people. I acknowledge and respect their continuing culture and the contribution they make to the life of this city and region.

Mr Steven Freeman's death at the Alexander Maconochie Centre in May 2016 is a profound tragedy. I would like to take this opportunity to reiterate my deepest sympathies to the family and friends of Steven Freeman, and to acknowledge the ongoing grief, loss and sadness that they have experienced. I would also like to recognise the advocacy for change of Mrs Narelle King following the death of her son.

The loss of any life in a custodial environment is a serious matter that warrants appropriate scrutiny and review. As such, the ACT engaged Mr Philip Moss AM to conduct an independent inquiry into the circumstances surrounding Steven Freeman's care and treatment while in custody, including whether ACT Corrective Services systems operated effectively and in compliance with human rights obligations.

The Moss review was released on 7 November 2016, making nine recommendations about how the management, care and supervision arrangements of detainees at the AMC might be improved, and processes which can be further developed to ensure the care and treatment of detainees is enhanced.

The ACT government agreed to eight of the nine recommendations made by Mr Moss, noting that the remaining recommendation related to the independent Health Services Commissioner. I am pleased to report that the majority of those recommendations have been completed, with work closely monitored and overseen by a high-level steering committee chaired by an independent chairperson.

In February 2017, the Health Services Commissioner commenced a commission-initiated review of the opioid replacement treatment program at the AMC in response to recommendation 7 of the Moss review. The Health Services Commissioner publicly released her report on 9 March this year.

The ACT government welcomed the health commissioner's review of opioid replacement treatment, ORT, at the AMC, which made 16 recommendations. The report and the recommendations have been considered, and the ACT government has agreed to 12, agreed in principle to three, and noted one of the recommendations. Ten of these are already complete, and work to progress the remainder is underway.

Mr Freeman's death was also the subject of a coronial inquest as required by the Coroners Act 1997. The Coroner's office is responsible for the investigation of unexpected deaths. It is empowered to make recommendations aimed at avoiding preventable deaths and plays a vital role in the avoidance of Indigenous deaths by potentially identifying systemic failures and custodial practices and procedures.

The Coroner's hearings commenced on 27 February 2017 and findings were handed down on 11 April 2018. Coroner Cook made seven recommendations to the ACT government. The report and its recommendations have been considered, and the ACT government has agreed to four and agreed in principle to three recommendations made by Coroner Cook.

The ACT government welcomes the coroner's recommendations and notes the findings that the quality of care, treatment and supervision afforded to Mr Freeman by

ACT Corrective Services and ACT Health was not found to have contributed to his death. I note that the findings did identify systemic issues that are being addressed, some of which were also identified through the Health Services Commissioner's review and the Moss review.

The government response to both of these reports and to the Moss review provides strong assurance to the community that the government is working to improve our practices and operations to ensure the provision of appropriate care and services to detainees in the AMC. Both Mental Health, Justice Health and Alcohol and Drug Services and ACT Corrective Services are always seeking to improve the care that is provided in the AMC. Staff are dedicated to providing the best care possible to people in the AMC, some of whom are at the most vulnerable point in their lives.

Significant work has been undertaken since the tragic death of Mr Freeman in May 2016, largely as a result of the Moss review, which preceded Coroner Cook's inquest and the Health Commissioner's review. Both the reports from the Coroner and the Health Services Commissioner raised similar themes and made similar recommendations to the Moss review, meaning that work on improvements was well underway before they were each presented.

Most significantly, ACT Health has undertaken substantial work concerning the provision of the opioid replacement therapy program at the AMC. Changes have included developing and implementing new clinical procedures; reducing the starting dose of methadone; formally notifying ACT Corrective Services when a detainee commenced ORT; and the use of idose machines, which reduce the risk of identification or dosage errors.

Further detail of the recommendations and actions taken can be seen in the full ACT government responses that I am tabling today.

In recognition of the fact that a significant proportion of detainees in the AMC are Aboriginals and/or Torres Strait Islanders, the integration of Winnunga Nimmityjah Aboriginal Health and Community Services into the AMC is an important step towards ensuring that Aboriginal and Torres Strait Islander detainees, and others if they wish, can access holistic and culturally appropriate health services.

Winnunga have been present at the AMC in the women's area since November 2017. Since last month, work has commenced on the implementation of the Winnunga health services more broadly at the AMC. A commissioning working group is overseeing the establishment phase, and staff from Winnunga are now at the AMC, developing protocols for the delivery of healthcare services to detainees.

The ACT government is committed to ensuring that our corrections and justice health systems operate as effectively as possible and in a collaborative way that ensures that their services complement each other. We will continue to ensure that appropriate investment in justice services and other areas of government service delivery occur to ensure this outcome.

Since the death of Mr Freeman, the ACT government has made significant changes to improve detainee health care and safety at the AMC through the implementation of the Moss review recommendations. As I said, his death was a profound tragedy from which we have developed a deeper understanding. I again express my deepest regrets to his family and to the Aboriginal and Torres Strait Islander community more broadly.

We remain committed to a process of continuous improvement, and we will progress the implementation of the remaining recommendations from the Moss review, the Coroner's report and the Health Service Commissioner's report over the coming months. The ACT government takes its responsibility to provide a safe custodial environment for detainees seriously and will continue to work towards improving its practices through the actions identified in these responses.

Papers

Mr Gentleman presented the following papers:

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Auditor-General Act—Auditor-General Acting Appointment 2018—Disallowable Instrument DI2018-225 (LR, 6 August 2018).

Climate Change and Greenhouse Gas Reduction Act—Climate Change and Greenhouse Gas Reduction (Interim Targets) Determination 2018—Disallowable Instrument DI2018-215 (LR, 6 August 2018).

Public Place Names Act—

Public Place Names (Moncrieff) Determination 2018—Disallowable Instrument DI2018-224 (LR, 6 August 2018).

Public Place Names (Taylor) Determination 2018 (No 4)—Disallowable Instrument DI2018-226 (LR, 9 August 2018).

Working with Vulnerable People (Background Checking) Act—Working with Vulnerable People (Background Checking) Risk Assessment Guidelines 2018 (No 1)—Disallowable Instrument DI2018-223 (LR, 6 August 2018).

Committees—standing Membership

Motion (by **Ms Cheyne**) agreed to:

That:

- (1) Mr Steel be discharged from the Standing Committee on Education, Employment and Youth Affairs, and Ms Cheyne be appointed in his place;
- (2) Mr Steel be discharged from the Standing Committee on Health, Ageing and Community Services; and
- (3) Mr Steel be discharged from the Standing Committee on Justice and Community Safety, and that Mr Petterson be appointed in his place.

Veterinary Practice Bill 2018

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

That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (3.41): The opposition will support the Veterinary Practice Bill. It was disappointing that my request for a briefing made around 24 July fell through the cracks, but we got there in the end and it was a very useful with officials and the staff of the minister's office this week. I thank the Minister for Transport and City Services for arranging it and the collegial way in which my office and her office have collaborated since that time.

That meeting resulted in a number of amendments which I initially proposed but most of which the minister will present in the detailed stage, and we will be supporting them; and, as I said before, I appreciate the collaboration.

I, too, will have an amendment. Although there was initially some concern about that amendment I have been informed that the government will also be supporting that amendment, but I will stand corrected if my intel is not correct.

This bill seeks to do a number of things. It will establish legislation modelled on New South Wales legislation which will govern the ACTs veterinary practice sector, including practitioners and their premises. The bill will reduce or remove cross-border regulatory barriers. It will do this through a mutual recognition scheme by recognising practitioners registered in other jurisdictions.

The major focus of the bill is to establish a board to govern the sector, including registration, disciplinary and inspection processes and to report publicly on its activities. This bill came about because the commonwealth Australian Health Practitioner Regulation Agency established in 2010 did not include veterinary surgeons. In 2015 the Assembly passed the Veterinary Surgeons Act, which came into effect in December last year. In doing so it was always the plan to review it, and this bill is the result of that review.

The bill will establish a board of seven comprising a president, four registered practitioners, one member who is not a practitioner who represents the community, and one additional non-practitioner who could fill a skills need in a non-veterinary capacity on the board. Each year the board will elect a deputy president from amongst its four practitioners.

The bill will enable the board to conduct disciplinary proceedings or investigate complaints it receives or self-initiate proceedings. Procedural fairness is provided and some decisions could be reviewable in the ACAT. The board will be able to set up an investigation committee or appoint investigators. The bill will require that investigations be done in consultation with the Human Rights Commission. The board will also have certain powers of delegation. There will be two practitioner registration

types: GPs or specialist. GP registration will also be available to non-practicing veterinarians, for example those who are retired from day-to-day practice.

Apart from establishing the board, the two primary elements of the bill are to provide a registration scheme for practitioners and to create a process for the board to deal with disciplinary matters and complaints. Both elements are comprehensive and provide the framework for efficient operation.

This bill engaged the Human Rights Act in relation to the powers of inspectors and the range of strict liability offences, but the explanatory statement provides comment on these issues. I note, too, that the scrutiny committee has raised a number of matters, and I am pleased that the minister's responses were available in plenty of time before today's debate. I note that the minister will table a revised explanatory statement that addresses the issues raised by the scrutiny of bills committee, including an amendment to prevent the executive from making regulations that carry penalties. As we all know, that is a big no-no.

I am not pleased, though, that the draft regulations associated with this bill are still a way off. A bill as important and new as this one should be considered in the context of the associated regulations. An example of the problem for this particular bill is that schedule 2 lists unrestricted acts of veterinary science. But the list of restricted acts of veterinary science will be made available later by regulation.

We do not know what they are; and I note the Australian Veterinary Association has some views on what those restricted acts should be. There is an inefficiency in the legislation and it could lead to confusion and inefficiencies in the industry. Both should have been presented to this Assembly at the one time.

I know I sound like a cracked record as I have been asking for this to happen with major new legislation for as long as I have been in this place. I have said many times before that regulations associated with new legislation should be presented. We have a bill but no regulations and therefore the Assembly does not have the capacity to fully scrutinise a new scheme, and neither does the veterinary profession have the opportunity to consider new legislation in a manner that will be fully informed and contextualised.

In considering this bill I consulted with the Australian Veterinary Association. In talking with the association it emerged that it had made a submission in response to the government's plan to draft this bill but it was unclear about whether it could give feedback once the bill was drafted. Indeed, officials said as much in the briefing I took. Even though the government had advised stakeholders that the bill had been tabled, it seems that the government did not make it clear that stakeholders could provide further feedback, and this needs to happen in future. I note, however, that when the government became aware of the Australian Veterinary Association's feedback they were quick to act on it.

That feedback was in the form of a very helpful paper raising a number of issues which they have and will continue to have with this bill. On the basis of some of the feedback from the Australian Veterinary Association I instructed the Parliamentary

Counsel's Office to draft some amendments, and I gave the government a copy of the AVA's paper. The matters raised were discussed in the briefing and resulted in most of the amendments you will see today from the minister and me.

In fact, it almost became a case of amendments at 20 paces, but I am pleased the government has seen the merits of these amendments and we have largely agreed on an approach for a streamlined debate today. All of these amendments, except one which responds to the scrutiny report, came about directly as a result of my consultation with the Australian Veterinary Association.

This bill provides a clear pathway for the regulation of veterinary professionals in the ACT. It provides clear pathways for veterinarians from other jurisdictions to bring their skills to the ACT. It provides a clear pathway for diversity on the board, bringing a range of expertise to that board. And it provides the foundation for an effective and efficient regulation system. The Liberal opposition is very pleased to support the Veterinary Practice Bill.

MS LE COUTEUR (Murrumbidgee) (3.48): I speak in support of the Veterinary Practice Bill 2018. The regulation of the veterinary services industry is necessary not just because such regulation seeks a guarantee of a fair and responsible work environment but because this industry involves care of and interaction with animals. Defending the welfare and health of animals is something that is very important to the ACT Greens, as well, of course, as the health and welfare of humans.

Within the veterinary services industry standards of care are ever increasing: there is greater use of technology, more vets are specialising, there are advancements in procedures and a growing awareness amongst pet owners of animal health issues. Ensuring that the legislation is working effectively and keeping up with a changing industry is of great importance. The Greens support this work which will revoke the Veterinary Surgeons Act 2015 and, therefore, the Veterinary Surgeons Regulations 2015 and introduces a more contemporary bill.

I am aware that the Veterinary Surgeons Act came about because veterinary services were split off from the Health Professionals Act when other health professionals became part of a national health professionals scheme. Those reforms in 2015 were to establish a standalone Veterinary Surgeons Act. That was always going to be the first stage; further reforms to strengthen the system were to follow. These, I believe, are they, so I am very pleased that there has been a comprehensive review of the 2015 legislation, a consideration of different models and consultation with stakeholders, industry professionals and the community.

I believe the bill is modelled on the New South Wales laws, and I understand they have treated the New South Wales veterinary surgeons well over the years. Hopefully this bill will stand up to the expectations and serve well ACT veterinary practitioners, as they will now be referred to once this bill passes.

Of course, while this bill is modelled on New South Wales laws it has been adapted as a result of consultation primarily with the vet sector for our local ACT needs. The bill includes all the standard powers one would expect from an act that governs the

practice and registration of a professional sector: registration: qualifications and suitability; complaints and disciplinary processes, including investigations; interjurisdictional recognition; registration of premises; and establishment of a professionals board. I do not have time to speak to all of these areas but, overall, the Greens are supportive of this bill and the overall framework.

I am particularly pleased that registered practitioners from interstate will now be able to practice in the ACT. This will allow for a sharing of expertise and for practitioners to move freely. The new bill is modelled on the current New South Wales veterinary legislation, which will also foster cordiality between jurisdictions. The Council of Australian Governments has pledged to try to get all states and territories to adopt national recognition of veterinary registration. Under such provisions, veterinarians from other states and territories will be recognised. By adopting the national recognition of veterinary registration the ACT will join five other states in eliminating this unnecessary legislative red tape.

The Greens support this bill and believe these reforms are in the public interest as well as in the interests of our animal friends. As well, it will improve the veterinary services industry within the ACT. I thank Minister Fitzharris and the directorate for their work on this. I know there has been a long history to the reforms of this legislation over the years and I hope this new bill will deliver the reforms needed. I am also glad to see the government amendments which introduce a review mechanism to ensure that we come back in five years to see whether the act has been doing its job.

MS FITZHARRIS (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (3.53), in reply: I am pleased to close the in-principle debate on the Veterinary Practice Bill 2018. The bill was presented to the Assembly on 10 May this year. I am also pleased to hear support across the chamber for the bill. It will commence on a date determined by me in late 2018.

As has been mentioned, and as I have previously advised the Assembly, the bill has been modelled on New South Wales veterinary legislation. New South Wales has a similar legislative model to the ACT's current veterinary legislation, including the function of a board, but it is significantly more comprehensive and intelligible. Harmonising the ACT's veterinary legislation with New South Wales will also help to reduce barriers to movement of veterinary practitioners between the borders, thus improving the productivity of the profession in the ACT.

The adoption of the bill will result in minimal changes for the ACT veterinary profession but provide substantially clearer and applicable legislation to regulate and register the profession. It will achieve this through the adoption of national recognition of veterinary registration, a strengthened and streamlined complaints process, as well as greater public reporting and accountability provisions for the regulatory board.

I note the work of the Standing Committee on Justice and Community Safety in its legislative scrutiny role and the comments provided on this bill in its scrutiny report 18. I would like to thank the committee for their comments relating to right to privacy

and reputation; displacement of the Legislation Act 2001; Henry VIII clause; and notification for the veterinary practice code of conduct instrument. All comments have been addressed for the revised explanatory statement and the subsequent amendments to the bill. I now present a revised explanatory statement.

Madam Assistant Speaker, extensive consultation on the bill was carried out with the veterinary profession, stakeholders and the community between October and December last year. The consultation spanned seven weeks, providing the profession and community with detailed information on the bill via the current Veterinary Surgeons Board's website, a media release and a face-to-face consultation session on 9 November 2017.

The profession and community were invited to send comments via email or post on the proposed bill to Transport Canberra and City Services for consideration. At the time public consultation commenced, the ACT had 370 registered veterinary surgeons and all were contacted to comment on the bill. Significant consultation also occurred with the Human Rights Commission's Health Services Commissioner. As currently occurs in the ACT, the Health Services Commissioner jointly considers all complaints about veterinary surgeons the board receives.

The bill retains these legislative provisions but has improved their clarity. The commissioner's role is to help ensure the regulatory body responsible for administering the legislation is abiding by human rights principles. The consultation provided key stakeholders, the public and the veterinary profession with the opportunity to provide input on the bill and matters affecting the profession. The findings from this consultation helped inform and shape the final proposed bill we are debating here today.

Some key outcomes of the consultation were: the ACT government received 50 written comments from veterinary surgeons, including one from the commonwealth government's Chief Veterinary Officer and eight veterinary professionals. The Health Services Commissioner also attended the face-to-face consultation session.

The profession supported the government's efforts to harmonise the veterinary profession's legislative models and the New South Wales legislation being an effective legislative framework to base the ACT's legislation on. The profession profoundly supported the adoption of national recognition of veterinary registrations. I would like to thank everyone who provided the government with comments on the bill. Your participation has helped ensure that the bill will operate in line with the expectations and needs of the public and the profession.

The main comments received through the consultation related to the composition of the board, particularly around the proposed president not being a registered veterinary professional, and the reduced number of veterinary professionals on the board.

At the time of the consultation, the ACT government proposed a regulatory board with six members, with the option of a seventh if identified as necessary, and a non-veterinary practitioner president. A non-veterinary president was proposed to

address potential conflict of interest issues. The president's role would be to guide meetings and ensure robust and equitable governance decisions.

Through discussions with the profession, the Australian Veterinary Association and the board, the ACT government amended the proposed bill to retain seven members on the regulatory board. Under the bill, the board's composition now includes a president, who cannot be a person who works in a veterinary practice or has a material interest in a veterinary practice, four registered veterinary practitioners with continuous registration for a period of three years immediately prior to the day of appointment, one community representative who is not a veterinary practitioner, and one member who is not a veterinary practitioner.

To support the enhanced regulatory powers of the board under the bill, the government is proposing to appoint a lawyer or an individual with similar skills as the non-veterinary practitioner member to assist the board in applying the legislation to its work.

As part of the discussions on the composition of the board, considerable discussion occurred on the appointment requirements for the president. The discussion focused on whether the president position should be occupied by a veterinary professional or a person independent of the profession. To further review and consider the role of the president, in November 2017 the board's president and government officials travelled to South Australia to look at how their regulatory veterinary board functioned with an independent president. South Australia is the only jurisdiction in Australia to operate with a non-veterinary president. The final bill reflects the outcomes of these discussions.

Under the bill, the president can now be a non-veterinary professional or a veterinary professional who does not work in a veterinary practice or have a material interest in a veterinary practice. This deals with the governance issue that has been identified in relation to potential or perceived bias of the presiding member if they are a veterinary professional.

The minister responsible for the legislation needs to be satisfied that members of the board have the skills and qualifications to ensure that it reaches its objectives. The ACT government believes the final composition of the board will provide the ACT with a strong board that utilises both veterinary and non-veterinary skills to administer and enforce the legislation equitably.

Feedback from consultation also focused on the appointment process for board members generally. The Chief Veterinary Officer referred the government to the 2015 World Organisation for Animal Health report *Performance of veterinary services*. The report states that ministerial appointees may impact board autonomy and decision-making.

The bill will proceed with the appointment processes being carried out in line with the ACT government's recruitment protocols and with appointments being made by the minister. Through this process, all veterinary professionals can apply to the relevant ACT directorate to be a member, and the minister is required to consult with the board

and veterinary profession entities, such as the ABA, universities, others as identified throughout the process, and the board on the final appointment.

Recruitment policies will also be developed to support panel assessments of candidates. The government believes that the proposed appointment process is robust and has measures in place to deter ministerial interference. The process also addresses previous issues identified with the election process where the same veterinary surgeons are repeatedly appointed due to their prominence in the profession, and that at times not enough nominations are received to run an election.

All appointments under the bill will be subject to scrutiny by the ACT government, diversity and representation officers, the Legislative Assembly committees, the Legislative Assembly, the board and professional entities to ensure objectivity. A detailed skills matrix has also been prepared by the board that will be reviewed annually and will help identify relevant skills required for members relating to both governance and veterinary skills.

Consultation with the ABA and the opposition also focused on clause 61(1)(b)(ii) of the bill, which enables the board to impose a penalty not exceeding \$1,000 on a veterinary practitioner for misconduct. The ABA requested that the penalty align with New South Wales veterinary legislation and be capped at \$5,000. To clarify, the penalty was set at \$1,000 to align with the ACT Civil and Administrative Tribunal penalty levels. The government will commit to review the penalty level in line with any review of ACAT's penalty levels.

This bill will provide the public with greater assurance that veterinary practitioners are suitably skilled and qualified to undertake their work. It will also provide the board with the necessary provisions to promptly identify and address malpractice in the sector and to take action appropriate to the severity and effect of non-compliance.

Canberrans love their pets and animals. This bill will help ensure that the veterinary profession in the ACT is operating efficiently and, most importantly, with integrity in protecting both the public and animals. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 9, by leave, taken together and agreed to.

Clause 10.

MS FITZHARRIS (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (4.03): Pursuant to standing order 182A(b) and (c), I seek leave to move amendments to this bill that are in response to scrutiny comments and that are minor and technical in nature.

Leave granted.

MS FITZHARRIS: I move amendment No 1 circulated in my name [*see schedule 1 at page 3582*].

I table a supplementary explanatory statement to the government amendments. I present to the Assembly a range of government amendments to the Veterinary Practice Bill 2018. I will speak to them as a block at this point. As I have said, the amendments address comments received from the Standing Committee on Justice and Community Safety, performing its legislative scrutiny role, in scrutiny report 18, as well as arising from further consultation with opposition member Mrs Dunne and the Australian Veterinary Association.

In scrutiny report 18, the scrutiny committee provided comments on clause 146(3) of the bill, which would enable regulations to prescribe offences for contraventions of a regulation and prescribe maximum penalties of not more than 30 penalty units. The scrutiny committee was concerned that there was no justification provided for why offences, even where subject to maximum penalties of only 30 penalty units, can be created through regulations rather than provided for in the act itself.

Transport Canberra and City Services notes that the final act will not require offences to be established in regulations. The amendment I am presenting today removes the provision in clause 146 of the bill that enabled regulations to prescribe offences. As I have previously mentioned, the government amendments also address outcomes of discussions with the opposition and further comments received from the ABA.

While these amendments are minor and technical in nature, the government acknowledges the importance of consultation to ensure that we are delivering a bill that aligns with the needs of the ACT's veterinary profession and that I believe further strengthen the governance mechanisms in the bill.

These amendments will remove clause 10(3)(a)(b), which enables a person to be prosecuted under either this bill or animal welfare legislation; remove the ability of the board to delegate final decisions relating to complaints and instead the board will be able to delegate the investigative work only of complaints; include a provision that requires the board to consult with the profession before making a regulation under the act; include a provision that enables the minister to prescribe relevant bodies for consultation on the regulations and appointments to the board by disallowable instrument; and include provisions that require the minister to review the operation of the act by the end of its fifth year in operation and present a report of the review to the Legislative Assembly within six months of the day the review started.

Madam Assistant Speaker, I commend the government amendments to the Legislative Assembly.

MRS DUNNE (Ginninderra) (4.06): The Australian Veterinary Association drew subclauses 10(3)(a) and (b) to my attention. They would allow the owner or an employee of an animal's owner to carry out restricted veterinary science on the

animals. As I have already said, we do not know exactly what “restricted veterinary science” is because there are no regulations, but it stands in stark contrast to the rest of the bill.

I sought some explanation in discussions with officials and I think it was generally agreed that it would be better that these provisions were not in the bill than that they were, even though apparently they are in the New South Wales bill. I am not such a slave to conformity that we have bad legislation as a result.

The AVA raised concerns on animal welfare grounds due to the potential for harm if procedures are performed by unqualified lay hands. This provision appears to allow owners of livestock or their employees to operate on them. It is clear from the discussion with the officials that that is not what was intended, but the simple reading of the legislation as it currently stands is quite misleading. I intended to oppose this clause, but the government has agreed to omit them, and I will support the amendment.

Amendment agreed to.

Clause 10, as amended, agreed to.

Clauses 11 to 92, by leave, taken together and agreed to.

Clause 93.

MRS DUNNE (Ginninderra) (4.08): I move amendment No 1 circulated in my name [*see schedule 2 at page 3583*]. This amendment would require the two board members who are not veterinary practitioners to be resident in the ACT. One of the two non-vet members, if I can use that abbreviated expression, will be appointed to the board to represent community interests. The other will not have a specific role but will enable the board to access expertise in another field, for example, a lawyer or an academic.

I understand that the government will accept this amendment, but let me explain to the Assembly why I believe it is important. In relation to the board membership representing community interests, it is clear that ACT residents will be the vast majority of consumers of veterinary practitioner services. There may be some from over the border, but these will be a very small minority.

In the case of the president, for example, it would be open to the minister to appoint someone from outside the ACT who has experience in a particular field and who would add value to the work of the board, even additional to the appointee’s role as president. I also presume the board will have the capacity to call on expert advice in particular matters should it require it.

For the appointments of the two non-vet members, the interests of ACT consumers should be paramount and the primary driving factor. Later in the debate the minister will propose an amendment to insert a review clause in the bill which we will agree to, so the effectiveness of this residential restriction could be reviewed when the

operation of the act is reviewed in five years. I commend the amendment to the Assembly.

MS FITZHARRIS (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (4.10): I thank Mrs Dunne for this suggestion. The government is pleased to support this amendment for the reasons Mrs Dunne outlined.

Amendment agreed to.

Clause 93, as amended, agreed to.

Clauses 94 and 95, by leave, taken together and agreed to.

Clause 96.

MS FITZHARRIS (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (4.11): I move amendment No 2 circulated in my name [*see schedule 1 at page 3582*].

MRS DUNNE (Ginninderra) (4.11): The opposition will support this amendment which requires the minister to seek advice on nominations for board appointments from declared professional bodies and other suitable entities such as academic institutions. The AVA raised this matter, advising that a ministerial appointment without at least appropriate consultation would fall foul of the recommendations of the World Organisation of Animal Health on the performance of veterinary services. The amended approach makes the process much more transparent and draws on the expertise of the industry and other organisations. I support the amendment.

Amendment agreed to.

Clause 96, as amended, agreed to.

Clauses 97 to 107, by leave, taken together and agreed to.

Clause 108.

MS FITZHARRIS (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (4.12): I move amendment No 3 circulated in my name [*see schedule 1 at page 3582*].

MRS DUNNE (Ginninderra) (4.12): This amendment removes the board's ability to delegate the power to make decisions in relation to complaints or disciplinary investigation. It remains within the remit of the board to delegate the investigation process such that the delegate can make recommendations to the board. But the decision-making power should and must reside with the board itself. This is especially so when a penalty may be involved or where the decision is reviewable by the

ACAT. This was originally an amendment proposed by me, and I am glad the government has taken it up.

Amendment agreed to.

Clause 108, as amended, agreed to.

Clauses 109 to 142, by leave, taken together and agreed to.

New clause 142A.

MS FITZHARRIS (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (4.13): I move amendment No 4 circulated in my name [*see schedule 1 at page 3582*]. The amendment inserts a new clause 142A.

MRS DUNNE (Ginninderra) (4.14): This amendment arises from a suggestion made by me. It is a different way of approaching it, but it is a little more elegant than the proposal I put forward. We will support this amendment, which requires the minister to declare an entity to be a professional body for the purposes of consultation on board appointments and making regulations.

I encourage the minister to make the declaration as soon as possible after the bill becomes law. I encourage the minister to consider the Australian Veterinary Association in that process. There may be other organisations as well, such as the Independent Vets of Australia.

Amendment agreed to.

New clause 142A agreed to.

Clauses 143 to 145, by leave, taken together and agreed to.

Clause 146.

MS FITZHARRIS (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (4.15), by leave: I move amendments Nos 5 and 6 circulated in my name together [*see schedule 1 at page 3583*].

MRS DUNNE (Ginninderra) (4.15): We will support amendment No 5, which requires the minister to consult with a declared professional body before making a regulation. If this bill comes into law before the regulations currently being drafted are ready to be notified, the minister will need to consult. My suggestion made in the debate on the last amendment of an earlier declaration will be especially useful in this process. Consulting with professional bodies will be helpful when it comes to technical veterinary matters, such as restricted acts of veterinary science.

We will support amendment No 6, which removes from the executive the power to prescribe penalties by regulation, which we all know is a no-no. The scrutiny of bills committee has spoken about this at length on a number of occasions, and I am grateful that the government has acquiesced in this. Laws that carry penalties should rightly be prescribed in acts and not in regulations, and this amendment responds directly to the comments of the scrutiny of bills committee. I commend the amendments to the Assembly.

Amendments agreed to.

Clause 146, as amended, agreed to.

New clause 146A.

MS FITZHARRIS (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (4.17): I move amendment No 7 circulated in my name which inserts a new clause 146A [*see schedule 1 at page 3583*].

MRS DUNNE (Ginninderra) (4.17): This was also a suggestion from the Liberal opposition and we will support this amendment. It requires the minister to review the operation of the act after five years. Inevitably, legislators are not able to think of every possibility when they develop new legislation. Unintended consequences can emerge, and a review gives an opportunity to iron out any of these issues. I gave an earlier example in the debate of a matter that could be reviewed: that of restricting the two non-vet members of the board to being residents of the ACT. I commend the amendment to the Assembly.

Amendment agreed to.

New clause 146A agreed to.

Remainder of bill, by leave, taken as a whole.

MS FITZHARRIS (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (4.18): I move amendment No 8 circulated in my name [*see schedule 1 at page 3583*].

MRS DUNNE (Ginninderra) (4.19): The Liberal opposition will support this amendment, which simply provides a definition of a “declared professional body”. A caution, though, it creates something of a circular argument in which the minister must consult with a declared professional body but the minister is also the one responsible for making a declaration in the first place. Nonetheless, we need a mechanism, the only alternative of which is to name relevant bodies in the act or in regulations. Perhaps this also is a matter for review in five years.

I take this opportunity to raise other matters that were of concern to the Australian Veterinary Association. The bill proposes that the board in a disciplinary matter could levy a penalty of up to \$1,000, but the AVA pointed out that this is not on parity with New South Wales where it stands at \$5,000. I note that the minister spoke about this in her comments in the in-principle stage.

I have been informed that the reason for this is that the jurisdiction of the ACAT only extends to \$1,000, and a reviewable decision carrying a fine of more than \$1,000 would mean that it would be outside the ACAT jurisdiction. However, I understand from the advice I received that ACAT is reviewing some aspects of its operation, including its power to levy penalties. I ask the minister to review the provision in the bill in light of the outcomes of any ACAT review to bring it more into line with New South Wales.

I also take the opportunity to suggest to the minister that the board should develop prescribed forms for the purposes of registration, application and renewals and that these forms be notified as a notifiable instrument. This may be envisaged in the regulations, but since I have not seen them I flag the comment here for the minister to note. The AVA also alluded to this.

I also note the concern of the AVA that the president will not be elected from veterinary appointees on the board in the same way as the deputy-president will be elected. I believe there is some merit in the approach contemplated in the bill that the president need not be a practising vet and can be appointed by the minister after seeking consultation with and nominations from declared professional bodies. That would at least partly cover off on the AVA's concern but, again, I comment that a non-vet, independent president could work well for the board.

I said this to the officials and I will say it to the minister: I think the board structure envisaged in this legislation is about right. I think you really have it in the sweet spot. As someone who is a bit nerdy about the size of boards, having worked on an executive board of 35-plus, a board of seven or eight is a wonderful thing and I look at it with some admiration.

The other matter of concern raised by the AVA was that the annual registration renewal could be onerous for the board. I presume the board will be supported by a secretariat that will attend to these administrative matters and that they could be managed electronically. But these are all matters for review at the five-year review.

To conclude, I thank the minister, her office and the officials for the collaborative way we have worked on this. I think we have a good outcome, and I thank the officials for the work they have done in the preparation of this bill.

MS FITZHARRIS (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (4.22): In closing I also acknowledge the work done in the past few days in particular but, more importantly, the work done over many months by the officials in

Transport Canberra and City Services. I am delighted that they are here today to see the passing of this legislation in action.

Their work has involved extensive work with the current members of the board, from trips to South Australia to very detailed consultation. As we know, undertaking a governance change to a professional board is no mean feat and it has been handled extremely well. It was very well thought through. It was very well researched and provided solid evidence and working practice of how this legislation could be significantly modernised for the benefit of the profession and those people in the Canberra community who seek to have veterinary support for their pets and animals.

I note there has been a good process over the past few days of collaboration and agreeing on amendments and weighing up the community benefit as a whole. I absolutely agree with Mrs Dunne: a board of 35 people does not strike me as meeting best practice in any way, shape or form, but this one does and I am delighted to see it supported by the Assembly today.

I once again thank very much officials from TCCS in seeing this through. Not only have they provided an exceptionally high standard of secretariat support to the board but they will continue to do so.

Amendment agreed to.

Remainder of bill as a whole, as amended, agreed to.

Bill, as amended, agreed to.

Adjournment

Motion (by **Mr Gentleman**) proposed:

That the Assembly do now adjourn.

Budget—Brindabella electorate

MS LAWDER (Brindabella) (4.25): I would like to take the time this afternoon to talk as if I were talking directly to the people of Brindabella. Today in the Legislative Assembly we passed the 2018-19 ACT budget. We had two weeks of hearings at the end of June, and we have had the past two weeks of debate here in this place.

Many people I speak to in my electorate of Brindabella, basically the area of Tuggeranong, tell me that they feel Tuggeranong is neglected in this budget; that the government does not care about the people of Brindabella. We have seen this demonstrated in the budget. People have been crying out, for example, for better consultation.

There is the Tuggeranong town square: the gazebo area, the laneway precinct or whatever you would like to call it in Tuggeranong. We cannot really call it the gazebo area anymore because the gazebo has now been removed. Last year we saw some

strange alien spaceship lighting structure erected there. Many hundreds, if not thousands, of Tuggeranong people have questioned what it is doing there and what exactly it is meant to achieve. They would like to see a lot more happening in that laneway precinct. That is backed up by other organisations, including the Tuggeranong Community Council.

We are still waiting on the completion of Ashley Drive. If you drive down there, you will see that there are still roadwork signs up, and there are still orange cones and all sorts of things.

We are still waiting on the completion of the healthy waterways project. If you look up the healthy waterways website, you will see that the Isabella Pond part was initially scheduled to be completed in July, a month ago now, but it is quite clearly not complete.

We have seen some work undertaken in the past year at Gartside Street. Whilst it has improved the appearance of Gartside Street, it has not improved the amenity, it has not improved the traffic flow, and it has not improved the parking. These are the types of things that Tuggeranong people tell me that they care about.

What we have in the budget is increasing rates, fees and charges, and increasing utilities costs, increasing the amount of money the government is raking in from the stamp duty concessions. On the other hand, we are seeing the removal of some concessions for seniors.

We have seen the government this year refuse to provide a shade sail over a playground in Greenway near the learn to ride park in Tuggeranong. The government has allocated millions of dollars—I think \$2 million this year—to playground upgrades, to be determined by a citizens jury type process. Tuggeranong residents have already expressed their desire for this playground through a petition, one of the most longstanding and traditional ways in which constituents come to this parliament. It has been knocked back by this government.

Next year in the budget, the government is going to spend \$60,000 on maintaining one park in Moncrieff. That is for the maintenance of one park. I can only imagine how expansive and wonderful a shade sail that \$60,000 could have provided for that very small playground in Greenway, which has a metal slide which burns children when they go down it in summer. Surely a simple shade sail is not too much to ask.

The government is spending \$60,000 next year to maintain one park in Moncrieff. They are very lucky residents. They have had \$6.1 million spent on one park in Moncrieff. Spending \$6.1 million on one park in Moncrieff is lovely, but it is cold comfort for people in Tuggeranong who want a shade sail over one little playground, let alone other things in Tuggeranong that they are asking for. There has been no commitment to, for example, a pop-up library in Lanyon. Lanyon is one of the suburbs furthest away from a library in the ACT.

There is some money in the budget for bikepaths, which is very welcome. Of course, I note that there is far less being spent in Tuggeranong on a bikepath network than there

is in other town centres. And there has not been a firm commitment that I can see in the budget about widening the paths around Lake Tuggeranong. I receive lots and lots of complaints from walkers, joggers and bike riders about the path. (*Time expired.*)

Brian Allan—tribute

MR PARTON (Brindabella) (4.30): I really enjoy working in this place, and I think it is partly because I am surrounded by such good people. I am not just talking about the MLAs, because I think we are all good people, but I am talking about the wonderful attendants who we have working for us here at the Assembly. The attendants should not underestimate what they bring to this chamber on sitting days and to the building on non-sitting days. Of course, they are always the first point of contact when people come to the building.

I speak today to make mention of one of those attendants who is about to leave us. I am most disappointed that Brian Allan is not actually rostered on today. Typically, of course, Brian does not work on Thursdays; yesterday would have been his final sitting day here. My understanding is that he finishes up officially at the end of the month.

Brian has been working here for five years. He will finish up officially at the end of the month. He is a true larrikin. He has a wry sense of humour; he is so dry. He has often made me smile in here, but of course his work here on the floor has been impeccable. I know that he will now have more time to enjoy life. I have come across Brian on his mountain bike on a number of occasions while I was out riding my bike around Lake Tuggeranong. I hope I get to see some more of him down there. Being a Brindabella resident gives me yet another reason to say hello, as if there were not enough reasons.

I am sure that Brian will be enjoying his sleep-ins, listening to RnB Friday, and cycling all over the place. I know that I speak on behalf of all of the other MLAs in saying: farewell, Brian; we will miss you, buddy.

Budget—Brindabella electorate

MS J BURCH (Brindabella) (4.32): I am the third member from Brindabella to talk this evening. I rise because there is much that the residents of the Brindabella electorate can be pleased about in this year's budget. The budget provides for services for our growing city. This budget also entrenches Canberra as the most liveable, best educated, longest living and most affluent jurisdiction in the nation. Success in these metrics does not come by accident. Success in these metrics is the product of 18 consecutive Labor budgets.

I am very proud to be a member for Brindabella and to come from Tuggeranong. I often say that the sun shines brighter, the grass is greener, our backyards are bigger, and our beautiful mountains and natural parks make it a great place to live. Indeed, Tuggeranong is the very image of the bush capital.

But what has also made the Canberra region an exceptional place is that Canberra has always championed a fair go. I am proud, as I have said, to be a member for

Brindabella because Tuggeranong and Lanyon are made up of hardworking families. As their representative in this place, I know there is a role for government in assisting them and providing services for them.

Our government is prioritising education as a key pillar of aspiration through the establishment of the Future Skills Academy at the Caroline Chisholm School in the heart of the Brindabella electorate. It will specialise in science, technology, engineering and maths, as well as communication and enterprise skills, thus laying the groundwork for future jobs. The government is also ensuring better staffing across our schools, with 66 new educational professionals and 15 additional school psychologists. They will provide a great base for our students and their growth across our schools.

As a former nurse, health care is always extremely important to me. Tuggeranong will benefit through our walk-in nurse clinics but also through GP centres that will further benefit from funding for the hospital-in-the-home program and increased elective surgeries.

This year's budget is also prioritising our suburbs and our town centre. It is cleaning up our lake's waterway quality and opening it up through improved funding for Lake Tuggeranong Rowing Club. Madam Assistant Speaker, I am not sure whether you, as a member who also lives down south, have ever enjoyed an early morning row on Lake Tuggeranong. It is a very picturesque and beautiful place to be early in the morning.

Most importantly, we are updating the town centre. The gazebo is gone. I have long been its champion, but the gazebo has been well loved, well used, and it was well past its use-by date. The gazebo in the town centre is now removed. If you are standing on Anketell Street, you can see the vista right down to the lake. It is truly quite special. I am looking forward to the improvements around the town centre.

I have asked for these improvements and I will not stop asking for improvements until they are made right across our area. These include the bike paths and the walkways down from the town centre to the lake, the Anketell Street upgrades, and anything else that I can bring into the Tuggeranong town centre to improve it.

Our government is also prioritising and protecting our environment. We are helping families to lower their emissions and their cost of living through a \$6 million of investment in Actsmart to provide independent energy saving advice.

There is always work to do. Always our government is giving our community a fair go. For example, it is enabling first homebuyers to enter into the market by removing stamp duty for first homebuyers with a combined income of under \$160,000. The plumbers, the nurses, the personal carers in our community now will have an opportunity to move into the housing market through that great initiative.

Importantly, too, our government is prioritising a fair go for all from across our diverse backgrounds. For example, this includes funding to make Canberra more LGBTI friendly, improved accommodation for Gagan Gulwan and improved funding for the Reconciliation Day holiday.

There is much to celebrate in this budget. But every member here knows that when one budget ends, another starts. Our jobs in representing our community and doing the best we can for them are never ending.

City Renewal Authority

MS LE COUTEUR (Murrumbidgee) (4.37): Unfortunately, this morning the debate on the City Renewal Authority did not happen. I got down here about 20 seconds after I needed to talk about the appropriation for the CRA. So I will briefly go through some of what I would have said had I had the opportunity earlier.

A couple of weeks ago I was able to go to a Canberra urban and regional futures seminar, which had as its speaker Malcolm Snow, the head of the CRA. He had a bunch of slides. In particular, he had one about stretch targets and quality design. He said that the CRA was aiming for a 30 per cent tree canopy cover, an eight-star NatHERS energy rating and a 90-plus walkability score.

He said that it would encourage and promote low carbon precinct design and practice, transition away from fossil fuels, divert organics from landfill and provide EV charge capability. Of course, these are all great sustainability initiatives. I am really in favour of all of them. But I guess the questions I have are these: first, how is the CRA going to achieve this? Secondly, why is this happening only in the area covered by CRA? Why can this not happen for the whole of the ACT?

The other issue I would like to raise while I am talking about the CRA is this: why is housing affordability not one of these stretch targets as part of quality design? Housing affordability is something we talk about a lot here. It is because Canberra has a higher rate of homelessness. I think it is something that the CRA needs to regard as one of its stretch targets to do something about.

Trees are important. Of course, I am very much in favour of trees but people are also important. I would like to see the CRA achieve all of its stretch targets, contribute towards more affordable housing for the people of the ACT and work out how to get all of this over all of the ACT.

Budget—rates

MRS KIKKERT (Ginninderra) (4.39): There are many things to look forward to about the end of winter and the promise of spring: the riot of golden wattle; longer, warmer days; the flowering of the territory's many ornamental plum trees; the countdown to summer holidays. And then there is the arrival of the ACT government's rates notices.

I think very few completely honest people will say that they eagerly look forward to opening their letterbox and finding any bill. But the sense of dread experienced by Canberra's hardworking home owners at this time of year has only intensified as the annual rates hit from this Labor-Greens government has swelled. This year's ACT budget includes record levels of taxation. For the first time, the budget paper

shows total ACT government revenue reaching more than \$7 billion. Much of this comes from the payment of rates, which causes more and more pain with each passing year of this government's so-called tax reform.

Over the past seven years, the average rates bill increase in my electorate of Ginninderra has reached 106 per cent. Some suburbs have been especially hard hit. Unit owners in Belconnen, for example, have seen their average rates bills soar 147 per cent. The data is clear: rates in 17 of the 20 suburbs across my electorate have doubled since 2011-12.

This does not, of course, mean that the residents of Ginninderra are opposed to taxation. I think we all understand that government services require funding. And the good people of Canberra who speak to me assure me that they are happy to pay their fair share of taxes, including rates. No; the problem comes when tax bills go up and up and up with no notable improvement in government services. In fact, in many cases the provision of basic services has not only not kept pace with the growth in tax revenue, it has not even kept pace with the growth in population.

We have a public hospital that tells a terrified mother in labour that there is no bed for her but that she is welcome to wait in the tearoom along with everyone else. We also have front-line crisis service providers that are unreachable at certain times of the day and others that are forced to turn away clients who have nowhere else to go.

As noted succinctly by former Labor Chief Minister John Stanhope in last week's *CityNews*, despite the fact that the ACT government has become adept at taking more and more money from the pockets of Canberra's families, this year's budget includes "a cut of 0.6 per cent (compounding) for Social Protection, and effective cuts to Housing and Community Services and to Health in relation to both of which the agreed growth in funding is less than inflation". In the simplest terms, what this means is that ordinary Canberrans are paying more for less. This is the governmental equivalent of working harder for less pay.

I know my neighbours and many of the good people across my electorate. They are honest, decent, hardworking people who love their families, contribute to their communities and expect this government to give them, and all other Canberrans, a fair go. I feel justifiably indignant that in the next few days these people will be opening rates notices that will leave many of them wondering how to make ends meet and confused about how a government that takes so much can do so little with it.

Garran Primary School—science fair

MS CODY (Murrumbidgee) (4.43): Last week I had the absolute honour and privilege of opening the Garran science fair at Garran Primary School. I was lucky enough to meet with many of the children who had put in their science projects. It is a fair that has been operating for many years at Garran Primary School. It continues to give the children an opportunity to grow and work particularly amongst the STEM subjects within the school.

Garran Primary School has a long history of running this science fair, and it was an absolute privilege to see some of the projects. I had an opportunity to look at a solar powered oven that a lovely young boy had made in year 2. He had baked s'mores for him and his sister. His sister's project was also of high standard.

For me, there were many highlights at the fair. There was a young year 6 woman who had done amazing work by providing a working heart. She had put in the oxygenated blood and the deoxygenated blood. She sat and gave me a presentation about how the heart works and what it does for the circulatory system. She got every name of every artery and all of the valves. She even described why we get the ba-doomp sound. She told me which part made which noise.

It was quite astounding to see the work that these students put into their projects and their science fair. Of course, it would not be possible without the government's investment in STEM education.

In the 2018-19 budget that was passed today, the government announced that \$5.19 million will be allocated over four years to establish the academy of future skills, which will assist children like those at Garran Primary School who have a passion and a flare for science, technology, engineering and maths. I look forward to next year's Garran science festival and to hearing the winner of the people's choice award for the projects that they worked so hard on.

Budget—Brindabella electorate

MR GENTLEMAN (Brindabella—Minister for Police and Emergency Services, Minister for the Environment and Heritage, Minister for Planning and Land Management and Minister for Urban Renewal) (4.45): I am pleased to be part of a government that has delivered a fair and balanced budget for the ACT. The budget ensures that all Canberrans have continued access to services that provide support for our growing city.

My electorate of Brindabella will benefit directly from these services, including upgrades to the Tuggeranong town centre and emergency service facilities. These initiatives are part of the government's commitment to grow services for our growing city.

The abolition of stamp duty for first homebuyers is a key to helping first homebuyers establish themselves and their families in our city and helping grow the ACT into the future.

The suburbs of Tuggeranong will benefit from \$10 million in funding for tidier suburbs, including mowing, weeding and cleaning up of waterways. Funding for improving school facilities will help to support Tuggeranong as part of the \$3.2 million budgeted for ongoing support of local libraries and a key community hub and education facility.

The budget includes \$2 million in funding to upgrade the Tuggeranong police station and recently upgraded SES facilities at Calwell. Five new ambulances will continue to provide the highest quality of emergency services to the ACT and ensure that the Tuggeranong community is a safe community. Our emergency services personnel and volunteers do an excellent job in protecting Tuggeranong and the wider Canberra community. I am proud to be part of a government committed to supporting them.

Upgrades for the Tuggeranong town centre are in the budget, with \$4 million allocated to: improving cycling and pedestrian connections from Anketell Street to Lake Tuggeranong via the town square; converting the paved area from Tuggeranong Arts Centre into grass, with the aim of continuing to grow this important community facility; and providing new path connections to link the Lakeside Leisure Centre with the Lake Tuggeranong shared path.

There are also upgrades to key roads, including a completed upgrade to Ashley Drive, which over 20,000 cars use every day. This \$24 million upgrade will be further supported by a commitment in this budget to match up to \$100 million in the federal government funding for upgrades to the Monaro Highway.

Through a joint program with the federal government, we are investing over \$80 million in the healthy waterways project. This project will help ensure the health of Lake Tuggeranong. The development of the upper Stranger Pond rain garden is another component of the healthy waterways project that will provide benefits to the Tuggeranong community. Once completed, this project will be the biggest of its kind in the Southern Hemisphere.

The budget delivered by the ACT government provides excellent support for a growing community in the ACT. These benefits will have a direct positive influence on the lives of people in Tuggeranong. Improved access to services such as local libraries, upgrades to the Tuggeranong town centre, stamp duty concessions for first homebuyers, improved emergency services and upgrades to key roads will all contribute to growing the community of Tuggeranong and the city.

Madam Speaker, I want to congratulate you on the work that you have done in supporting Tuggeranong. It is in stark contrast to Ms Lawder, who this morning voted against all of this expenditure for Tuggeranong: for health and hospitals, for schools, for expenditure in police, for expenditure in ambulance paramedics and all of those measures that I have talked about. Just now she opposed \$10 million in funding for tidier suburbs for Tuggeranong. She was opposed to \$2 million in funding for the upgrade to the Tuggeranong police station. She was opposed to improving the cycling and pedestrian connection from Anketell Street to Lake Tuggeranong. And she was opposed to the government's commitment to upgrading the Monaro Highway. She voted against it, Madam Speaker.

My message to the people of Tuggeranong is that the Canberra Liberals do not support investment in Tuggeranong. It is now on the record.

MADAM SPEAKER: Before I go to the final question, I will finalise a bit of housekeeping from this morning. As I understand it, when Ms Lee was in the chair there was a question on a point of order from Mr Wall. I have had a look at that and I would have said that there was no point of order. Ms Cheyne was debating an admin report. Clearly people have differing opinions within this chamber, and it was simply that. No point of order would have been raised if I had been sitting in the chair.

Question resolved in the affirmative.

The Assembly adjourned at 4.50 pm until Tuesday, 18 September, at 10 am.

Schedules of amendments

Schedule 1

Veterinary Practice Bill 2018

Amendments moved by the Minister for Transport and City Services

1

Clause 10 (3) (a) and (b)

Page 6, line 23—

omit

2

Clause 96 (2)

Page 65, line 19—

omit clause 96 (2), substitute

- (2) The Minister must also seek advice, and nominations, from declared professional bodies and any other entities the Minister considers suitable to give advice, and make nominations, in relation to the board.

Examples—entities suitable to give advice

- academic institutions
- industry representatives

3

Proposed new clause 108 (2)

Page 72, line 21—

insert

- (2) The board must not delegate the board's decision-making power under any of the following:
- (a) section 60 (Board may dismiss certain complaints);
 - (b) section 61 (Decision on completion of investigation);
 - (c) section 62 (Indication that offence committed);
 - (d) section 65 (Application to ACAT for occupational discipline).

4

Proposed new clause 142A

Page 95, line 7—

insert

142A Declared professional bodies

- (1) The Minister may declare an entity to be a professional body for—
- (a) section 96 (2) (Consultation about appointment to board); and
 - (b) section 146 (1A) (Regulation-making power).
- (2) A declaration is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

5

Proposed new clause 146 (1A)

Page 96, line 8—

insert

- (1A) The Executive must consult with declared professional bodies before making a regulation under this Act.

6

Clause 146 (3)

Page 96, line 12—

omit

7

Proposed new clause 146A

Page 97, line 8—

insert

146A Review of Act

- (1) The Minister must review the operation of this Act as soon as practicable after the end of its 5th year of operation.
- (2) The Minister must present a report of the review to the Legislative Assembly within 6 months after the day the review is started.
- (3) This section expires 6 years after the day it commences.

8

Dictionary, proposed new definition of *declared professional body*

Page 126, line 18—

insert

declared professional body means an entity declared by the Minister under section 142A.

Schedule 2

Veterinary Practice Bill 2018

Amendment moved by Mrs Dunne

1

Proposed new clause 93 (4)

Page 64, line 22—

insert

- (4) The members mentioned in subsection (1) (c) and (d) must live in the ACT.
-

Answers to questions

Government—notifiable invoices (Question No 1565)

Mrs Dunne asked the Minister for Health and Wellbeing, upon notice, on 3 August 2018:

- (1) In relation to the Register of Notifiable Invoices, why are four payments made in May 2018 to Abbott Australasia Pty Ltd, totalling \$391 196.92, described as “Other Creditors” and not allocated to a more specific account classification.
- (2) What was the purpose for each payment referred to in part (1).

Ms Fitzharris: The answer to the member’s question is as follows:

- (1) The payments were incorrectly described as “other creditors”, and should have been described as “pharmaceuticals”.
- (2) The purpose for each payment referred to in part 1 are payments for laboratory consumables for ACT Health.

Answers to questions on notice—costs (Question No 1570)

Mrs Dunne asked the Chief Minister, upon notice, on 3 August 2018:

- (1) How much did it cost to develop the standard question on notice costing tool used across directorates.
- (2) Was the costing tool developed (a) within the ACT Government or (b) by consultants.
- (3) If consultants were involved in the development, was it developed as (a) part of a wider contract or (b) a standalone contract.
- (4) If consultants were used, (a) how much did it cost to hire the consultants and (b) what is the contract number.
- (5) Do all directorates and government agencies use the costing tool; if not, (a) which directorates and agencies do not use the costing tool and (b) why are they excused.
- (6) Are there any circumstances in which a question on notice would not be costed.
- (7) What measures are in place to ensure consistency in use of the costing tool across directorates and agencies.
- (8) How is the question costed if it is addressed to more than one minister and/or directorate or agency.
- (9) Have training courses been held into use of the costing application; if so, (a) how many have been held, (b) how many staff attended each one and (c) what was the total cost.

- (10) Are “refresher” courses planned.
- (11) Will training on the costing application become part of any induction programs for new staff.

Mr Barr: The answer to the member’s question is as follows:

- (1) Development of the costing tool was not separately costed.
- (2) The costing tool was within the ACT Government.
- (3) Consultants were not involved in the development of the tool.
- (4) Consultants were not involved in the development of the tool.
- (5) All Directorates use the costing tool.
- (6) Where a question on notice is not answered, for example where it is considered doing so would require an unreasonable diversion of resources, a costing would not be prepared.
- (7) Guidelines regarding costing of questions on notice have been circulated to directorates and are publically available on the CMTEDD website. Specific guidance on how to use the costing tool is included in the tool itself.
- (8) Generally, a directorate preparing a response for multiple Ministers would calculate the cost of preparing the response, which would be averaged across each applicable question on notice. Where a response requires input from multiple directorates, each directorate would cost their component of the response for incorporation into the final costing.
- (9) No.
- (10) No.
- (11) No.

**University of Canberra Public Hospital—infrastructure
(Question No 1573)**

Mrs Dunne asked the Minister for Mental Health, upon notice, on 3 August 2018:

- (1) Have the mental health facilities at the University of Canberra Public Hospital been reviewed for ligature points; if so, what was the outcome; if not, why not.
- (2) Have any ligature points been found; if so, have they been removed.
- (3) If any ligature points have not been removed, why not.
- (4) How many full-time psychiatrist positions have been created for the University of Canberra Public Hospital.

- (5) How many of those positions referred to in part (4) are filled as at the date of the answer given to this question.
- (6) How many full-time mental health nursing positions have been created for the University of Canberra Public Hospital.
- (7) How many of those positions referred to in part (6) are filled as at the date of the answer given to this question.
- (8) How many full-time psychiatrists and mental health nursing staff have been transferred to the University of Canberra Public Hospital from other mental health facilities in the ACT and from which other mental health facilities have they been transferred.
- (9) Have the consequential vacancies at other mental health facilities been filled with new permanent staff; if not, why not.
- (10) How many full-time psychiatrists and mental health nursing staff have been recruited to the University of Canberra Public Hospital other than from other mental health facilities in the ACT.
- (11) How many beds are allocated for mental health patients at the University of Canberra Public Hospital.
- (12) What is the average mental health bed occupancy rate at the University of Canberra Public Hospital up to the date of the answer given to this question.

Mr Rattenbury: The answer to the member's question is as follows:

- (1) The mental health units at University of Canberra Public Hospital (UCH) were designed with a focus on ligature point minimisation. Innovations include anti ligature tapware in the ensuites, continuous hinges on the bedroom doors, 15 kilogram weight bearing curtains, towel hooks and wardrobe rails, and weight sensors on top of the doors in the bedrooms.
- (2) Any potential ligature points have been minimised through the design process and the innovations described above.
- (3) As above.
- (4) The two psychiatrists who were previously working at Brian Hennessy Rehabilitation Centre (BHRC) (1.0 FTE) have transferred to UCH. No additional positions have been created.
- (5) All of them.
- (6) The Adult Mental Health Rehabilitation Unit (AMHRU) has 18.81 FTE nursing staff. All these positions transferred from BHRC. The Adult Mental Health Day Service (AMHDS) has 3 FTE nurses. Two of these positions were transferred from the AMHDS located at the Belconnen Community Health Centre and one new position has been created.
- (7) All of them.

- (8) Refer to answers to parts 4 and 6.
 - (9) There are no consequential vacancies at other mental health services as a result of these transfers as the services have transferred to UCH along with the staff.
 - (10) No psychiatrists were recruited. One nurse was recruited from outside the existing mental health service.
 - (11) There are 20 overnight beds in the AMHRU at UCH.
 - (12) As of 6 August 2018, there were 14 people admitted, which is 70% occupancy.
-

Domestic animal services—dogs (Question No 1576)

Ms Lawder asked the Minister for Transport and City Services, upon notice, on 3 August 2018:

- (1) Was the owner of the dog that attacked a police officer on a private property in Rivett on 1 July 2018, identified.
- (2) Was the attacking dog seized or held by Domestic Animal Services (DAS).
- (3) Had the attacking dog come to the attention of, or been reported to DAS previously; if so what action had previously been taken by DAS against the (a) owners and (b) dog.
- (4) What has now happened or is happening to the attacking dog.
- (5) Was the attacking dog; (a) registered, (b) desexed and/or (c) microchipped.
- (6) What action has DAS taken or is intending to take against the owner of the attacking dog.
- (7) When and what advice has been provided to the owners of the dog.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) Yes.
- (2) Yes, the dog was seized.
- (3) Yes. (a) and (b) This incident is currently being investigated by TCCS and ACT Policing and it is not appropriate that I address this question at this time.
- (4) The dog remains in the care of DAS while an investigation is conducted.
- (5) (a) No (b) Yes (c) Yes.
- (6) This incident is currently being investigated and further action will be taken pending the outcomes of the investigation.

- (7) The owner of the dog was advised that an investigation was underway at the time of the seizure of the dog. Further communication with the owner is taking place as part of the investigation.
-

**Domestic animal services—dogs
(Question No 1578)**

Ms Lawder asked the Minister for Transport and City Services, upon notice, on 3 August 2018:

- (1) Was the owner of the attacking dog identified in relation to an attack on 18 June 2018 on another dog who was injured and subsequently put down.
- (2) Was the attacking dog seized or held by Domestic Animal Services (DAS).
- (3) Had the attacking dog come to the attention of, or been reported to DAS previously; if so what action had previously been taken by DAS against the (a) owners and (b) dog.
- (4) What has now happened or is happening to the attacking dog.
- (5) Was the attacking dog (a) registered, (b) desexed and/or (c) microchipped.
- (6) What action has DAS taken or is intending to take against the owner of the attacking dog.
- (7) When and what advice has been provided to the owners of the dog who was attacked.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) Yes.
 - (2) Yes, the dog was seized.
 - (3) No.
 - (4) The dog remains in the care of DAS while an investigation is conducted.
 - (5) (a) Yes (b) No (c) Yes
 - (6) This incident is currently being investigated and further action will be taken pending the outcomes of the investigation.
 - (7) Investigators initially contacted all parties involved in this case and advised them of the investigation process. Investigators have continued to update those involved, including the owners of the dog that was attacked, with the most recent contact being 3 August 2018.
-

**Domestic animal services—dogs
(Question No 1581)**

Ms Lawder asked the Minister for Transport and City Services, upon notice, on 3 August 2018:

- (1) Can the Minister confirm that Domestic Animal Services (DAS) will not take action in relation to a nuisance dog under the *Domestic Animal Act 2000* (the Act) unless and until a ranger directly sees or hears the dog barking or being a nuisance.
- (2) What is the test used by DAS for “excessive disturbance” under the Act.
- (3) What evidence does DAS usually require before it will issue a nuisance notice under section 112 of the Act to require the owners of a dog to take action to reduce the noise made by their dog.
- (4) What is the test for the Registrar to have reasonable grounds to believe that the dog in question is causing animal nuisance or excessive disturbance to one or more persons.
- (5) Has DAS adopted a multiple household or consensus threshold test for taking action under the Act in relation to noise related animal nuisance; if so, does this defeat the purpose and operation of the Act which provides animal nuisance occurs when an animal causes, solely or in part, excessive disturbance to a person (i.e., one) and is intended to provide a remedy for that person.
- (6) To what extent are resourcing and budget issues and the many competing roles and demands on DAS staff a consideration in a decision whether or not to investigate an animal nuisance complaint or issue a nuisance order or obtain the evidence required to issue such an order.

Ms Fitzharris: The answer to the member’s question is as follows:

- (1) No. A ranger does not have to see or hear the barking or nuisance but needs to gather sufficient evidence to substantiate a complaint before enforcement action can be taken.
- (2) Consistent with the requirements of the *Domestic Animals Act 2000*, rangers must consider the number of people affected, be satisfied that the nuisance is frequent and persistent and that it presents an impost on the quiet enjoyment of the neighbourhood.
- (3) Consistent with the requirements of the *Domestic Animals Act 2000*, rangers must believe a nuisance exists and consider the number of people affected, be satisfied that the nuisance is frequent and persistent and that it presents an impost on the quiet enjoyment of the neighbourhood. Rangers must also any consider reasonable precautions that a person whose animal is causing the nuisance has or has not taken to avoid or minimise the nuisance and any reasonable precautions that a person adversely affected by the nuisance has or has not taken to avoid or minimise the effects of the nuisance.
- (4) For the Registrar to establish a reasonable belief, the Registrar reviews the investigative evidence including noise monitoring diaries gathered from the complainant, corroborative evidence from neighbouring residents and the frequency and persistence of the alleged nuisance.
- (5) No.
- (6) As per the Licensing and Compliance Accountability Commitment, DAS applies a risk-based compliance approach to ensure that its resources are targeted to prioritise the most significant risks of harm, unsafe practices or misconduct, thereby

strengthening its capacity to take action where the community, animals and/or the environment are most at risk.

**Domestic animal services—dogs
(Question No 1582)**

Ms Lawder asked the Minister for Transport and City Services, upon notice, on 3 August 2018:

- (1) To what extent is the Animal Welfare and Management Strategy 2017-2022 and the Government policies of promoting and incentivising responsible pet ownership a consideration in a decision whether or not to issue a nuisance order or obtain the evidence required to issue such an order.
- (2) What criteria does Domestic Animal Services (DAS) use for deciding to cease an investigation of a complaint.
- (3) Does DAS provide a complainant with opportunity to comment before any decision is made to end the investigation into their complaint and is there a procedural fairness requirement.
- (4) To what extent does DAS take into account that many complainants will lack any remedy to resolve animal nuisance complaints themselves if the dog owners refuse to act responsibly, particularly after being advised by DAS that DAS has decided not to act on the complaint.
- (5) Can the Minister confirm that a complainant has no right to seek a review of a decision by DAS to refuse to investigate a complaint or issue an animal nuisance order.
- (6) Has the Minister issued any guidelines under section 114C of the *Domestic Animals Act 2000* about animal nuisance and the Registrar's functions in relation to animal nuisance, if so, can these be provided.
- (7) What consideration has been given to reform of the animal nuisance provisions of the *Domestic Animals Act 2000*.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) Responsible pet ownership is a key underlying consideration in how DAS exercises its compliance functions.
- (2) An investigation into a complaint may be ceased where all reasonable enquiries have been undertaken and a complaint cannot be established (corroborated or proven) or where it is not in the public's best interest to pursue a matter.
- (3) In accordance with procedural fairness principles, DAS notifies each complainant of the outcome of its investigation prior to a matter being closed and explains the rationale for the decision. DAS will reopen an investigation if new evidence becomes available.

- (4) DAS recognises that nuisance matters can be a source of frustration for complainants, however DAS is only able to exercise powers provided for within the *Domestic Animals Act 2000* and is required to obtain sufficient evidence before taking regulatory action.
- (5) There is no current legislative process for a complainant to seek a review of a decision by DAS to refuse to investigate a complaint or issue an animal nuisance order. However, where a complaint relates to a regulatory decision, or a person is dissatisfied with the response, in accordance with the Licensing and Compliance Accountability Commitment, complainants may request an internal review of the decision.
- (6) No.
- (7) Reforms were made to Part 6 (Animal Nuisance) of the *Domestic Animals Act 2000* in 2017 with the introduction of the *Domestic Animals (Dangerous Dogs) Legislation Amendment Act 2017*.

Domestic animal services—dogs (Question No 1583)

Ms Lawder asked the Minister for Transport and City Services, upon notice, on 3 August 2018:

- (1) How many complaint calls to Domestic Animal Services (DAS) for (a) 2013-2014, (b) 2014-2015, (c) 2015-2016, (d) 2016-2017 and (e) 2017-2018 by (i) all types, (ii) attacking, (iii) roaming, (iv) harassing, (v) nuisance and (vi) barking.
- (2) How many animal nuisance complaints were lodged with DAS in (a) 2013-2014, (b) 2014-2015, (c) 2015-2016, (d) 2016-2017 and (e) 2017-2018.
- (3) How many animal nuisance complaints were rejected by DAS as frivolous or vexatious in (a) 2013-2014, (b) 2014-2015, (c) 2015-2016, (d) 2016-2017 and (e) 2017-2018.
- (4) How many animal nuisance complaints were accepted by DAS for investigation in (a) 2013-2014, (b) 2014-2015, (c) 2015-2016, (d) 2016-2017 and (e) 2017-2018.
- (5) How many animal nuisance investigations are on foot now and on average per month in (a) 2013-2014, (b) 2014-2015, (c) 2015-2016, (d) 2016-2017 and (e) 2017-2018.
- (6) What was the average time to complete an animal nuisance investigation in (a) 2013-2014, (b) 2014-2015, (c) 2015-2016, (d) 2016-2017 and (e) 2017-2018 and what was the (i) longest and (ii) shortest.
- (7) How many animal nuisance investigations were completed without issue of an animal nuisance order in (a) 2013-2014, (b) 2014-2015, (c) 2015-2016, (d) 2016-2017 and (e) 2017-2018.
- (8) How many animal nuisance investigations were completed with issue of an animal nuisance order in (a) 2013-2014, (b) 2014-2015, (c) 2015-2016, (d) 2016-2017 and (e) 2017-2018.

Ms Fitzharris: The answer to the member's question is as follows:

- (1 – 8) I have been advised by my Directorate that the information sought is not in an easily retrievable form, and that to collect and assemble the information sought solely for the purpose of answering the question would require a considerable diversion of resources. In this instance, I do not believe that it would be appropriate to divert resources from other priority activities for the purposes of answering the Member's question. However, I offer the member a verbal briefing to discuss their questions.
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**Domestic animal services—veterinary services
(Question No 1584)**

Ms Lawder asked the Minister for Transport and City Services, upon notice, on 3 August 2018:

- (1) How does Domestic Animal Services (DAS) provide veterinary services for animals held by DAS.
- (2) Does DAS (a) employ veterinary services on a full time, part time or on a contract basis and (b) what are the details of those arrangements.
- (3) How does DAS provide veterinary services for animals in its care outside regular working hours.
- (4) Which unit of Transport Canberra and City Services is the Senior Ranger Education and Victim Support located in.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) DAS has a contracted Veterinary Surgeon who attends the facility on a weekly basis to inspect and treat impounded animals. Any animal needing veterinary attention or care outside these hours is taken to the Inner South Veterinary Practice or after hours to the Animal Referral Hospital for treatment.
 - (2) As above.
 - (3) As above.
 - (4) The Licensing and Compliance unit within the City Presentation branch of the City Services Division.
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**ACTION bus service—free services
(Question No 1587)**

Ms Lee asked the Minister for Transport and City Services, upon notice, on 3 August 2018:

- (1) What has been the scheduled frequency of services of the Free City Loop Bus in (a) 2016, (b) 2017 and (c) 2018.

- (2) Has the scheduled frequency of service changed since the decision to cancel the route was made in June 2018.
- (3) How is the scheduled frequency of service of the Free City Bus Loop monitored.
- (4) What percentage of the Free City Loop services ran to schedule in (a) 2016, (b) 2017 and (c) 2018.
- (5) What is the length of shift for drivers on the Free City Loop.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) (a-c) The intended frequency of services of the Free City Loop Bus was approximately every 10 minutes in 2016, 2017 and 2018.
- (2) There has been no changes to the intended frequency of the service.
- (3) Transport Canberra continually monitors all services across the network, including the Free City Bus Loop through the real-time NXTBUS system.
- (4) The percentage of the Free City Loop services that ran to schedule cannot be calculated as the service does not run to a scheduled timetable. Instead the service operates as a loop with intended 10 minute frequencies.
- (5) The length of the shift for part-time drivers is 4 hours and 37 mins each. The length of the shift for full-time drivers is either 9 hours and 29 mins or 8 hours each.

**ACTION bus service—network
(Question No 1588)**

Ms Le Couteur asked the Minister for Transport and City Services, upon notice, on 3 August 2018:

- (1) How was the consultation advertised to the Canberra community in relation to proposed changes to bus services known as Network 19.
- (2) How could people find out about the roadshows apart from the “yoursay” website.
- (3) Will the flexible bus service be expanded as part of Network 19.
- (4) What public transport alternative is being proposed, apart from the flexible bus service, for people who cannot easily walk to a bus stop under the new network.
- (5) Has the proposed Network 19 taken into account residential aged care facilities that may have a high proportion of public transport users who are unable to walk for any distance.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) Canberrans were invited to participate in the public consultation on the proposed changes to bus services:
 - a. at community council meetings and other public meetings;

- b. at roadshows in town centres, group centres and other key locations, such as tertiary institutions;
 - c. online at www.yoursay.act.gov.au and www.canberrabuses.com.au;
 - d. through social media and online advertising;
 - e. through interviews, media releases and other statements to broadcast and print media, such as *The Canberra Times* and the ABC;
 - f. through advertising on buses and at bus stops;
 - g. in the *Our Canberra* newsletter distributed to all households throughout the ACT;
 - h. in meetings with individual stakeholders and community groups; and
 - i. through direct communication with schools and parents, including information provided for inclusion in school newsletters and letters to school principals.
- (2) The roadshows were advertised through community council meetings, at other public meetings, at www.canberrabuses.com.au, through social media and other channels.
- (3) Transport Canberra has received feedback from the community as part of the public consultation about the flexible bus service, which the ACT Government will take into account when making a decision about improvements to public transport services in 2019.
- (4) The Flexible Bus Service is designed to serve customers who cannot easily walk to a bus stop. Some customers also use other services, such as community transport services. Travel distances have also been considered in configuring the new bus network and the location of bus stops.
- (5) Yes.

ACTION bus service—Xpresso services (Question No 1589)

Ms Le Couteur asked the Minister for Transport and City Services, upon notice, on 3 August 2018:

- (1) What is the average patronage for each current Xpresso bus **service** (not route).
- (2) Which existing Xpresso bus **routes** are proposed to be substantially replaced by a new Rapid route or combination of inter-connecting Rapid routes.
- (3) Can the Minister provide travel time comparisons for key destinations between the current service and the proposed replacement for each route listed in part (2).

Ms Fitzharris: The answer to the member's question is as follows:

- (1) Based on data from the MyWay ticketing system, the average patronage for each current Xpresso bus service from 1 January to 30 June 2018 was as follows:

Route	Start time	Average boardings per Trip
705	6:51	11
	7:08	14
	7:13	12
	7:35	19
	8:01	17

Route	Start time	Average boardings per Trip
	8:11	32
	16:30	13
	16:46	15
	17:03	13
	17:14	13
	17:27	9
	17:42	7
712	6:34	12
	6:49	10
	7:04	26
	7:16	29
	7:43	58
	16:42	16
	17:11	25
	17:39	15
	18:07	10
714	6:38	15
	6:52	19
	7:32	54
	16:53	19
	17:20	14
	17:47	9
717	6:52	21
	7:16	28
	7:47	50
	17:14	25
	17:41	14
	18:08	17
718	6:35	12
	6:51	21
	7:34	41
	16:34	25
	17:01	24
	17:34	17
719	6:38	16
	7:08	32
	7:40	31
	16:22	29
	16:46	20
	17:13	18
	17:40	13
720	7:05	19
	7:36	40
	8:10	38
	16:39	22
	17:09	29
	17:30	21
725	6:58	8
	7:19	23
	7:53	39

Route	Start time	Average boardings per Trip
	16:49	24
	17:27	19
726	6:51	13
	7:17	21
	8:26	27
	16:52	26
	17:38	18
732	7:19	12
	8:00	40
	8:41	22
	16:41	16
	17:14	26
	17:43	15
743	6:38	30
	6:58	23
	7:09	22
	7:19	36
	7:38	43
	7:55	37
	16:21	30
	16:35	20
	16:50	24
	17:05	27
	17:20	23
	17:35	23
	17:53	16
744	6:53	23
	7:09	29
	7:20	22
	7:35	42
	7:55	47
	16:29	21
	16:43	17
	16:58	18
	17:13	25
	17:29	18
	17:45	18
749	7:12	6
	7:33	15
	8:37	5
	16:40	16
	17:12	10
	17:13	11
765	6:51	20
	7:15	28
	7:46	38
	16:36	29
	17:02	22
	17:33	12

Route	Start time	Average boardings per Trip
767	6:42	27
	6:57	22
	7:19	30
	16:46	25
	17:17	18
	17:46	11
775	6:23	10
	7:28	30
	16:35	20
783	17:35	8
	7:06	16
	7:32	26
	17:09	17
791	17:30	11
	7:16	17
	7:33	14
	7:59	23
	8:23	29
	8:41	11
	16:38	14
	16:59	18
	17:20	16
792	17:44	14
	6:39	11
	7:06	18
	7:23	13
	7:45	24
	8:10	23
	8:30	17
	16:31	30
	16:48	23
	17:07	15
17:27	10	
17:48	6	
Total Average		21

- (2) The ten high frequency, direct Rapid routes and connecting local routes in the proposed network will serve as an alternative for customers using any of the existing Xpresso routes.
- (3) At present, Transport Canberra cannot calculate the travel time comparisons between the existing network and the proposed network. This is because timetables for the new network are yet to be developed, as the ACT Government is currently consulting on the proposed routes. In any event, individual travel times are not simply a function of bus journey times between two points. Time spent waiting for services to arrive is also another important consideration.

**Waste—illegal dumping
(Question No 1590)**

Ms Le Couteur asked the Minister for Transport and City Services, upon notice, on 3 August 2018:

- (1) Has the government land along Warragamba Avenue in Duffy been cleared of all rubbish illegally dumped.
- (2) How long is the standard waiting period from notification of illegal dumping to clean up of the site.
- (3) Can the Minister provide an update on how the littering and illegal dumping working group recently established by Transport and City Services is tracking and if the government doing extra work to address these issues.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) Illegally dumped rubbish is programmed for removal as it is identified or reported. In the case of the area along Warragamba Avenue in Duffy, TCCS faces an ongoing challenge to keep the area free of illegally dumped rubbish because more material is often dumped after the area is cleaned up.
- (2) Typically illegally dumped material is removed within 7 days of being identified or reported.
- (3) The working group is looking at a number of options to address the issue of illegal dumping and are actively collecting information on dumping patterns and sites to inform preventative and compliance activities. For example, this information will inform the installation of additional surveillance cameras and warning signage. There is increased collaboration with other Directorates with a role in managing illegal dumping, such as the Environment Protection Authority. Changes to the *Litter Act 2004* have been made recently to provide for improved enforcement action. Other waste management initiatives being rolled out or in the planning stages are also expected to reduce the prevalence of dumping, such as the Container Deposit Scheme, the expansion of the green waste collection scheme and a bulky waste pick up service.

**Transport—social inclusion
(Question No 1591)**

Ms Le Couteur asked the Minister for Community Services and Social Inclusion, upon notice, on 3 August 2018 (*redirected to the Minister for Transport and City Services*):

- (1) How have the impacts of reduced local public transport services on social inclusion for those people in Canberra who cannot easily walk to a bus stop been evaluated in relation to proposed changes to bus services known as Network 19.
- (2) What actions are proposed to ameliorate the reduction of local bus services on social inclusion for isolated members of our community.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) & (2) The number of local public transport services will not be reduced under the proposed bus network. The number of bus trips on Rapid and local routes in the proposed network is expected to be 4,300 or more, compared to around 3,400 in today's network. This equates to an increase of 26% in the number of daily bus trips on Rapid and local routes compared to today.

Housing—rates (Question No 1592)

Ms Le Couteur asked the Treasurer, upon notice, on 3 August 2018:

- (1) What proportion of the revenue from residential rates was raised from the following types of properties, (a) units, (b) houses and (c) other types of properties, for (i) 2014-2015, (ii) 2015-2016, (iii) 2016-2017 and (iv) 2017-2018.
- (2) What proportion of the revenue from residential rates is expected to be raised from the following types of properties in the current financial year, (a) units, (b) houses and (c) other types of properties.

Mr Barr: The answer to the member's question is as follows:

	Houses	Units	Other
2014-15	82%	16%	2%
2015-16	82%	17%	2%
2016-17	81%	17%	2%
2017-18	79%	19%	2%
2018-19	78%	20%	2%

Notes:

- Totals may not add to 100 per cent due to rounding.
- 'Other' includes Religious residential, Patio housing, Homes for the Aged, Flats and Broadacre development.

Planning—Giralang shops (Question No 1593)

Ms Le Couteur asked the Minister for Planning and Land Management, upon notice, on 3 August 2018:

- (1) For what reason was the Development Application (DA) for the Giralang Shops in July 2018 called in.
- (2) How many objections in total were made on the Giralang Shops DA that was subsequently called in, and how many were (a) from commercial competitors such as supermarket operators or shopping centre owners and (b) made by residents or owners of residential property in Giralang.

Mr Gentleman: The answer to the member's question is as follows:

- (1) Under Section 159 of the *Planning and Development Act 2007* I may consider a development application if I consider it: to respond to a major policy issue; or have a substantial effect on achieving objectives of the Territory Plan; or provide a substantial public benefit.

I have used my call-in powers in this instance because I formed the view that the proposal will provide a substantial public benefit, particularly to the community of Giralang and surrounding suburbs with delivery of a long overdue local centre.

I considered that the people of Giralang have been denied this facility as a result of prolonged legal challenges that eventually escalated to the High Court.

I also had regard of the fact that my decision cannot be reviewed by a third party in the ACT Civil and Administrative Tribunal.

I trust the use of my ability to consider, and approve this new development application will at last signal the end to a long and frustrating journey for the Giralang community.

- (2) The development application received 41 written representations in total, including one late representation. Of the 41 written representations received, 17 objected to the proposal, 13 supported the proposal, and 11 provided qualified support.
- a. One objection was received from a commercial operator.
 - b. One objection was received from a community group, and 15 were made by individual residents or owners of residential properties in Giralang.

Municipal services—flood maps (Question No 1595)

Ms Lawder asked the Minister for Transport and City Services, upon notice, on 3 August 2018 (*redirected to the Minister for the Environment and Heritage*):

- (1) Can the Minister provide a copy of any maps prepared for 100 year floods and the year each map was updated for (a) Inner North Canberra, (b) Inner South Canberra, (c) Belconnen, (d) Gungahlin, (e) Tuggeranong, (f) Weston Creek, (g) Woden.
- (2) How often are these flood maps reviewed.

Mr Gentleman: The answer to the member's question is as follows:

The Environment Planning and Sustainable Development Directorate is currently developing maps that identify areas that potentially could be impacted (in terms of extent, depth and hazard) from riverine flooding in a 1% Annual Exceedance Probability (AEP) flood event, previously known as the 1 in 100 year flood.

The maps will cover areas of Sullivan's Creek, Yarralumla Creek, Long Gully Creek, Weston Creek, Woolshed Creek, Tuggeranong Creek, and Ginninderra Creek systems.

The maps have been developed based on extensive technical input and flood modelling expertise. These maps are currently undergoing a final peer review to confirm on-ground conditions and are proposed to be available publicly in the near future.

It is industry practice to review flood maps every five to ten years based on the level of potential impact and occurrence and the observed changes to climate, land use (such as increases in impervious surfaces due to development, and understanding of climate including expected rainfall intensity) and the stormwater network.

Roads—Mirrabei Drive (Question No 1596)

Ms Lawder asked the Minister for Transport and City Services, upon notice, on 3 August 2018:

- (1) When will the Mirrabei Drive duplication be completed.
- (2) How many lanes will the road have after the duplication has been completed.
- (3) Will there be any points within the duplication that only has three lanes.
- (4) What was the total cost of the duplication.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) The works on Mirrabei Drive are scheduled for completion in the fourth quarter of 2018.
 - (2) Mirrabei Drive will have three lanes between Gundaroo Drive and Paul Coe Crescent on completion of the works. This being two lanes Southbound and one lane Northbound.
 - (3) Mirrabei Drive will have three lanes between Gundaroo Drive and Paul Coe Crescent on completion of the works.
 - (4) The project budget is \$2.8m.
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Roads—Monaro Highway (Question No 1597)

Ms Lawder asked the Minister for Transport and City Services, upon notice, on 3 August 2018:

- (1) Why do the three lanes southbound on the Monaro Highway at Hume revert to two lanes at a culvert where there is limited room for motorists to take evasive action should drivers not allow a merge.
- (2) Why is westbound traffic on Canberra Avenue forced to travel up Ipswich Street to gain access to the Monaro Highway heading north and the reverse going south to Canberra Avenue.

- (3) Why does the up ramp to Dairy Flat Road heading north (Monaro Highway) cause drivers to turn their backs on approaching traffic on the highway thereby not being able to be aware of this traffic and causing the Monaro traffic to have to move into the right hand lane to avoid possible issues.
- (4) Why were the traffic lights installed for the Alexander Maconochie Centre on the Monaro Highway, which is a major arterial road, often causing traffic in peak hours to bank up back to Hindmarsh Drive so one or two vehicles can leave the facility.
- (5) Could the vehicle entrance be moved around to the lights at Sheppard Street/Lanyon Drive.
- (6) Why does the Lanyon Drive/Monaro Highway intersection not have a flyover for the northbound traffic and (a) has this been considered and (b) when will it occur.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) The third lane southbound on the Monaro Highway is provided before, and for a short distance after, the Sheppard Street signalised intersection. The third lane provides capacity for queuing and allows the traffic signals to clear more vehicles through the intersection each cycle and so makes the signals more efficient. Road capacity is constrained by intersections and so the additional lane is not necessary after the signals and so the three lanes are merged into two lanes a short distance after the intersection.
 - (2) The intersection of Monaro Highway with Canberra Avenue does not have all movements provided. However, there are alternative access routes to join the Monaro Highway via Ipswich Street and Hindmarsh Drive. Any upgrade to this intersection to include an on ramp connecting Canberra Avenue westbound to the northbound Monaro Highway would be predicated on traffic volumes and road network performance.
 - (3) The northbound on-ramp from Dairy Road on to the Monaro Highway is a standard intersection treatment and as such is a road layout familiar to motorist. Drivers should be using their mirrors to look behind and should give way to traffic on the Monaro Highway. Traffic on the Monaro Highway is not required to move to the right to allow traffic to enter the highway.
 - (4) Traffic lights were installed at David Warren Road to provide safe access to and from the centre. The lights are activated when vehicles need to exit the centre otherwise the lights remain green on the Monaro Highway.
 - (5) This change would need to be investigated for feasibility and cost/benefit implications.
 - (6) Grade separation of roads, such as the construction of a flyover, is predicated on traffic volumes and road network performance. Currently this section of the Monaro Highway is performing acceptably. However, the intersection will be investigated as part of the Monaro Highway Improvements Program.
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**Roads—speed limits
(Question No 1598)**

Ms Lawder asked the Minister for Transport and City Services, upon notice, on 3 August 2018:

Why is Mugga Lane from Long Gully Road speed limit 70kph when similar roads in NSW are 80kph or 100kph.

Ms Fitzharris: The answer to the member's question is as follows:

Mugga Lane is an arterial road carrying over 5,000 vehicles per day with a high number of heavy vehicles. As part of the review of speed limits in 2010, this section of road was assessed using the latest guides and Australian Standards. The speed limit was reduced from 80 km/h to 70 km/h, primarily due to considerations of road characteristics including crash history.

**Roads—resurfacing
(Question No 1599)**

Ms Lawder asked the Minister for Transport and City Services, upon notice, on 3 August 2018:

- (1) Why does ACT Roads use the tar and blue metal chip method of resealing roads.
- (2) How long does tar and blue metal chip last.
- (3) How much does it cost for tar and blue metal chip per km.
- (4) What other options are there for resealing roads.
- (5) Why are these options not undertaken by the Government.
- (6) How much does it cost to use these other resealing options per km.
- (7) How is the decision made as to which roads are chip sealed and which have other methods.
- (8) Can the Minister provide a copy of the risk assessment comparing chip seal and other methods.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) The chip seal treatment is a preventative maintenance treatment and is applied before the road surface deteriorates to the point where damage occurs that would require costly rehabilitation treatment. Maintaining roads to be safe and useable requires the road pavement to be kept dry and for the surface to have a good skid resistance. Spray or chip sealing achieves this and is a cost effective preventative maintenance treatment. For this reason it is widely used to maintain roads in the ACT and other jurisdictions across Australia. Asphalt is mostly used to correct damage to the road

surface (rutting or polishing) typically at intersections. The cost of asphalt is about five to ten times more per square metre than chip seal and is only used when it is required.

- (2) The life span for chip seal is up to 25 years depending on traffic volume, condition and capacity of base layers.
- (3) The unit cost is recorded for each square metre. Main road resealing costs approximately \$15 per square metre, residential street resealing costs approximately \$10 per square metre.
- (4) The other treatments available are asphalt, ultra-thin asphalt and microsurfacing. Each treatment has distinct purposes and applications. They may be applied in combination to achieve desired outcomes, for example microsurfacing is often combined with chip seal.
- (5) All treatments mentioned above are used in ACT. The most appropriate and cost effective treatment, or combination of treatments, is selected according to site specific conditions and required outcomes

(6)

Treatment	Cost per square metre
Asphalt	Approximately \$55 to \$80 per square metre depending on thickness
Thin Asphalt (TOGAS)	Approximately \$30 per square metre
Microsurfacing	Approximately \$15 per square metre

- (7) The aim of the annual resurfacing program is to deliver a large, regular preventive resurfacing program using cost effective treatments. This helps to prevent structural damage to the road thus extending its serviceable life to make the most out of the existing road. During the development of annual resurfacing program, Roads ACT analyses pavement history and condition attributes such as cracking, roughness, skid resistance and rutting etc. and prioritises the roads to be resurfaced. Various surfacing treatment types are considered for each site and their suitability and cost effectiveness are carefully evaluated. Roads ACT also considers the possibility of environmental effects such as noise when selecting a surface. Generally municipal streets in residential areas have low speed, low volume traffic. Resealing is the normal and most used surface treatment for municipal streets which provides excellent water proofing, good skid resistance and value for money. Asphalt is predominantly used for correcting pavement defects and at intersections on high volume urban arterial roads.
- (8) During the development of the annual resurfacing program, various surfacing treatment types are considered for each site. These treatments are not a direct alternative to each other, hence there is not a risk assessment of one against another in general. Pavement history and condition attributes such as cracking, roughness, skid resistance and rutting etc. are analysed using a computer based pavement management system. As part of the process road deterioration models, traffic volume, road user cost, economic, social and environmental effects are analysed. The draft program including treatment for any particular road section is then generated. Finally the data is validated and the resurfacing program is finalised.

**Roads—duplication costs
(Question No 1600)**

Ms Lawder asked the Minister for Transport and City Services, upon notice, on 3 August 2018:

- (1) Over the last 5 years how long does it take to duplicate 1km of road in the ACT on average.
- (2) How does this compare with other states.
- (3) How much does it cost to duplicate 1km of road in the ACT on average.
- (4) How does this compare with other states.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) There are many factors that contribute to the length of time it takes to complete road duplications in the ACT. Various factors that differ from project to project can affect project duration and cost, including site access, the location of services, ground conditions, total project length and weather. As the length taken to duplicate roadways is subject to various factors and not a figure of practical use in the conduct of road duplications, it's not a measure calculated by the ACT Government. The ACT Government is unaware of any other state calculating that measure.
- (2) The ACT Government is unaware of any other state calculating that measure. As the design and construction of road duplications is governed by national, ACT and NSW Roads and Maritime Services standards, the ACT Government expects the length of time to complete road duplications in the ACT is comparable to other states.
- (3) Please see answer to Question 1.
- (4) Please see answer to Question 2.

**Crime—infringement notices
(Question No 1601)**

Ms Lawder asked the Minister for Police and Emergency Services, upon notice, on 3 August 2018 (*redirected to the Minister for Regulatory Services*):

- (1) How many infringement notices were issued per year for each of the past three years for (a) speeding, (b) use of mobile phone, (c) failure to keep left, (d) failure to wear seat belt, (e) failure to use indicator, (f) failure to stop at red light, (g) failure to stop at stop sign, (h) driving an unregistered car, (i) distracted driving, (j) driving under the influence of alcohol, (k) driving under the influence of drugs, (l) road rage, (m) tailgating and (n) other (please specify).
- (2) How many infringement notices were issued per year for each of the past three years in each suburb by (a) speeding, (b) use of mobile phone, (c) failure to keep left, (d) failure to wear seat belt, (e) failure to use indicator, (f) failure to stop at red light, (g)

failure to stop at stop sign, (h) driving an unregistered car, (i) distracted driving, (j) driving under the influence of alcohol, (k) driving under the influence of drugs, (l) road rage, (m) tailgating and (n) other (please specify).

Mr Ramsay: The answer to the member's question is as follows:

(1) Please refer to **Attachment A**.

As the question was originally asked to the Minister for Police and Emergency Services, this data only relates to infringement notices issued by ACT Policing and does not include traffic camera infringements.

(2) Please refer to **Attachment B**.

As the question was originally asked to the Minister for Police and Emergency Services, this data only relates to infringement notices issued by ACT Policing and does not include traffic camera infringements.

(Copies of the attachments are available at the Chamber Support Office).

Roads—traffic management (Question No 1602)

Ms Lawder asked the Minister for Transport and City Services, upon notice, on 3 August 2018:

- (1) How many keep left signs are there in the ACT.
- (2) Why are there not more “keep left unless overtaking” signs in the ACT.
- (3) How is it decided where “keep left unless overtaking signs” are placed.
- (4) Why are ACT highways and parkways speed limited to 100Kph.
- (5) Why isn't traffic flow encouraged in the ACT by coordinating traffic lights to traffic flow needs.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) There are approximately 4000 ‘keep left’ signs in the ACT.
- (2) ‘Keep left unless overtaking’ signs are only used on multi lane roads with speed limits higher than 80 km/h. The great majority of the ACT road network is within the urban environment with speed limits at or lower than 80km/h and hence there is limited use of this sign in the ACT.
- (3) Australian Standards specify the use of “keep left unless overtaking signs”.
- (4) The criteria for setting speed limits is set out in the relevant Australian Standard. Setting speed limits seeks to maximise safe movement while minimising adverse impacts such as noise and air pollution. Canberra is predominantly urban and so there are only a few road sections where 100km/h speed limits are appropriate.

- (5) Traffic flows in the ACT are encouraged by coordinating traffic light to flow needs. This is achieved using one of the worlds most advanced traffic signal control system called SCATs to coordinate and optimise traffic flows through traffic signals across the ACT road network. This system is also used by all the majority of road agencies in Australia and is regularly improved and updated to incorporate the latest advances in traffic engineering research.

Planning—West Basin (Question No 1603)

Ms Lawder asked the Chief Minister, upon notice, on 3 August 2018:

- (1) Has the ACT Government prepared a West Basin Precinct Conservation Management Plan; if so, can the Chief Minister provide a copy.
- (2) What evidence do you have to support your claim that the “Griffins’ original plan intended the city’s street layout would continue down to the lake in West Basin”; if so, can the Chief Minister provide a copy of this evidence.
- (3) Why has the heritage planning value of the existing Lake not been respected.
- (4) How does the development of private apartments and retail premises “enhance” the “cultural” and “heritage” value of the lake”.
- (5) How will people, including visitors to Canberra, get to this “precinct” to meet, celebrate and relax with no real means of significant motor vehicle, or public transport access as light rail alone is unlikely to provide sufficient public access.
- (6) What building height for “low rise” is intended for the West Basin development.
- (7) Is this consistent with the previous policies and plans of the LDA.
- (8) How will the allocation of a comparatively small amount of space in this strategic dedicated open space area meet best practice city open space designs.

Mr Barr: The answer to the member’s question is as follows:

- (1) No; there is no statutory requirement to prepare a Conservation Management Plan for the area.
- (2) The significant aspects of the Griffin Plan which are required to be conserved are outlined in the Griffin Legacy produced by the NCA in 2004. Amendment 61 to the National Capital Plan embeds the *Griffin Legacy* strategies that apply to the development of West Basin. A stated policy in Amendment 61 is to “*Extend the city grid of streets and paths to enhance connectivity and accessibility to the lake.*”
- (3) The planning for West Basin is required to be, and is, consistent with the planning controls prescribed in the National Capital Plan.
- (4) West Basin is currently an underutilised space that is dominated by surface car parks. The development of the West Basin precinct and waterfront will create a world class public space asset attracting Canberrans and visitors to appreciate and connect to the lake and its environs.

- (5) There will be multiple modes of transport available to connect locals and visitors to the West Basin Precinct. The development of West Basin will improve upon the current access options by providing improved pedestrian and cyclist networks and enhanced public transport services, including light rail.
- (6) The permissible building heights for the West Basin precinct are prescribed in Amendment 61 to the National Capital Plan.
- (7) Yes.
- (8) Currently the open space in West Basin is dominated by surface carparks. At the completion of the development of West Basin project there will be approximately 4.3 hectares of public open space which will include approximately 600 metres of generously scaled waterfront promenade; a new linear urban park; segregated cycle way; a network of pocket parks, plazas, playgrounds and water play elements; and restaurant/cafe pavilions.

Waste—illegal dumping (Question No 1607)

Ms Lawder asked the Minister for Transport and City Services, upon notice, on 3 August 2018:

- (1) What is the evidentiary test for taking action against dumpers in relation to several recent reports of illegal dumping at Oakey Hill where in one case identifying materials such as a garage sale sign was found with the dumped rubbish.
- (2) How many instances of action against litterers or dumpers have occurred in (a) 2014, (b) 2015, (c) 2016, (d) 2017 and (e) 2018.
- (3) What is the government doing to ensure a more vigorous approach to compliance with regards to littering and illegal dumping.
- (4) How many cases of dumping illegal rubbish in nature reserves and parks have there been in (a) 2014, (b) 2015, (c) 2016, (d) 2017 and (e) 2018.
- (5) Can the Minister list the number of incidences of rubbish dumping in (a) 2014, (b) 2015, (c) 2016, (d) 2017 and (e) 2018, by (i) location and (ii) name of park.
- (6) What has been done to discourage dumping at the most common sites.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) As is the case for all offences, the legislated elements of an illegal dumping offence must be proven. The presence of identifying information is not necessarily adequate on its own in the absence of other supporting evidence.
- (2, 4, 5) I have been advised by my Directorate that the information sought is not in an easily retrievable form and that to collect and assemble the information sought solely for the purpose of answering the question would require a considerable diversion of resources. In this instance, I do not believe that it would be

appropriate to divert resources from other priority activities for the purposes of answering the Member's question. However, I offer the member a verbal briefing to discuss their questions.

- (3) On 31 July 2018, new regulations were introduced to support compliance activity in relation to illegal dumping. Building on from this legislative work, in the coming months, TCCS intends to target identified illegal dumping areas across Canberra using surveillance cameras to deter and identify offenders. Areas will be sign posted that cameras may be used in the area, with rangers relocating cameras at various locations intermittently.
- (6) Due to the intermittent and surreptitious nature of illegal dumping, capturing offenders committing the offence is difficult and occurs infrequently. Rangers have been proactively targeting known illegal dumping sites, and have infringed business and people where offenders have been identified. The above mentioned surveillance camera and signage activities should aid in deterring and identifying offenders and holding them accountable.

Rural fire services—funding (Question No 1614)

Mr Coe asked the Minister for Police and Emergency Services, upon notice, on 3 August 2018:

- (1) Why is the \$602,000 grant from the Commonwealth for the renovations at the Rural Fire Service (RFS) Molonglo Shed project not accounted for in the ACT Budget papers
- (2) Under which line item(s) of the ACT Budget papers was the \$550,000 drawn for this project.
- (3) Why is there not a single line item in the ACT Budget papers showing total expenditure on this project.
- (4) What joint training exercises took place between Molonglo RFS and West Belconnen ACT Fire and Rescue and (a) where did this training occur and (b) on what date did this training occur.

Mr Gentleman: The answer to the member's question is as follows:

- (1) The \$602,000 is part of the 2015-17 Natural Disaster and Resilience Program (NDRP) funding received from the Commonwealth, and is embedded in the base of the controlled recurrent payments in the ACT Budget Papers - Budget Statement D.
- (2) The ACT Emergency Services Agency (ESA) contributed \$550,000 from its own controlled recurrent payments (Please refer to 2018-19 ACT Budget Papers under Budget Statement D (page 47) and Question on Notice Number 1364).
- (3) NDRP funding is not reported in this manner. NDRP projects are disclosed at an aggregate level per the Commonwealth funding provided.

- (4) The co-location of the ACT Rural Fire Service (ACTRFS) and ACT Fire & Rescue (ACTF&R) crews at West Belconnen provided an opportunity to train and familiarise themselves with each other's response capabilities. While this training was not formal, or scheduled, it gave each Service a better understanding of their respective roles. Members of ACTRFS and ACTF&R also took the opportunity to learn about the other Services' vehicles, the equipment carried on them, how the equipment is used, and the circumstances in which each piece of equipment is used.

I am advised that this continues the excellent interaction between the Services, including working together on Level 3 Incident Controller training, the further development of ESA's rapid damage assessment capability, hot props training, and fitness testing. Members of both Services are on deployment assisting in fighting the bushfires in the United States, and a member of ACTF&R is also currently on secondment in the ACTRFS.

ACT Ambulance Service—crews (Question No 1615)

Mr Coe asked the Minister for Police and Emergency Services, upon notice, on 3 August 2018:

- (1) In relation to QON No E18-036, on which dates did the six day shifts which fell below minimum crewing between 11 April 2018 and 10 May 2018 occur.
- (2) On which dates did the 10 day shifts which fell below minimum crewing between 11 April 2018 and 10 May 2018 occur.
- (3) On which dates did the 10 day shifts which fell below minimum crewing between 11 May 2018 and 3 July 2018 occur.
- (4) On which dates did the nine night shifts which fell below minimum crewing between 11 April 2018 and 10 May 2018 occur.

Mr Gentleman: The answer to the member's question is as follows:

I am advised that the ACT Ambulance Service (ACTAS) does not routinely report on the information sought in these questions. Each time a request of this nature is received, it is taking a considerable amount of staff time and resources to answer, and unreasonably redirecting ACT Emergency Service Agency (ESA) personnel away from important functions. As such, on the advice of the ESA, I have determined it is not appropriate to provide a response to this question.

ACT Policing—gun ownership (Question No 1618)

Mr Coe asked the Minister for Police and Emergency Services, upon notice, on 3 August 2018:

- (1) Under what powers can the ACT Government or AFP Registrar demand a mental health check in order to issue a firearms licence(s).

- (2) Have there been any court or tribunal rulings on the validity of the ACT Government or AFP Registrar demanding these mental health checks; if so, how do they impact the issuing of firearms licences.

Mr Gentleman: The answer to the member's question is as follows:

- (1) The *Firearms Act 1996* (ACT) (Firearms Act) establishes the licensing and registration scheme for all firearms possessed or used in the ACT. Part 7 of the Firearms Act provides the regulatory framework governing the issue of firearms licences. The ACT Policing Firearms Registry is responsible for the delivery of regulatory and licensing functions in accordance with the Firearms Act.

The general authorisation mechanism for licensing and registration is broadly a two-step process under the Firearms Act. First, a person must obtain a firearms licence (either Category A, Category B, Category C, Category D, Category H, collector, heirlooms, dealers or paintball markers), and second, a licensee must obtain a permit to acquire a firearm.

In assessing an application made by a person under the Firearms Act, the Registrar of Firearms (Registrar) must consider any discretionary criteria under section 18 that apply to the individual, which includes whether the Registrar believes on reasonable grounds that, because of the individual's mental health, the individual may not handle firearms responsibly.

Under Part 7 of the Firearms Act the Registrar may give the applicant written notice requiring the applicant to give the Registrar stated further information or documents that the Registrar reasonably needs to decide an application. If the Registrar believes on reasonable grounds that the applicant's mental health may affect the applicant's ability to handle firearms responsibly, this may include the Registrar asking the applicant to consent to the disclosure of personal health information about the applicant from a health record (for an adult pursuant to section 56; for a child pursuant to section 86; and for a composite entity licence pursuant to section 102). The Registrar may refuse to consider an application further if the requested information is not provided, but failure to consent to the disclosure to the Registrar of personal health information, alone, does not allow the Registrar to refuse to consider the application.

- (2) As there is no power for the Registrar to demand mental health assessments under the Firearms Act, the question of whether any Court or Tribunal decisions have been made about the validity to demand any such assessments does not arise. Relevantly, in *P v Registrar of Firearms* (Administrative Review) [2018] ACAT 20, the ACT Civil and Administrative Tribunal considered whether section 56 of the Firearms Act extends to allowing the Registrar, and the Tribunal, to require an applicant to undergo a mental health assessment. The Tribunal observed that there is no explicit indication in that provision that the power extends to requiring the applicant to create new information or new documents, in particular by undergoing a mental health examination which results in a report. Having regard to the text of section 56, context and purpose of the provisions in the Firearms Act, the terms of the *Mental Health Act 2015*, the principle of legality, and provisions in the *Human Rights Act 2004*, the Tribunal concluded that section 56 does not extend to require a person to undergo a mental health assessment without their consent.

**Government—contractors
(Question No 1620)**

Mr Coe asked the Treasurer, upon notice, on 3 August 2018:

- (1) What were the average payment waiting times for individual contractors engaged by the ACT Government on casual or short-term employment contracts in (a) 2015-2016, (b) 2016-17 and (c) 2017-2018.
- (2) What practices you have implemented to improve payment waiting times for those employed by the ACT Government on casual or short-term contracts, (a) when were these practices implemented and (b) how effective have they been at reducing wait times.
- (3) Are there targets for payment waiting times for individuals employed by the ACT Government on casual or short-term contracts; if so, (a) how does the Government determine the target, (b) how frequently it is reviewed and (c) what the target wait times were during (i) 2015-16, (ii) 2016-17, and (iii) 2017-18; if not, why not.
- (4) Are there national benchmarks or guidelines in relation to payment time frames for individuals employed by the government entities on casual or short-term contracts; if so, how does the ACT Government compare to other jurisdictions; if not, does the ACT Government consider the practices of other jurisdictions when determining the priority of payments and internal policies.

Mr Barr: The answer to the member's question is as follows:

- (1) The average payment waiting times for an initial payment to individual contractors engaged by the ACT Government on casual or short-term employment contracts are as follows:
 - (a) 2015-2016 – 18 days;
 - (b) 2016-2017 - 20 days; and
 - (c) 2017-2018 – 20 days.

After this initial period individual contractors engaged by the ACT Government on casual or short-term employment will be paid fortnightly in arrears, subject to a correctly rendered time sheet being received.

- (2) Shared Services works closely with Directorates in respect to deadlines when submitting timesheets. Where there are deviations from established deadlines, for example during Christmas, communication via email is sent to all ACT Government employees. Shared Services is not aware of any systemic concerns with regards to timeliness of payments.
 - (3) No. Shared Services looks to make payments within established pay cycles and enterprise agreements.
 - (4) No. Shared Services looks to make payments within established pay cycles and enterprise agreements. When developing and reviewing internal procedures and processes, benchmarking and best practices within other jurisdictions are considered.
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**Government—contractors
(Question No 1621)**

Mr Coe asked the Minister for Education and Early Childhood Development, upon notice, on 3 August 2018:

- (1) What were the average payment waiting times for individual contractors engaged by the ACT Government on casual or short-term employment contracts in (a) 2015-2016, (b) 2016-17 and (c) 2017-2018.
- (2) What practices you have implemented to improve payment waiting times for those employed by the ACT Government on casual or short-term contracts, (a) when were these practices implemented and (b) how effective have they been at reducing wait times.
- (3) Are there targets for payment waiting times for individuals employed by the ACT Government on casual or short-term contracts; if so, (a) how does the Government determine the target, (b) how frequently it is reviewed and (c) what the target wait times were during (i) 2015-16, (ii) 2016-17, and (iii) 2017-18; if not, why not.
- (4) Are there national benchmarks or guidelines in relation to payment time frames for individuals employed by the government entities on casual or short-term contracts; if so, how does the ACT Government compare to other jurisdictions; if not, does the ACT Government consider the practices of other jurisdictions when determining the priority of payments and internal policies.

Ms Berry: The answer to the member's question is as follows:

- (1) The average payment times for an initial payment to individual contractors engaged by the Education Directorate on a casual or short-term employment contracts are as follows:
 - a. 2015-16 – 17.927 days;
 - b. 2016-17 – 21.581 days; and
 - c. 2017-18 – 22.0344 days.

After this initial period individual contractors engaged by the ACT Government on casual or short-term employment will be paid fortnightly in arrears, subject to a correctly completed and approved time sheet being received.

- (2) Shared Services works closely with the Directorate in respect to deadlines when submitting timesheets. Where there are deviations from established deadlines, for example during Christmas, communication via emails is sent to all ACT Government employees. Shared Services is not aware of any systemic concerns with regards to timeliness of payments.
 - (3) No. Shared Services undertakes to make payments within established pay cycles and enterprise agreements.
 - (4) No. Shared Services undertakes to make payments within established pay cycles and enterprise agreements. When developing and reviewing internal procedures and processes, benchmarking and best practices within other jurisdictions are considered.
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**Access Canberra—service delivery
(Question No 1622)**

Mrs Kikkert asked the Minister for Regulatory Services, upon notice, on 3 August 2018:

- (1) In relation to the triage service that has been introduced to service centres “to ensure members of the community are directly appropriately to the information or services they need”, (a) when was the triage service introduced, (b) how does the triage service operate and (c) has any feedback been collected on its effectiveness to date; if so, what were the results; if not, when and how will feedback be collected.
- (2) How has website accessibility been improved for Access Canberra.
- (3) Which Culturally and Linguistically Diverse (CALD) groups have been consulted with on how to better respond to specific vulnerable groups within the ACT community and what (a) recommendations, (b) concerns and (c) other feedback have been given to Access Canberra by each group.
- (4) What are the new services that are now available and when were they introduced to the Access Canberra website in relation to the more than fifty new digital services that were added to the Access Canberra website since the start of 2017.
- (5) What online services are currently under development by Access Canberra.
- (6) What online services are being considered for development and online implementation via the Access Canberra website.
- (7) Which CALD organisations are being consulted by Access Canberra in discussions for improving service operations.
- (8) Are there any specific services targeted towards the CALD community; if so, what are these services; if not, why not.

Mr Ramsay: The answer to the member’s question is as follows:

- (1)
 - a) 2006.
 - b) All customers are greeted by a Concierge when they enter an Access Canberra Service Centre. The Concierge asks questions to determine what transactions the customer wants to complete, check the customer has all relevant paperwork with them to complete their transaction, ensure all relevant forms have been completed, and provide customers the various options for completing their transaction (self-service via touchscreen, via a customer service officer etc). At this time any accessibility considerations can be identified and the services provided targeted to support customer experience and understanding. This may include for example identifying any translation support required.

The Concierge service also supports customers by ensuring that they do not wait unnecessarily if they need to obtain more evidence to complete a transaction.

It does not prioritise specific customers or transactions within a service centre.

- c) A question on how customers score the satisfaction of the Concierge role in Service Centres has been included in the external market research survey since 2011. Results below. (Please note the question was not asked in 2015 as this was the first year of operation for Access Canberra and the survey was not undertaken).

2011	90%
2012	91%
2013	89%
2014	93%
2015	N/A
2016	88.5%
2017	87.3%

- (2) The Access Canberra website is being continuously developed to meet the ACT Government's web accessibility requirements, including meeting the World Wide Web Consortium's Web Content Accessibility Guidelines version 2.0 (WCAG 2.0) at level AA. Web content is published in a way that information is accessible to all users, including those with a disability. If a user finds anything on the website inaccessible or experiences any issues accessing web content, they can contact Access Canberra via phone, a web form or web chat.
- (3) During 2018 Access Canberra has met with the following community organisations to seek feedback on service delivery:
- Deafness Resource Centre
 - Council on the Ageing
 - Dementia Australia
 - Multicultural Community Forum
 - Mental Health Consumer's Network
 - Carers ACT
 - Office of Aboriginal and Torres Strait Islander Affairs (ATSIA)

Feedback about the services provided by Access Canberra from each of these groups has been very positive, in particular the Concierge service.

Improvements to the ease of access to information on the website have been suggested. Simplification of information on the website is an ongoing activity by Access Canberra.

Noting feedback from the Multicultural Community Forum Access Canberra is now displaying key information on the internal TV message screens within the Service Centres in Arabic, Vietnamese, Mandarin and Hindi.

Access Canberra continues to explore additional ways to improve accessibility of services and information for the community.

- (4) Refer to **Attachment A**.

- (5) Refer to **Attachment B**.

- (6) Access Canberra is committed to ensuring Canberrans can access services in a way which meets their needs when they are doing business with government. There is a growing preference for digital service delivery by our community, as it allows transactions to be undertaken quickly and easily at any time and from the comfort of home.

In 2017-18 more than 6.4 million transactions were undertaken digitally by our community. For members of the community who may want to transact digitally, but accessibility is a problem, touch screen terminals are available in service centres and shopfronts in Woden, Tuggeranong, Belconnen, Gungahlin and Civic.

Noting the growing preference for up to 60% of those transacting with Access Canberra to do so digitally, Access Canberra continues to work to identify new services for digital service delivery. There is a target of 80% of services to be digital by 2020.

As part of this work service transactions are also being reviewed to see if they can be made simpler and easier through the reduction of red tape or duplicate processes.

- (7) See response to question 3.

- (8) Access Canberra provides services for all Canberrans including people from diverse backgrounds.

Staff working in Access Canberra's Service Centres have fluency in languages such as: Arabic, Russian, Maltese, Greek, Croatian, Pidgin English & Krio, South African, Hebrew, Sri Lankan and French. Other staff also understand Spanish, German and Gaelic.

In addition, Service Centre staff are aware of staff in other areas of Access Canberra who are fluent in additional languages and call on them for assistance as required.

If a customer requires interpretation support there are translation services available to assist.

The design of Service Centres themselves also support cultural diversity, for example, placement of the licence camera in a place that allows for privacy for the individual.

Finally, information messaging on the TV screens within the Service Centres is now being displayed in Arabic, Vietnamese, Mandarin and Hindi.

Attachment A

- (4) What are the new services that are now available and when were they introduced to the Access Canberra website in relation to the more than fifty new digital services that were added to the Access Canberra website since the start of 2017.

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| <ul style="list-style-type: none"> • Fair trading portal • New FixMyStreet page (services by suburb) • Driver Licence renewal online • Representation for EIS/EIS Exemption or Territory Plan Variation Notification | <ul style="list-style-type: none"> • Worksafe ACT portal • Infringement withdraw or dispute • Post display report • WWVP complaint form |
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- Application for Replacement of Licence, Authorisation Certificate or Authorisation Schedule
- Radiation Source Registration Annual Reapplication
- Proactive Workplace Visit Record of Engagement
- Notice of intention to erect a lift for use in the ACT
- Partnership interest
- Commercial lease with a premium
- Corporate Reconstruction Application
- Partitions - Approvals only
- Requests for exemptions, extensions or a reduction from conditional requirements of home buyer assistance schemes
- Application for Approved insurers Licence
- Declaration of Trust
- First Home Owner Grant eLodge Application
- Liquor - Incident register notification
- Eligible Impacted Properties - Loose-fill Asbestos Insulation Eradication BuyBack Concession Scheme
- Interstate licence search
- Application for Approval for a Female to Compete in a Professional Combat Sport Contest
- ACT Government Graduate program
- Record of Visit
- Smoke-free sign application
- Transport Canberra and City Services Infringement Payments
- ACTION Lost Property
- Bus Accident Payments
- Application for records search
- Application to Promote or Arrange a Combat Sport Contest
- Veterinary Practitioner Registration Annual Renewal
- Application to carry on the business of transporting clinical waste
- Application for exemption self insurers
- Permit to conduct a circus
- Animal Keepers Application for a licence under Chapter 11 of the Nature Conservation Act 2014
- Catering provider multi use list request for application
- ACTION Travel for Victims of Domestic Violence
- ACTION Buses Infringement dispute/waive/extension
- ACT Revenue Discount Land Rent Application review
- Cancellation of a contract giving effect to a sub sale
- Charitable Organisation Status and Beneficial Organisation Determination Application
- Landholder Transfer of unlisted Shares, Units and Interests
- Acquisition of Land Use Entitlements by Allotment of Shares or Issue of Units
- Motor Vehicle Duty Request for Refund or Exemption
- Agreement for the use of Actsmart Public Event program equipment
- Child Development Child referral
- Request for Additional Security Guarding Services
- HBA Late Lodgement eLodge Coversheet
- Long service leave claim form
- Liquor - Authorisation for extended trading
- Application for parking offence image
- Return to Work Coordinator Registration
- EPD Refund Application
- Actsmart Public Event - Post Event Report
- Notice from an Interstate Licensee of Intention to Work in the ACT
- Racing Greyhound Controller Licence Application
- Dangerous goods driver licence application form
- Application to Incorporate an Association
- Incorporated Association Change of Committee, Public Officer or Registered Office Particulars
- Fireworks Licensing Mutual Recognition Application
- Application for a Licence to Import or Export Live Fish into or out of the ACT
- Notification - Technical Amendment - Gaming Machine Replacement or Conversion
- Waterway Work Licence
- Library room booking application

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| <ul style="list-style-type: none"> • WWVP Application • TCCS Security Incident Report • Access Canberra Request for Legal Advice or Assistance • Workplace Visit Report - Combined • Notice of application or approval for disposal to landfill • Public Vehicle Licence Application • Rideshare Vehicle Licence Application • Notice of import of explosives • Late lodgement of all eLodge transactions • Driver Licence Examination • Operational licences online register: <ul style="list-style-type: none"> ○ Charitable Collections ○ Liquor - Club ○ Liquor - General ○ Liquor - Off ○ Liquor - On ○ Liquor - Special ○ Motor Vehicle Dealer ○ Motor Vehicle Repairer ○ Motor Vehicle Wholesaler ○ Licensed Business Agents ○ Licensed Employment Agent ○ Licensed Real Estate Agents ○ Licensed Stock and Station Agents ○ Registered Salesperson - Business ○ Registered Salesperson - Real Estate ○ Registered Salesperson - Stock and Station ○ Security Employee ○ Security Master ○ Security Temporary ○ Security Trainer ○ Traders ○ Tobacco Licence ○ Pawnbroker ○ Second-hand Dealer ○ X18+ Film • Check speed camera and red light camera infringement images/video online | <ul style="list-style-type: none"> • Oracle suppliers • Apprentice & Young Workers Checklist • Gaming Machine Installation Certificate – Conversions and Replacements • Canberra Citizen of the Year Award Nomination • Waste transporter registration application
 • Affordable Housing Registration • Vehicle inspection station audit form • Liquid Fuel Emergency Petrol Station Report • Security Licence Application or Renewal • Justice of the Peace (JP) online register. • New digital public registers: <ul style="list-style-type: none"> ○ Incorporated associations ○ Historic death Index ○ Historic marriage Index ○ Building and pest inspectors ○ Building and pest inspections ○ Occupational disciplinary register |
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Attachment B

(5) What online services are currently under development by Access Canberra.

- Application to Search a Deed or Instrument
- Parking permit renewal
- WWVP Application for ACT Government employees
- Notification - Acquisition of Authorisations and Gaming Machines
- Liquor - Notification of DOSA
- Application for Environmental Authorisations

- Single events form bundle
- Application for design registration (or variation of design) of an item of plant
- Workplace Visit (Educational)
- MTA Section 20 notice
- Commercial Licences for Pet Shops
- Children's Education and Care Service Complaint
- Magistrates Court form (wills)
- Racing Greyhound Controller Licence Inspection
- MyWay Application for Balance Transfer Refund
- Application for authorisation of temporary traffic management plans
- Request to Temporarily Close a Public Road and Application to Use a Closed Public Road
- TCCS Security Card Application Form
- Street light payment form
- Birth Registration Statement
- Plumbing ties register.
- Enquiry to start new liquor business form
- Address validation using the Federal Government GNAF lookup.
- Fix My Street service enhancement (Stage One)
- Filming in the ACT request form
- Party Hosting form

Multicultural affairs—translators and interpreters (Question No 1623)

Mrs Kikkert asked the Minister for Multicultural Affairs, upon notice, on 3 August 2018:

What courses other than the Advanced Diploma of Translating in Chinese, provided by the Australian Ideal College, and Diploma of Interpreting in Mandarin, provided by the Australian Ideal College, are endorsed by the National Accreditation Authority for Translators and Interpreters in the ACT.

Ms Stephen-Smith: The answer to the member's question is as follows:

- (1) National Accreditation Authority for Translators and Interpreters' (NAATI) website provides a list of endorsed qualifications to become an accredited interpreter or translator, which can be found at: www.naati.com.au/other-information/endorsed-qualification-institutions/current-naati-endorsed-quals/

Domestic and family violence—CALD community (Question No 1624)

Mrs Kikkert asked the Minister for Justice, Consumer Affairs and Road Safety, upon notice, on 3 August 2018 (*redirected to the Attorney-General*):

- (1) Who were the attending key stakeholders at the workshop on 13 July 2018, that the ACT Courts and Tribunal sub-unit in JACS held to improve accessibility for family violence matters for the culturally and linguistically diverse community.
- (2) What were the (a) recommendations, (b) concerns and (c) other feedback, brought forward by stakeholders during the workshop to improving access to family violence matters for the ACT Culturally and Linguistically Diverse community.
- (3) What resulting action plans will be implemented by the ACT Government in response to stakeholder feedback.

Mr Ramsay: The answer to the member's question is as follows:

- (1) The ACT Chief Magistrate hosted a half day workshop on Friday 13 July 2018 to engage and consult with the ACT culturally and linguistically diverse community (CALD) to identify practical measures to assist the CALD community when seeking protection from family violence.

Approximately 45 persons participated in the workshop representing key community organisations, legal services, agencies, representatives of the ACT Multicultural Advisory Council and the wider CALD community.

- (2) The workshop facilitator is preparing a report for the Chief Magistrate that will summarise the key issues and recommendations.
- (3) I understand the Chief Magistrate will consider the report once it is available, to identify what measures might be implemented.

As this was a judicial event it is not appropriate for me to comment further on the event or the proposed response by the Chief Magistrate.

Community Services Directorate—multicultural affairs (Question No 1625)

Mrs Kikkert asked the Minister for Community Services and Social Inclusion, upon notice, on 3 August 2018:

- (1) What dates each year for the past two years has the Community Services Directorate (CSD) met with the following members and representatives of the multicultural community for the purposes of undertaking consultation or gathering feedback, (a) Multicultural Advisory Council, (b) Youth Advisory Council, (c) National Multicultural Festival stakeholders, (d) Theo Notaras Multicultural Centre Tenants Forum, (e) Chinese community representatives; (f) Muslim community leaders, (g) Refugee, Asylum Seeker and Humanitarian Sub-Committee and (h) ACT Health Multicultural Reference Group.
- (2) What feedback was given to the CSD by the following groups to improve services and programs to the ACT Culturally and Linguistically Diverse community, (a) Refugee, Asylum Seeker and Humanitarian Sub-Committee and (b) ACT Health Multicultural Reference Group.

Ms Stephen-Smith: The answer to the member's question is as follows:

(1) What dates each year for the past two years has the Community Services Directorate (CSD) met with the following members and representatives of the multicultural community for the purposes of undertaking consultation or gathering feedback:

a. Multicultural Advisory Council (MAC);

MAC held its first meeting on 7 December 2017.

MAC has met three times in 2018 (1 February 2018, 10 April 2018, 19 June 2018) and has three additional meetings scheduled for 2018 in August, October and December.

b. Youth Advisory Council (YAC);

YAC met nine times in 2017 on 7 February, 4 April, 2 May, 6 June, 18 July, 1 August, 5 September, 10 October and 21 November.

YAC has met six times in 2018 on 13 February, 3 April, 3 May, 3 July, 12 June, and 7 August and has three additional meetings scheduled for 2018 in September, October and November.

c. National Multicultural Festival stakeholders;

The Community Services Directorate met with stakeholders during these periods:

1 July 2016 to 30 June 2017 – total of 41 meetings

1 July 2017 to 30 June 2018 – total of 50 meetings

1 July 2018 to 8 August 2018 a total of two meetings

The stakeholders comprise:

- Contractors (provide services during the National Multicultural Festival);
- Key ACT Government Services;
- Community Organisations;
- Showcase Coordinators;
- City Centre residents and operators; and
- Diplomatic Missions.

d. Theo Notaras Multicultural Centre Tenants Forum;

Two Theo Notaras Multicultural Centre Tenants Forum meetings have been held in 2018 (30 April and 28 June).

e. Chinese community representatives;

One meeting was held in 2017 (13 December) and two meetings have been held in 2018 on 22 March and 5 July.

f. Muslim community leaders;

Meetings are held with the Muslim community leaders in the lead up to Ramadan celebrations.

g. Refugee, Asylum Seeker and Humanitarian (RASH) Coordination Committee

RASH met five times in 2017 (22 March, 17 May, 12 July, 13 September and 22 November).

RASH met three times this year, on 13 March, 15 May and 14 August and has one additional meeting scheduled for 2018 (November).

h. ACT Health Multicultural Reference Group.

These meetings are convened by ACT Health. CSD has attended two meetings in 2018, on 8 March and 2 August. Future meetings are scheduled for October and December 2018.

(2) What feedback was given to the CSD by the following groups to improve services and programs to the ACT Culturally and Linguistically Diverse community:

- a. The RASH Coordination Committee provides a conduit to share information and provide invaluable policy advice to government on concerns that asylum seekers and refugees may be experiencing.

RASH Members suggested the review of the ACT Services Access Card to ensure the card continues to meet the needs of refugee and asylum seekers living in our community.

The review will consider the governance and management of the card and concessions and services provided to card holders, including identifying additional services the card could include to meet emerging needs of card holders.

- b. The ACT Health Multicultural Reference Group did not provide feedback to CSD to improve services and programs. Feedback and advice is provided to ACT Health aimed at improving ACT Health services and programs for the culturally and linguistically diverse community.

**Sport—community participation
(Question No 1627)**

Mrs Kikkert asked the Minister for Sport and Recreation, upon notice, on 3 August 2018:

- (1) On what date was the Inclusive Participation Funding Program (IPFP) established for Culturally and Linguistically Diverse (CALD) people.
- (2) For each year since the establishment of the IPFP (a) which recipients received funding for projects relating to CALD participation (b) what were the nature of the projects and (c) how much funding was granted to each of these recipients.
- (3) Were there any IPFP funding applications relating to CALD participation that were rejected; if so, how many were rejected and what were the reasons for the application rejection.

Ms Berry: The answer to the member's question is as follows:

1. The Inclusive Participation Funding Program was established in 2012 with its primary objective to increase participation opportunities in sport and recreation for identified target populations including Aboriginal and Torres Strait Islanders, Culturally and Linguistically Diverse (CALD) people, older adults and people with a disability. The first round of applications opened on 5 March 2012 and closed on 10 April 2012.
2. See **Attachment A** for further details.

3. There have been 39 applications rejected since the program started in 2012. Please See **Attachment B** for further details.

(Copies of the attachments are available at the Chamber Support Office).

Emergency services—communications (Question No 1628)

Mrs Kikkert asked the Minister for Police and Emergency Services, upon notice, on 3 August 2018:

What is the name of the service that can be contacted immediately by Emergency Services Agency Communication Centre staff and frontline crews who have difficulty communicating due to a language barrier and by what means are the translating services delivered.

Mr Gentleman: The answer to the member's question is as follows:

The ACT Emergency Services Agency (ESA) Communication Centre staff and frontline crews have 24/7 access to the Translating and Interpreting Service (TIS) if they are having difficulty communicating with a caller or recipient of the service due to a language barrier.

ESA personnel can contact TIS, identify themselves, and advise TIS of the language they think is required for the purpose of the call. A conference call is then conducted between the caller, the ESA personnel, and an interpreter.

Further information on the TIS is publicly available at <https://www.tisnational.gov.au/en/About-TIS-National>.

Government—visa applications (Question No 1629)

Mrs Kikkert asked the Chief Minister, upon notice, on 3 August 2018:

- (1) How many 190 Skilled—Nominated visas was the ACT allowed to support in (a) 2017-2018, (b) 2016-2017, (c) 2015-2016, (d) 2014-2015 and (e) 2013-2014.
- (2) How many applications for 190 Skilled—Nominated visas were submitted to the ACT Government in (a) 2017-2018, (b) 2016-2017, (c) 2015-2016, (d) 2014-2015 and (e) 2013-2014.
- (3) How many applications for 190 Skilled—Nominated visas were successful in attracting territory nomination from the ACT Government in (a) 2017-2018, (b) 2016-2017, (c) 2015-2016, (d) 2014-2015 and (e) 2013-2014.
- (4) In the event that not all allotted 190 Skilled—Nominated visas were supported by the ACT Government in any given year, were any of these visas able to be rolled over to the following year or years; if so, how many were rolled over in each of the following years (a) 2017-2018, (b) 2016-2017, (c) 2015-2016, (d) 2014-2015 and (e) 2013-2014.

- (5) On which date in each of the following years were applications for 190 Skilled—
Nominated visas closed by the ACT Government in (a) 2017-2018, (b) 2016-2017, (c)
2015-2016, (d) 2014-2015 and (e) 2013-2014.

Mr Barr: The answer to the member's question is as follows:

(1)

The ACT is allocated a set number of places by the Department of Home Affairs in each financial year.

Financial Year	Places allocated by Home Affairs
2017/18	*900
2016/17	750
2015/16	750
2014/15	550
2013/14	850

*the financial year allocation from the Department of Home Affairs for 2017/18 was 750. The ACT was granted an increase of 50 places to the baseline allocation during the year. The ACT was also granted a temporary increase of 100 places. The final allocation of places in 2017-18 was 900.

(2)

The number of applications submitted to the ACT Government in each financial year is as follows:

Financial Year	Applications Received
2017/18	1331
2016/17	929
2015/16	639
2014/15	644
2013/14	1026

(3)

The number of applications supported by the ACT and confirmed with the Department of Home Affairs in each financial year is as follows:

Financial Year	Nominations Granted & confirmed with Home Affairs
2017/18	*900
2016/17	750
2015/16	545
2014/15	550
2013/14	850

*the financial year allocation from the Department of Home Affairs for 2017/18 was 750. The ACT was granted an increase of 50 places to the baseline allocation during the year. The ACT was also granted a temporary increase of 100 places.

(4)

The ACT is allocated a set number of places by the Department of Home Affairs each financial year. Once that allocation is met, it cannot be exceeded. The allocation is reset at the start of the next financial year. Any unused portion of the previous year is not able to be rolled over.

(a) – (e) No

- (5)
- (a) 29/06/2018 – closed to Canberra residents nominating occupations listed as ‘closed’ on the ACT occupation list and all overseas applicants. This restriction is still in effect as at the start of the 2018/19 financial year.
23/08/2017 – closed to overseas applicants without close demonstrated ties
 - (b) 13/09/2016 –closed to overseas applicants
 - (c) 18/03/2016 –closed to overseas applicants
 - (d) 03/04/2015 –closed to overseas applicants
 - (e) 26/05/2014 –closed to Canberra residents
25/03/2014 –closed to overseas applicants
-

Minister for Health and Wellbeing—meetings (Question No 1631)

Mrs Dunne asked the Minister for Health and Wellbeing, upon notice, on 3 August 2018:

- (1) Does the Acting Minister for Health and Wellbeing’s response to question on notice 1553, on the subject of note-taking in meetings in which the Minister participated represent the Minister’s position; if not, what is the Minister’s answer to any questions on which the Minister holds a different position.
- (2) Why were no records or notes kept during the Minister’s meetings with the Minister for Mental Health to discuss the proposed restructure of ACT Health.
- (3) Why were no records or notes kept during the Minister’s meeting/s with the Chief Minister between January and March 2018 to discuss the proposed restructure of ACT Health.
- (4) Why were no records or notes kept during the Minister’s meeting/s with the Head of Service to discuss the proposed restructure of ACT Health.
- (5) Why were no records or notes kept during the Minister’s meetings with the former Director-General of ACT Health to discuss the proposed restructure of ACT Health.
- (6) Is the Minister’s office in full compliance with relevant legislation such as the Territories Record Act 2002 in relation to record keeping.
- (7) Has the Minister kept records of the “very regular formal meetings” the Minister has had with the Minister for Mental Health, and to which the Minister referred to in the Minister’s evidence to the Select Committee on Estimates 2018-2019 (ref Hansard, 21 June 2018, p499-500).
- (8) How does a “formal meeting” differ from other meetings, such as informal meetings.

Ms Fitzharris: The answer to the member’s question is as follows:

- (1) Yes.
- (2) There are no formal requirements for notes at meetings between Ministers.

- (3) There are no formal requirements for notes at meetings between Ministers.
 - (4) Notes are not taken at every meeting.
 - (5) Notes are not taken at every meeting.
 - (6) Yes.
 - (7) It depends on the meeting. Notes are not taken at every meeting.
 - (8) Formal meetings are more formal than informal meetings.
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**Municipal services—local shops maintenance
(Question No 1633)**

Ms Lee asked the Minister for Transport and City Services, upon notice, on 3 August 2018:

- (1) How is regular maintenance for local shops determined/ planned/ scheduled for (a) Belconnen, (b) Gungahlin, (c) Inner North, (d) Inner South, (e) Molonglo Valley, (f) Weston Creek, (g) Woden Valley and (h) Tuggeranong.
- (2) How are maintenance requests for local shops lodged.
- (3) How are they prioritised for attention.
- (4) What is the budget for maintenance of local shopping centres for (a) 2016-2017, (b) 2017-2018 and (c) 2018-2019.
- (5) What works are covered in the annual maintenance program in respect of local shops.
- (6) What items are not included as part of Transport Canberra and City Services maintenance.
- (7) How many local shops have working public toilets and what are their opening hours; if not 24/7.
- (8) Is there an upgrade schedule for public toilets at shopping centres; if so, what toilets are due for upgrade this financial year.
- (9) How many local shops do not have public toilets.
- (10) What funding has been set aside for installation of public toilets at local shops in this financial year.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) Regular cleaning activities occur in public areas of all local shopping centres in Canberra with service levels dictated by usage levels. The city and other high usage areas such as group centres are attended daily while local suburban shops are attended at least twice a week, depending on size and usage. Public toilets at these locations are cleaned daily.

- (2) Maintenance requests for local shops are lodged through Access Canberra or the Fix My Street portal.
 - (3) Cleaning is generally carried out on a programmed cycle, however requests for service or maintenance are prioritised with public safety being the most important factor. Reports relating to the presence of offensive graffiti are also treated as a high priority and offensive graffiti is generally removed within 24 hours.
 - (4) The actual spend for maintenance and cleaning of shopping centres was:
 - a. 2016-17 –\$2,765,849.
 - b. 2017-18 - \$2,507,933.
 - c. The budget allocated for 2018-19 is \$2,878,740.
 - (5) Works include litter picking, cleaning of surfaces, pruning of bushes, lifting of trees, servicing of bins, daily cleaning of toilets, pressure cleaning of paving as required, removal of graffiti from Government assets, repairs to damaged furniture including seating, minor horticultural maintenance of garden beds and removal of leaves during autumn.
 - (6) TCCS does not remove graffiti from private property and private assets and does not carry out maintenance on private assets including outside areas that are the responsibility of private building owners or leaseholders.
 - (7) Twelve shopping centres have public toilets within 20 metres. The opening hours are dependent on the toilet location but are generally opened between 6:30am and 8:30am and closed after 8.30 pm in winter and 10.30 pm in summer. Many shopping centres or businesses provide toilets to their customers within their premises.
 - (8) There are no programs for upgrading public toilets this financial year, although the toilet at Kambah Village shopping centre will be relocated as part of an upgrade that will commence later this financial year.
 - (9) There are 54 shopping centres that do not have ACT Government managed public toilets. Many of these shops may have their own, centre or business-managed toilets which are not serviced by the ACT Government.
 - (10) No specific funding has been allocated in 2018-19 for installing public toilets at local shops.
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Land—tax
(Question No 1638)

Ms Le Couteur asked the Treasurer, upon notice, on 17 August 2018:

What is the situation with respect to land tax if not all the property is occupied by the owner; in particular is land tax charged (a) on blocks with multiple dwellings such as granny flats; if so, how is the amount of land tax determined and (b) if a single dwelling on a block is occupied by a person or persons other than the owner(s); if so, (i) how is the amount of land tax determined, (ii) is the relationship of the owner to the occupier a relevant factor, (iii) is the amount of rent, if any, paid relevant, and (iv) is the size of the space used by the non owner relevant; if not, (i) has there been a time in the past when

land tax was charged on parts of a house that were rented out and (ii) when did this change and how was the amount of land tax payable determined.

Mr Barr: The answer to the member's question is as follows:

- (a) Land tax is chargeable in respect of a parcel of land if one of the dwellings on a block with multiple dwellings is rented. The amount of land tax payable is in proportion to the rented floor area, determined in accordance with formula described in the *Land Tax Act 2004*, section 15.
- (b) Land tax is chargeable in respect of a single dwelling on a block that is occupied by a person or persons other than the owners of the property.
 - (i) Land tax is determined using the standard formula of multiplying the Average Unimproved Value of the parcel by the relevant Percentage Rate, plus a Fixed Charge.
 - (ii) No.
 - (iii) The amount of rent may be relevant. A parcel of land is land tax exempt if it is occupied by a person who does not pay rent, or is liable only to pay the rates, repairs, maintenance and insurance in relation to the parcel.
 - (iv) No. Land tax is generally not charged if part of a house is rented to a boarder or lodger who shares common areas with the owner e.g. laundry, kitchen, bathroom. In this situation, the house will be treated as the owner's principal place of residence and will be exempt from land tax. However, if a part of a house is its own separate dwelling e.g. a granny flat or self-contained section with own kitchen and bathroom, land tax will be payable on that part of the house that is rented, as per the answer in (a).

Save for the exceptions in (iii) and (iv) there has not been a time in the past when land tax was not charged in the situations described in (a) and (b).

Questions without notice taken on notice

Crime—motorcycle gangs

Mr Gentleman (*in reply to a question by Mr Hanson on Thursday, 2 August 2018*):

I am advised that ACT Policing are investigating a physical altercation between six criminal gang members and/or associates on Anketell Street, Tuggeranong, on Friday 6 July 2018.

As investigations are ongoing it would be inappropriate to provide further commentary.

Canberra Hospital—radiology department

Ms Fitzharris (*in reply to a question and supplementary questions by Mrs Dunne and Mr Milligan on Tuesday, 14 August 2018*):

It would be inappropriate for me to discuss the details of an individual clinical case in this public place, out of respect for the person and their family, and also due to the privacy provisions of the *Health Act 1993*.

The unexpected death of any patient is immediately referred to the Canberra Hospital's Clinical Review Committee (CRC). CRC reports are privileged under the *Health Act 1993*.

Environment—Lake Burley Griffin

Mr Ramsay (*in reply to a question and a supplementary question by Ms Le Couteur on Thursday, 16 August 2018*):

The responsibility for the management of Lake Burley Griffin primarily resides with the National Capital Authority, noting that elements of resource regulation and contamination are performed by the Environment Protection Authority (EPA).

The methods used to measure sediment depth do not lend themselves readily for use as:

- a method of sampling for pollution or contaminants;
- for improving the water quality of the lake; or
- for enhancing native fish habitat.

Agencies have access to a wide range of data sets for Lake Burley Griffin, dating back to 1970s, for assessing sediment chemical composition and the potential for contamination. Where feasible and appropriate the EPA continues to utilise opportunities to increase the ACT scientific knowledge base which enables accurate risk profiling of urban/industrial activities and their potential for environmental harm.

EPA water scientists have been involved with Universities and other ACT Directorates in a number of recent research activities involving urban waterways and characterising associated pollutant processes. For example:

- Assessment of particle sizes and contaminants in Gross Pollutant Traps;
- Experimental wetting and drying of sediments in Jarramalee Pond, Belconnen;
- Investigation of beneficial reuse of road sweepings and gross pollutant trap sediment;
- Assessment sediment pollutant composition at Emu Inlet, Lake Ginninderra;
- Installation of small scale structures in stormwater channels to improve water quality;
- Drawdown of Upper Stranger Pond, Isabella Pond and Tuggeranong Weir; and
- Sampling for Per- and polyfluoroalkyl substances (PFAS) across ACT waterways.

The construction activity in the West Basin of Lake Burley Griffin did not present an opportunity or have scientific characteristics like those listed above.

Land—valuations

Mr Barr (*in reply to a question and a supplementary question by Mr Coe on Thursday, 16 August 2018*):

The ACT Valuation Office will recommend an unimproved value for a new block of land taking into consideration the sale price of the block, sales evidence of comparable vacant land, and as necessary analysing all types of property sales to work back to a vacant land value.

The advice is forwarded to the Commissioner for ACT Revenue who makes the unimproved value determination for rating purposes.

Where there are very few vacant land sales in a suburb, the UV of the vacant land will be somewhat lower than its sales price in recognition of the premium paid for scarcity. This ensures that there are not large disparities between recently sold vacant land and nearby blocks.