



# Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

**NINTH ASSEMBLY**

**30 JULY 2019**

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## Tuesday, 30 July 2019

Resignation of member (Statement by Speaker) .....	2353
Announcement of member to fill casual vacancy .....	2353
Oath or affirmation .....	2353
Oath by member .....	2353
Legislative Assembly—affirmation of code of conduct .....	2354
Visitors .....	2354
Inaugural speech .....	2354
Petitions:	
Chisholm Village redevelopment—petition 22-19 .....	2358
Chisholm Village redevelopment—petition 19-19 .....	2359
Playground facilities in the inner north—petition 14-19 (Ministerial responses) .....	2361
Light rail stage 2—direct alignment—petitions 13-18 and 3-19 .....	2361
Restoration of the tree canopy—petitions 1-19 and 7-19 (Ministerial response) .....	2363
ANU public transport—petition 6-19 .....	2364
Motor Accident Injuries Bill 2019—petition 11-19 (Ministerial response) .....	2365
Motion to take note of petitions .....	2366
Estimates 2019-2020—Select Committee .....	2368
Privileges 2019—Select Committee .....	2375
Justice and Community Safety—Standing Committee .....	2376
Administration and Procedure—Standing Committee .....	2377
Consideration of private members' business .....	2377
Planning—development application assessments .....	2380
Administration and Procedure—Standing Committee .....	2380
Environment and Transport and City Services—Standing Committee .....	2380
Petrol prices—ICRC final report (Ministerial statement) .....	2381
Animal Welfare Legislation Amendment Bill 2019 .....	2385
Questions without notice:	
ACT Health—SPIRE project .....	2389
Parking—Australian War Memorial .....	2390
ACT Health—workplace culture .....	2392
Employment—labour market .....	2394
ACT Health—radiotherapy .....	2395
Health—nurse-led walk-in centres .....	2396
ACT Health—flu strategy .....	2399
Public housing—renewal program .....	2400
ACT Health—workplace culture .....	2402
ACT Health—executive remuneration .....	2402
Budget—municipal services .....	2403
Mental health—emergency presentations .....	2405
Government—health policy .....	2406
Budget—assistance for seniors .....	2408
Supplementary answer to question without notice:	
ACT Health—executive remuneration .....	2410
Matter of public importance (Statement by Speaker) .....	2410
Papers .....	2411

Administration and Procedure—Standing Committee .....	2420
End of Life Choices in the ACT—Select Committee.....	2421
ACT Mental Health Act 2015—review of the authorised period of emergency detention .....	2423
Public Accounts—Standing Committee .....	2425
Planning and Development Act—exercise of call-in-powers.....	2426
Education, Employment and Youth Affairs—Standing Committee.....	2428
Recognition for nurses (Matter of public importance) .....	2430
Animal Welfare Legislation Amendment Bill 2019 .....	2444
Planning and Environment Legislation Amendment Bill 2019 .....	2444
Road Transport Legislation Amendment Bill 2019.....	2449
Adjournment .....	2452

**Tuesday, 30 July 2019**

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

### **Resignation of member Statement by Speaker**

**MADAM SPEAKER:** Pursuant to the resolution of the Assembly of 27 March 1992, as amended on 6 March 2008, which authorises me to receive written notice of resignation of a member, I wish to inform the Assembly that the Acting Speaker received a written notice from Ms M Fitzharris, dated 8 July 2019. Pursuant to subsection 13(3) of the Australian Capital Territory (Self-Government) Act 1988, I present the following papers:

*Australian Capital Territory (Self-Government) Act 1988 (Cwlth), pursuant to subsection 13(3)—Resignation of office as Member—Ms M Fitzharris—Letter of resignation, dated 8 July 2019.*

Legislative Assembly for the Australian Capital Territory—Casual Vacancy—  
Copy of letter to the Electoral Commissioner, ACT Electoral Commission, from the Acting Speaker, dated 8 July 2019.

### **Announcement of member to fill casual vacancy**

**MADAM SPEAKER:** The Clerk has been notified by the Electoral Commissioner that, pursuant to sections 189 and 194 of the Electoral Act 1992, Mr Deepak-Raj Gupta has been declared elected to the Legislative Assembly for the Australian Capital Territory to fill the vacancy created by the resignation of Ms Fitzharris. I present the following paper:

Legislative Assembly for the Australian Capital Territory—Casual Vacancy—  
Declaration of the poll—Letter from the Electoral Commissioner, ACT Electoral Commission, to the Clerk, ACT Legislative Assembly, dated 23 July 2019.

### **Oath or affirmation**

**MADAM SPEAKER:** The provisions of the Oaths and Affirmations Act 1984 require the oath or affirmation of a new member to be made before the Chief Justice of the Supreme Court of the Australian Capital Territory or a judge of that court authorised by the Chief Justice.

*The Chief Justice attended accordingly—*

### **Oath by member**

*Mr Gupta was introduced and made and subscribed the oath required by law.*

## Legislative Assembly—affirmation of code of conduct

*Mr Gupta affirmed his commitment to the code of conduct for all members.*

*The Chief Justice having retired—*

**MADAM SPEAKER:** On behalf of all members, I bid a warm welcome to Mr Gupta. Welcome to the Assembly.

## Visitors

**MADAM SPEAKER:** I acknowledge the presence of Mr Chris Bowen MP, the Hon Dr Mike Kelly MP and former MLA John Hargreaves. Welcome back to the Assembly. I understand that there could be representatives of the Indian high commission. Welcome. And to the many family and friends of Mr Gupta: welcome.

## Inaugural speech

**MR GUPTA (Yerrabi) (10.08):** I seek leave of the Assembly to make my inaugural speech:

Leave granted.

**MADAM SPEAKER:** Mr Gupta, as this is your inaugural speech, you will be heard in silence.

**MR GUPTA:** I am extremely honoured to be the next member for Yerrabi. To start with, I wish to acknowledge the traditional custodians of the land on which we are meeting, the Ngunnawal people. I wish to acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region. I would also like to acknowledge and welcome the Aboriginal and Torres Strait Islander people who may be attending today's event.

I was born in Agra, India, home of the famous Taj Mahal, which is a symbol of love and affection. I came to Australia in 1989, and I stand here today as a proud Australian with the same love and affection.

As a young person who was looking for an adventure, I had a few options as to where I could go. While my siblings were looking towards many countries in the north, I looked down under. At the time, the only things I knew about Australia were the late Prime Minister Bob Hawke and the legendary cricketer Richie Benaud. I would later discover that there was more to Australia than a beer-drinking record-breaking Prime Minister and the legendary cricketer Richie Benaud.

Australia was a country that represented, to me, a leader in social democracy, a spirit of mateship, a sense of a fair go where people are rewarded for their hard work, and a beautiful environment, from the sunny beaches to the beautiful bush capital of Canberra.

I came to Australia as an ambitious young lad with limited money but with a pocket full of dreams. Coming to Australia, while a dream, was hard yakka.

In my life I have been blessed to have a great diversity of experience. I completed my bachelor degree in arts in India, I did my diploma in IT in Melbourne, and I was a nationally ranked butterfly swimmer during my college days. I have been a small business owner and I worked as a car washer. I will tell you what, Madam Speaker: since the news has broken about the car wash, a lot of my friends are leaving their cars outside my house for a good clean-up! I also worked in the e-commerce industry before entering the public service, and now I am here as an MLA. Some people have referred to me as the Indian Forrest Gump.

I loved all of those jobs, but as a young man working in many humble jobs I also learnt lessons about earning and saving money. These embedded in me the values of standing by working people and working Australians. I learnt about the inherent dignity of all workers, and this drew me to the Australian Labor Party.

For the past many years, I have worked for the Department of Defence, but I have kept up my community engagement during this time. During my time I have been lucky enough to serve as the President of the Australia India Business Council ACT chapter. In this role I was involved in policy and advocacy, to enhance the bilateral Australia-India business and trade relationships. This role allowed me to transform the traditional boundaries of business into practical engagements through cooperative interactions.

My time with the Australia India Business Council helped me to partner with all stakeholders, including business houses, and implanted a spirit to pursue development and the fulfilment of common goals for the economies of Australia and India. I believe these cumulative experiences have prepared me to serve my community in the best way I can.

I have lived in Gungahlin for 18 years. It is a beautiful place in which to live. My wife, Shuchi, and I have made our home in Gungahlin and we have raised our two children in Gungahlin. We have sent our children to local schools. Our region is one of the fastest growing in the country, and during this time I have been lucky enough to watch my children grow along with our region. I want to make our region even better for my children and for my community.

A common theme is that I have always been passionate about working for the community, and this gives me a true sense of purpose. This prompted me to engage with my community at a higher level, which led me to political participation. I joined the Australian Labor Party because I wanted to contribute to the development of my local community in Gungahlin, particularly in the areas of growing opportunity for small business, multiculturalism and education.

A great deal of my professional life has been dedicated to improving opportunity for small business. As a former small business owner, I understand the challenges that people face in starting their own enterprises. In the past few weeks I have been sitting down with many small business owners in Gungahlin, having coffee with them, talking to them and trying to understand how I can assist them.

I have heard that it is important to have appropriate infrastructure in place for small business, and that the government is working to reduce pressure on small businesses while growing opportunities. Our ACT government has already done great work in this regard through tax reform that has meant that the majority of businesses in the territory will pay less in ACT government taxes than equivalent businesses in New South Wales.

The Labor Party is the party of jobs and strong economic management. Jobs and a strong economy create a foundation for small businesses to thrive. These are the values that I will continue to advocate for in this chamber and in my electorate.

My personal story of migrating to Australia is no different to most migrants' stories. In fact, I suspect that one could even make a good Bollywood or a Hollywood movie out of it!

In our multicultural society, migrants have played a significant role in shaping the cultural landscape, having brought their own beliefs and customs to their adopted homeland. According to the 2016 census, 26 per cent of residents were born overseas or were recent arrivals, and nearly one in four residents speak a language other than English at home. Gungahlin is also driving our capital's growth, mostly the northern area, which is up from 30,000 people in 2011 to more than 71,000 in 2016.

At its core, multiculturalism is a celebration of equality of opportunity, social cohesion and the strength of diversity. These values have always driven me, and I am really proud to stand in this chamber as an Australian-Indian.

Education is the greatest tool that we have to give Australian citizens a fair go and optimise outcomes for our country. We know that the way we build the future prosperity of this nation is to build human capital through skills training and education. This is essential to our future productivity and the growth of our economy.

I am proud to stand here to represent the electorate of Yerrabi, which is home to great schools because of the work of our government. In fact, the Margaret Hendry School in Taylor was opened last year, and a new primary school will open its doors in Throsby in 2022. I look forward to working to improve access to and the quality of our education institutions in my electorate.

I stand here today grateful for the trust that has been bestowed upon me, and I am mindful of the challenges and opportunities ahead. I have always had a passion for community service. It has opened my eyes in new ways, to see the world from different perspectives—meeting new people, listening to their challenges, appreciating diversity and differences, being more tolerant, more caring, and bringing results to make a difference.

Successive governments led by Jon Stanhope, Katy Gallagher and now Andrew Barr have long supported the Gungahlin area and made it the wonderful place it is now, and I want to build upon this great legacy. I am determined to initiate and bring tangible change for my community in a meaningful way, and for that change to be longstanding and durable.

As life moves on, lots of things have been thrown at me many times in my career. Most of them were demanding, challenging and exciting. In cricketing terms, I caught them all, and caught them well. This opportunity is no different. I therefore promise this to my captain, my team and the people of Gungahlin: I will catch any challenges that will be thrown at me, every time.

I would like to acknowledge outgoing minister Meegan Fitzharris and thank her for her commendable work. During her time Meegan was instrumental in delivering our biggest ever investment in health care in the ACT, delivering a new nurse-led walk-in centre for Gungahlin, as well as bringing the transformative light rail project to our city, to name just a few of her accomplishments. Meegan has established an exceptionally positive impact for our community. I wish her and her family all the best in the future. Thank you, Meegan.

Madam Speaker, human beings do not thrive alone. We need our families and friends as pillars of support, especially during challenging times. I must say that I find myself extremely blessed that I have so much support from family, friends, colleagues and the community, as you may have noticed in this chamber today.

To start with, I would like to mention a good friend, mentor and leader extraordinaire: Chief Minister Andrew Barr. Chief Minister, you have done so much for our city with your vision, your leadership and your contribution to achieving outcomes for a brighter future for the ACT. Thank you so much.

I would also like to thank former senator Kate Lundy, who introduced me to the Labor Party and gave me my ACT Labor membership form. Senator Katy Gallagher, Dr Andrew Leigh, Dr Mike Kelly and Chris Bowen all gave me much-needed advice throughout these days, and I am pleased to have you here today. I would like to acknowledge my current and former Assembly colleagues—in particular, Yvette Berry, Suzanne Orr, Mary Porter, former minister John Hargreaves, Madam Speaker Joy Burch, and the late Jayson Hinder. I would also like to thank my 2016 campaign team: Robert Potter, Adelene Cheah, Chris McGrane, John Brain, Mallika Raj, and many Labor volunteers.

I am extremely grateful to my wonderful friends from the Indian community and other local communities, many of whom are present here today, for their unconditional support before, during and after the election.

Lastly, I would like to thank my family. You do not choose your family; they are God's gift to you, as you are to them. I am blessed to have so many great things in my life because of my family. It is the single most important influence in my life. I was fortunate enough to have a wonderful family, especially my parents, Raj Narayan Gupta and Sharda Gupta, who, unfortunately, are no longer with us.

Madam Speaker, with all the love and joy that I have around me today, there is a big emptiness which I can feel in this room—that is, my parents. It is a dream of any child to see their parents being proud and witnessing the achievements of their children. I am sure mum and dad would have been very proud of this son today. I miss you every day.



I would also like to thank my brothers and sister, who played a very important role in my life: my sister, Geeta Joshi; my brother-in-law, Col Neeraj Joshi; my brother Col Anil Raj; and Sunil Gupta, who was also my mentor. For some reason he used to refuse to go to the same school as I used to go to, and I do not know the reason why. Maybe he saw my sister standing in front of the principal's office, advocating for me! To my nieces and nephew, Saumaya Joshi, Trisha Gupta, Shaan Raj and my friends, some from overseas, who came all the way from their respective countries to support my campaign, I thank them all.

Today my heart goes out to my wife, Shuchi, who has been a rock during several challenges that we have faced together. She is a wonderful person, an extremely understanding partner and a great mother. I say to my two beautiful kids, Mallika and Ashvin, who are pillars of my life and the reason for me being here today: my love for you is unconditional.

My unconditional love is also extended to my three dogs, Jimmy, Sky and Tank, who actually went for grooming last night and were thinking that they would be here today, but they were not allowed in the chamber. Some might say that Minister Chris Steel's animal welfare legislation does not go far enough.

The list of people to thank is so long that perhaps I need one more session to acknowledge all of them individually, but they all know where they stand in my heart. I would not have made it this far without their love, encouragement and support.

I would like to thank my new colleagues in the Assembly for their warm welcome, and the OLA staff who made all of this possible. Finally, please allow me to thank each and every one of you who is present here today, and the electorate of Yerrabi. I look forward to receiving your continued support and I look forward to engaging with you all. As Mahatma Gandhi said, "In a gentle way, we can shake the world." Thank you.

*At 10.28 am, the sitting was suspended until the ringing of the bells.*

*The bells having been rung, Madam Speaker resumed the chair at 10.40 am.*

## **Petitions**

*The following petitions were lodged for presentation:*

### **Chisholm Village redevelopment—petition 22-19**

*By Ms J Burch, from 306 residents:*

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

The following residents of the ACT draw the attention of the Assembly to:

- recent media stories of community dissatisfaction with plans to develop and locate major fast food chains in small local shopping centres

- there are 3 major Fast Food Chain outlets located within 10 mins of Chisholm Village – Erindale, Greenway [Tuggeranong] and Conder [Lanyon]
- the community’s interest in future developments in Chisholm Village, and awareness that a major fast food chain outlet is being considered for the site of the existing tavern, restaurant and public toilets [public toilets owned by ACT government]
- that the Chisholm village is privately owned and leased

Call on the ACT government to oversee thorough and inclusive community engagement on any proposed redevelopment, at Chisholm Village, of the existing tavern and sale of public toilets site to ensure that community engagement is completed in a fulsome manner; allow for all community interests to be heard and to gather community views on the potential development and location of a major fast food chain outlet in Chisholm Village; and to recognise and record other options for the site that reflect the interests of the local community.

Community engagement to consider, but not be limited to: the impact on health and wellbeing of the community; existing small businesses, cafes/food outlets; and, parking and traffic management.

### **Chisholm Village redevelopment—petition 19-19**

*By Ms J Burch, from 454 residents:*

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

The following residents of the ACT draw to the attention of the Assembly to:

- recent media stories of community dissatisfaction with plans to develop and locate major fast food chains in small local shopping centres
- there are 3 major Fast Food Chain outlets located within 10 mins of Chisholm Village - Erindale, Greenway [Tuggeranong] and Conder [Lanyon].
- the community’s interest in future developments in Chisholm Village, and awareness that a major fast food chain outlet is being considered for the site of the existing tavern, restaurant and public toilets [public toilets owned by ACT government]
- that the Chisholm Village is privately owned and leased

Your petitioners, therefore, request the Assembly to call on the ACT government to oversee thorough and inclusive community engagement on any proposed redevelopment, at Chisholm Village; of the existing tavern and sale of public toilets site to ensure that community engagement is completed in a fulsome manner; allow for all community interests to be heard and to gather community views on the potential development and location of a major fast food chain outlet in Chisholm Village; and to recognise and record other options for the site that reflect the interests of the local community.

Community engagement to consider, but not be limited to: the impact on health and wellbeing of the community; existing small businesses, cafes/food outlets; and, parking and traffic management.

### **Playground facilities in the inner north—petition 14-19**

By **Mr Rattenbury**, from 565 residents:

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

The following residents of the ACT draw to the attention of the Assembly that the play spaces in Dickson, Downer, Watson and Hackett were largely established in the 1960s and 1970s. Most of the existing equipment is basic and outdated, with many only a swing and stainless steel slide. They are mostly unshaded, made of non-renewable materials and can be prohibitively hot during summer. The ACT Government has made significant windfalls through the rezoning of inner north community land including the Downer school site, and has foreshadowed further changes to intensify the density of the inner north, particularly near the light rail corridor. It is therefore incumbent on the Government to invest in additional spaces to meet the recreational need of this increasing population.

Canberra's inner north needs a new destination recreation park – a large playground with high-quality, creative and sustainable equipment designed to be fun as well as physically and mentally challenging.

Your petitioners, therefore, request the Assembly to request the Government to build a new playground that is:

- Inclusive: Suitable for children of all ages and abilities; accessible and inviting for people of all cultures and age groups
- Adventurous: nature-based and risky play that encourages children to explore their own capabilities, manage risk, and build confidence and resilience
- Distinctive: an iconic space which offers a memorable experience and creates a space to build local community
- Integrated: amenable to multi-use recreation and proximate to cafes and other services to encourage foot traffic and incidental use

*Pursuant to standing order 99A, these petitions, having more than 500 signatories, were referred to the Standing Committee on Planning and Urban Renewal and the Standing Committee on Environment and Transport and City Services respectively.*

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

## Ministerial responses

The following responses to petitions have been lodged:

### Light rail stage 2—direct alignment—petitions 13-18 and 3-19

By **Ms Fitzharris**, Minister for Transport, dated 19 June 2019, in response to petitions lodged by Ms Le Couteur on 12 and 13 February 2019 concerning the alignment of light rail stage 2.

*The response read as follows:*

Dear Mr Duncan

Thank you for your letters of 12 and 13 February 2019 regarding petition 3-19 and 13-18 lodged by Ms Caroline Le Couteur MLA about the alignment of Light Rail Stage 2. In response to these petitions, I offer the following information.

Canberra's light rail network is a transformational city-shaping project for the Territory, providing an attractive, reliable and convenient public transport choice that connects families, students, communities and cultures.

The initial corridor between Gungahlin and Woden via the City and the Parliamentary Zone will form the backbone of the network, linking activity centres north and south of Lake Burley Griffin. Light rail is part of an integrated transport network linking to rapid bus services and active travel options like cycling, park and ride and walking.

A growing population with increasing road congestion is a key rationale for the development of a reliable and frequent light rail network. Today's public transport times, which are road based, would be influenced by growing road congestion, particularly as Woden experiences renewal over the next decade.

As part of this integrated network, light rail will provide an attractive alternative to the car for the 195,000 people who will work and nearly 75,000 who will live or study within 800 metres of the City to Woden corridor by 2036. The route will support the 16,000 people who currently work in the Parliamentary Zone while connecting over 50 hotels, five educational institutions, 10 retail and entertainment precincts and 20 employment centres.

Since the publication of the network in 2016, the City to Woden alignment has been further refined, considering connectivity within the integrated transport network and progressed to detail review of feasible alignments. Consideration of each alternative route option requires modelling for traffic, engineering, patronage, stop access, future connectivity as well as investigations regarding heritage, sensitive landscapes and biodiversity before a decision can be made. The ACT Government is progressing these investigations on the refined options for City to Woden and preparing a detailed business case to consider all aspects of the project.

The government will also focus our efforts on a route via State Circle. The government notes feedback from the NCA and last year's Parliamentary inquiry

clearly pointed to the State Circle route as an alternative which aligns with the original National Capital Plan and has the best chance of bi-partisan parliamentary support. The Government will soon finalise a referral for approval of the State Circle route under the Commonwealth's Environment Protection and Biodiversity Conservation Act and we are optimistic that this change will mean we can get on with delivering Stage 2 of light rail sooner.

An alignment on the west side of State Circle passes Parliament House and various embassies, but it does not allow for a stop or connection to Parliament House or key employment centres. We are building a light rail network over 20 years. We are focused on connecting the main activity centres of Canberra—first with a north-south alignment and then with an east-west alignment—we will, in time, make further connections from these main town centres.

Overwhelming community and stakeholder feedback in 2017 reinforced the decision for light rail to connect Canberra's north and Woden via the employment hubs, institutional and recreational facilities of Parkes and Barton. The ACT Government is considering all options to ensure we can deliver light rail to Woden as soon as possible and optimise the benefit to the Canberra community clearly.

In the meantime, 2019-20 ACT Budget investments include funding for work to begin on improving the Woden Bus Interchange and layover facilities to integrate with a new stage two light rail terminus, key early works to further support the delivery of Light Rail Stage 2.

The ACT Government is working to ensure we have sufficient transport infrastructure in place before increasing congestion impacts upon travel time and urban amenity. Light rail is providing a frequent and reliable public transport journey that can be maintained. Light rail will function as part of the broader transport network and this will consider the range of journeys that support the community to get around the city.

The government has committed to deliver light rail to connect to the Woden Town Centre as a major interchange point within the public transport network. Future extensions to the network are identified that may connect to Mawson, however there are a number of potential technical constraints on southern expansion of the network that will need to be explored before the government commits to a precise alignment. The Mawson Group Centre will be serviced in the immediate term by the Rapid bus network, providing direct and frequent public transport.

Transport Canberra advise that a future 'third track' is not an appropriate additional design requirement for the City to Woden alignment. Providing space for a future third track would significantly restrict the design outcome for some parts of the alignment and increase the cost of infrastructure.

Our integrated transport network will connect fixed and flexible transport modes, and an express bus service may better provide a connection, should patronage modelling indicate this is needed for the integrated transport network. A decision on the bus network will be made closer to the opening date of light rail to Woden, to take account of changing travel patterns across Canberra at this time.

For residents in some southern suburbs that are not currently able to connect to Rapids along Adelaide Avenue, there may be a balance to consider to allow for more patronage for inner south suburbs and travel time direct from Woden.

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

### **Restoration of the tree canopy—petitions 1-19 and 7-19**

By **Mr Steel**, Minister for City Services, dated 18 June 2019, in response to petitions lodged by Ms Le Couteur on 19 March 2019 concerning a tree replanting program.

*The response read as follows:*

Dear Mr Duncan

Thank you for your letter 19 March 2019 regarding petition Nos 1-19 and 7-19 lodged by Ms Caroline Le Couteur MLA regarding tree decline.

Transport Canberra and City Services (TCCS) is responsible for the management and maintenance of more than 760,000 trees on public land and streets within urban areas of the ACT. Street trees are a significant part of the public urban landscape of Canberra and provide many benefits, including reduced cooling costs, increased property values, reduction in glare and the effects of wind and solar radiation, stormwater management, reduction in air pollution, improvement of biodiversity, natural beauty, visual interest and public and private amenity.

Tree removals from the urban forest in the 2017-18 financial year consisted of approximately 3,000 trees. These included some 2,000 juvenile trees identified as dead or missing (removed by persons unknown). Approximately 1,450 plantings were undertaken in the same period, and it must be considered that the juvenile tree losses are from three years of planting programs and did not represent the loss of a mature canopy.

As part of the 2019-2020 ACT Budget, the Government has committed funding to undertake the largest tree planting of the century with more than 17,000 trees to be planted across our city over the coming years.

This will renew and enhance our urban forest, and fill the gaps in our city's canopy coverage.

The Government will begin these plantings while we prepare an Urban Forest Strategy to be developed within 12 months, which will set out a pathway to meet canopy targets, build the resilience of Canberra's green canopy and ensure that Canberra remains a liveable city in the future.

The ACT Government places great value on the role of trees in the urban environment and takes a very conservative approach to requests to remove a tree located on public land. Trees that appear to be healthy and sound or that can be appropriately managed through selective pruning will be retained where possible. However, ensuring public safety is not compromised by the presence of trees within the urban areas is a high priority and decisions relating to the management of trees are based on meeting this objective. TCCS employs a team of skilled and

experienced staff to undertake tree assessments and determine the appropriate management action.

The ACT Government is committed to replacement planting programs and is investigating options for increased planting, including opportunities for greater community involvement to leverage the enthusiasm and energy of many residents to assist with this important task.

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

### **ANU public transport—petition 6-19**

By **Mr Steel**, Minister for Transport and City Services, dated 3 July 2019, in response to a petition lodged by Mrs Kikkert on 21 March 2019 concerning viable public transport for the ANU.

*The response read as follows:*

Dear Mr Duncan

Thank you for your letter of 21 March 2019 regarding petition No 6-19 lodged by Mrs Elizabeth Kikkert MLA regarding public transport services for the Australian National University (ANU).

The ACT Government launched an integrated public transport network of bus and light rail services on 29 April 2019. This new network makes it easier for more students to get around our city on buses and light rail, every day of the week.

The new network includes a range of frequent, direct public transport services for students and staff travelling to the Australian National University. This includes:

- Rapid 1 Light Rail from Gungahlin to the City, stopping at the City Interchange;
- Rapid 2 from Fraser to Fyshwick, stopping near ANU on Barry Drive, Rimmer Street and Marcus Clarke Street;
- Rapid 3 from Spence to Canberra International Airport, stopping near the ANU on Barry Drive, Rimmer Street and Marcus Clarke Street;
- Rapid 4 from Tuggeranong to Belconnen, stopping near the ANU on Barry Drive, Rimmer Street and Marcus Clarke Street;
- Rapid 5 from Lanyon to City West, stopping near the ANU at City West;
- Rapid 6 from Woden to City West via Narrabundah, stopping near the ANU at City West;
- Rapid 7 from Weston Creek to City West, stopping near the ANU at City West;
- Rapid 10 from Denman Prospect to City West, stopping near the ANU at City West;
- Route 50 from Watson to the City via Lyneham, stopping near the ANU on Boldrewood Street, Rimmer Street and Marcus Clarke Street;
- Route 53 from Dickson to the National Museum via Ainslie, stopping near the ANU at City West and along Liversidge Street; and
- Peak routes 180, 181 and 182 from southern Tuggeranong to City West, stopping near the ANU at City West.

This means that there is a bus or light rail vehicle stopping near the ANU about every 30 seconds in peak times to get ANU staff, students and visitors to and from the campus. About 90% of students and other customers travelling to and from the ANU already used Rapid stops on the fringes of the campus, and the new network improves services to these stops, with simpler and more frequent services, seven days a week.

I am pleased to advise that during the first seven weeks of the new public transport, many more Canberrans are using public transport, including tertiary students. The table below shows a comparison of tertiary student patronage over the first seven weeks of the new network, and the same period in 2018, based on data recorded by the MyWay ticketing system:

	30 April to 17 June 2018	29 April to 16 June 2019	% change
<b>Boardings</b> Every time someone gets on a vehicle, including the changes made across bus/light rail to complete a journey	515,203	539,586	4.73% increase
<b>Journeys</b> A whole trip, which may include more than one boarding/change eg: home to work	411,597	422,856	2.74% increase

Given the success to date of the new public transport network, the Government has no plans to operate a bus service similar to the former route 3 in the future. However, Transport Canberra is continuing to work with the ANU to make sure that students know what services are available to them, including ANU operated shuttle services within the campus.

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

### **Motor Accident Injuries Bill 2019—petition 11-19**

By **Mr Barr**, Treasurer, dated 29 July 2019, in response to a petition lodged by Mr Coe on 14 May 2019 concerning opposition to the Motor Accident Injuries Bill 2019.

*The response read as follows:*

Dear Mr Duncan

Thank you for your letter of 14 May 2019 regarding petition No 11-19 lodged by Mr Coe MLA on behalf of certain Australian Capital Territory residents.

The petition brings to the attention of the Legislative Assembly concerns around the *Motor Accident Injuries Bill 2019* (the Bill). In particular, the petition raises concerns that the Bill will remove or significantly restrict rights to compensation of ACT residents who are injured in a motor vehicle accident and will result in insurance companies who provide third party insurance receiving super profits.



The Bill was passed by the Legislative Assembly on 16 May 2019 following a lengthy and rigorous debate. The Act establishes a new Motor Accident Injuries (MAI) scheme that better supports all people injured in a motor vehicle accident in the ACT.

The MAI scheme will deliver better outcomes for Canberrans by offering everyone who is injured in a motor vehicle accident, treatment, care and income replacement benefits for up to five years to support their recovery. People who are more seriously injured in an accident where someone else was at fault will still be able to make a claim for further support at common law.

This scheme will cover 40 per cent more Canberrans while reducing the cost of premiums. Premiums will be regulated by the Motor Accident Injuries Commission in accordance with guidelines and independent actuarial advice to ensure premiums are fully funded and are not excessive. The Act includes a broad regulation making power to allow a mechanism to be prescribed for what is reasonable actual profits and determine what the consequences are if actual profits differ from this. A regulation can be made in the future if monitoring by the Regulator indicates insurer profits might be higher than is reasonable for the industry.

I note the community interest in this issue and hope that this information helps to alleviate the concerns of petitioners about the new MAI scheme.

### **Motion to take note of petitions**

**MADAM SPEAKER:** Pursuant to standing order 98A, I move:

That the petitions and responses so lodged be noted.

**MR RATTENBURY** (Kurrajong) (10.42): I would like to speak to the petition regarding the recreation park for the inner north, which I have visited today. This petition came through my office from Dr Hedda Ransan-Cooper, on behalf of residents of the inner north concerned about the safety and accessibility of play spaces in our older suburbs in particular and calling for a destination recreation park for the enjoyment of local families and the enrichment of young people's lives. The petition has been signed by 565 people and highlights the changing demographics in the inner north.

No longer is the inner north a place which might be considered a place for an older generation but these suburbs have been significantly repopulated by younger people with young families. This has been driven by a number of factors: obviously generational change but also rezoning, urban renewal and of course the impact that light rail is now having. I think we can see this reflecting the fact that many schools in the inner north are now either at or near capacity, and it highlights the young population that is very present through those suburbs.

The petition asks the government to recognise the need to provide facilities for families in the area in light of these changing demographics and the other factors that are impacting on the inner north areas. Dickson, Downer, Watson and Hackett, which

are particularly mentioned in the petition, have been through a series of evolutions since the first playgrounds were built there. Playground safety has evolved and the options now for safe, interactive and accessible play equipment are far better than they were when the original playgrounds were used by young inner north residents. Slides and swings may still be, fun but the old metal and wooden ones no longer meet the current needs of our children and families. I think there are expectations that we can do better than that.

The petitioners call on the government to create a new destination recreation park, a large playground with high quality creative and sustainable equipment, designed to be fun as well as physically and mentally challenging. They want a park that is inclusive, that is suitable for children of all ages and abilities, accessible and inviting for people of all cultures and age groups; a park that is adventurous, offering nature-based and risky play that encourages children to explore their own capabilities, manage risk and build confidence and resilience; a park that is distinctive. They want an iconic space which offers a memorable experience and creates a space to build local community and a park that is integrated so that it is amenable to multi-use recreation and proximate to cafes and other services to encourage foot traffic and incidental use.

Our inner north communities are, and always have been, warm and engaging and hubs of community interaction. A play space like the one described by the petitioners would add to the existing sense of fun and community and certainly help keep our kids entertained.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Families, Minister for Disability, Minister for Employment and Workplace Safety, Minister for Health, Minister for Urban Renewal) (10.45): I wish to speak briefly to the petition tabled by Mr Rattenbury. I certainly welcome this petition and congratulate Hedda Ransan-Cooper on facilitating this petition being brought to the Assembly. I endorse everything that Minister Rattenbury said about the inner north being a warm place and a place where people want to get together, and of course about the changing demographics of the region.

There are many play spaces in the inner north but many of them, as Mr Rattenbury has indicated, are older spaces and smaller play spaces. Since this issue has been raised with me a number of times at mobile offices and directly by email I have had a quick look around and every time I drive around the inner north I notice another little playground that is well located in terms of being walkable for people but maybe a little old in terms of the facilities that it has.

What this petition is calling for is something a little different: a destination and playground with some adventurous equipment and opportunity for doing something new in the inner north, particularly in the Dickson, Downer, Watson, Hackett area. We have of course already got a destination playground in the inner north, in Glebe Park, and that playground will soon be augmented with a new nature play space. There is work underway in terms of designing and finalising the design and then starting to build that nature play space. Glebe Park was also, in April, the location for

the playful endeavour hosting of a loose parts playground, which is exactly the kind of adventurous play that the petitioners are looking for.

I am looking forward, as Minister for Urban Renewal with some responsibilities for activity in Dickson and Watson, to working with Minister Steel to consider this petition and to work again with the inner north community to look at how we can improve play spaces in the inner north. I thank Minister Rattenbury for bringing this petition to the Assembly.

Question resolved in the affirmative.

## **Estimates 2019-2020—Select Committee Report**

**MISS C BURCH** (Kurrajong) (10.48): Pursuant to order, I present the following report:

*Estimates 2019-2020—Select Committee—Report—Appropriation Bill 2019-2020 and Appropriation (Office of the Legislative Assembly) Bill 2019-2020*, dated 24 July 2019, together with a copy of the relevant minutes of proceedings and a schedule of unanswered questions taken on notice and unanswered questions on notice, as at 29 July 2019, dated 30 July 2019.

I move:

That the report be noted.

I would like to begin by thanking the committee secretary, Annemieke Jongsma, and all of the secretarial staff in the committee office for their hard work across the 11 days of public hearings, as well as writing the report presented to the Assembly today. I also extend my thanks to the other members of the committee: Ms Cody, Mrs Jones, Ms Le Couteur and Mr Pettersson. As is always the case with estimates falling at this time of year, it seem to come with its challenges of illness et cetera. I thank committee members for their flexibility and dedication, given the tight turnaround.

I would also like to extend a big thankyou to the dozens upon dozens of ACT government officials who appeared for the public hearings—those of you who answered our questions and the many more who sat in the gallery for hours just in case you were required—as well as the hundreds of others watching from their offices who made every endeavour to get answers or corrections back to us before hearings adjourned. Your diligence, meticulousness and professionalism certainly made our jobs easier, and the passion that so many of you demonstrate for your subject areas is something to be commended.

The committee managed to agree on many recommendations, with a total of 207 recommendations made and only a couple of disagreements or dissenting comments, as noted appropriately in the footnotes. Throughout the public hearings, 548 questions were placed on notice. At the date of agreeing to the report, 12 answers

were still outstanding. A further five were answered by 12 pm yesterday, leaving seven unanswered. In accordance with standing order 253A, I am also tabling a schedule listing those questions taken on notice that were not answered by 12 pm on 29 July 2019.

For me, as a member for Kurrajong and a member of the opposition, what stood out on the first day of hearings, the community and industry day, was the frustration being felt by so many community groups across Canberra—frustration with a government that constantly fails to consult, fails to listen and fails to address their needs.

In particular, as is reflected in a number of recommendations in the report, many community groups raised concerns about the government's grant application processes on which they spend a large portion of their volunteer time to maintain funding for only one year. The committee recommends that the government look at ways to streamline these processes and provide longer term funding options for these groups in order to enhance the financial viability of many volunteer organisations that do such fantastic work throughout our community.

What struck me when I first read the budget papers this year was the incredibly overtly political nature and tone taken throughout the budget. This was also something that was picked up in the report by the independent economic advisers. As was rightly noted by Pegasus Economics:

There is a new and overtly political tone in this year's main ACT Budget Paper in Budget Paper 3 that has not been apparent in past ACT Budget Papers.

In particular, there are numerous references to the coalition government at the commonwealth level in several places in Budget Paper 3. Pegasus Economics states:

It appears rather incongruous for the ACT Government to be both disparaging as well as demanding greater engagement on the part of the Commonwealth Government. The political commentary in Budget Paper 3 is unbecoming for a small jurisdiction that wants to be taken seriously.

Budget papers should give a true, accurate, apolitical representation of the state of the books, free from political spin and the cut and thrust of the ideological battlefield. While I accept that there is an inherently political aspect to any budget, in that it sets out the priority areas, expenditure and policy objectives of the government of the day, this can and should be presented without political overtones, as is done in every other jurisdiction.

Just like the Chief Minister's outburst about light rail in the days following the 2019 federal election, sections of the budget papers read like someone having a childish and petulant dummy spit because he did not get the election result he desired. I would like to extend my thanks to Pegasus Economics for their continued engagement with the committee, despite the unprofessionalism shown by the Chief Minister in responding to their budget analysis early in the hearings.

Unfortunately, I am disappointed, but certainly not surprised, to see the tax and spend agenda of this Labor-Greens government in this budget. This is a government that has

given up on the people of Canberra, instead choosing to govern for its mates and its party. This could not be clearer than in the Chief Minister's dismissive expectation that Canberrans must continue to do the heavy lifting for his tax reform, when he cannot yet tell us when the heavy lifting will be over.

**MR PETTERSSON** (Yerrabi) (10.53): I would like to start by thanking the wonderful staff in the committee office for the hard work that they undertook during that period. It is hard work sitting in the chair, but it is, dare I say, even harder work to have to record and log everything that occurs in that room. In particular, I would like to thank Annemieke. To my fellow committee members, you were wonderful company for the two weeks and the many meetings. To Miss Burch as chair, Mrs Jones, Ms Cody and Ms Le Couteur, I hope never to do it with you again, but if we do, it will not be the end of the world.

Talking about the budget papers themselves, inherently budget papers are political documents. We are not talking about the accounting standards; we are talking about the commentary and the papers themselves, so I would like to push back on Miss Burch's earlier commentary.

But the real reason I stood up today was to talk about some of the recommendations that I think are particularly noteworthy. Recommendation 32 states:

The Committee recommends that the ACT Government ensures Access Canberra take steps to 'close the loop' on Fix My Street service requests, so that customers are advised whether action will be taken to rectify their complaint.

One of the constant pieces of feedback I receive from constituents is that they do not know when something has been completed by Access Canberra. Hopefully, some action can follow from our recommendation.

I turn to recommendation 98, which states:

The Committee recommends that the ACT Government work with the Commonwealth Government on establishing a centre for eating disorders.

One of the issues that have been raised with me numerous times is the gap in service provision for eating disorders in the ACT and the far too large number of individuals who have to travel interstate to seek these services. Any coordination to get better outcomes with the commonwealth government on this issue is something that I thoroughly encourage.

Recommendation 158 states:

The Committee recommends that the ACT Government provide more detail on delivery and timing of the introduction of preschool education to three year old's, including the proposed year of introduction for the total cohort, the number of available spaces for the total cohort, the location of such classes, staffing and hours of operation.

Put simply, this is an amazing and exciting policy that people want to know more about. I look forward to knowing more, and I hope this recommendation brings forward more information as soon as possible.

Finally, recommendation 188 states:

The Committee recommends that the ACT Government expand Common Ground Gungahlin to the maximum capacity that can be accommodated on the site.

Gungahlin loves Common Ground. One of the highlights of the town centre is seeing the local residents walking about and interacting. I think Gungahlin will be improved, will be a better place, with more Common Ground accommodation.

**MS LE COUTEUR** (Murrumbidgee) (10.56): I want to start off my speech by thanking the principal committee secretary, Annemieke, and the cast of thousands of committee secretaries helping with this. I thank my fellow committee members for their hard work, patience and wonderful recommendations. There are 207 recommendations this year, which is not a record but still a goodly number. I would like to particularly also thank the witnesses. I understand that over 200 people appeared before us. In particular, I would like to thank the community groups who came and gave us a different perspective on what is happening in Canberra; that is really important.

As I said, there are 207 recommendations. I will not bore anybody by reading them all out, but, as with the previous two speakers, there are some that I feel are more important. They are all worthy, but some are more worthy. There were some real highlights.

**Mr Barr:** Some more worthy than others.

**MS LE COUTEUR:** As far as recommendations go, yes; some are more worthy. I will start off with recommendation 6, for Mr Barr, because it deals with grant funding. This was echoed in recommendation 27. It is talking about providing financial certainty for community organisations. In particular, I want to mention Landcare ACT. Recommendation 5 is particularly about Landcare; recommendation 27 is about community organisations in general. The theme is very clear: community organisations, to do their job well, need much better financial certainty. This is particularly true where they have paid staff. We have a situation where the ACT government enshrines insecure employment because it funds things for such a short term that that is the only sort of employment there can be.

Going to recommendation 9, I would like to point out that recommendation 9, about the access advisory council, is associated with a workload already, as mentioned in recommendations 7 and 8, which are about footpaths and ramps, which are not as good as they could be.

I am prepared to say that recommendation 20 is the most worthy of the recommendations. I will read it out for our enjoyment and edification.

*Mrs Jones interjecting—*

Thank you, Mrs Jones, for your enjoyment. The recommendation says:

The Committee recommends that the ACT Government, recognising the climate emergency declared by the Legislative Assembly, communicate this status to all Government agencies, and require that all agencies orientate their decision-making around climate change and ensure that they are compatible with the ACT's climate change goals.

I am really pleased that the tripartisan estimates committee put that recommendation in. We passed that motion, and I am very pleased about that, but I am really pleased to see that we all agree that this is something we actually need to work on, not something we just state. We are waiting for an updated climate plan. There is a lot more detail about this in recommendations 52, 53, 54 and 55.

I would like to quote from my colleague Mr Rattenbury, who talked about this when we debated the original climate emergency motion in the Assembly. He said:

From now on, every time we make a decision, we will ask ourselves what this decision means for climate change, for emissions and for the climate crisis we need to avert. If it is not consistent with reducing emissions, then we must stop and rethink. This mandate must extend beyond this Assembly and into all of the government agencies.

The new currency of the ACT needs to be emissions and climate change. That is what we must value.

I am very pleased that the estimates committee clearly agreed with this.

The next few recommendations are almost as important. Recommendations 21, 22 and 23 deal with the wellbeing indicators which the government is planning to develop. One of our recommendations is that the ACT government include all members of the ACT Legislative Assembly in developing these wellbeing indicators.

I put forward that recommendation and I really mean it. If we are going to have a set of wellbeing indicators that reflect what we are doing in the ACT, then to make it work it really has to have broad community consultation and agreement that these are the things we care about in the ACT. That means all members of the Assembly should be included in this communication and consultation, including the opposition, who, from a voting point of view, represent almost as many Canberrans as the government does. If the wellbeing indicators are to do what they are meant to do, they have to be bipartisan. It is also particularly important because we know that what is reported on is what will be prioritised and acted on, so it is really important that the wellbeing indicators are right.

Recommendation 27 is another one about grant funding: that it needs to be made easier and for a longer period. Recommendation 30 is:

... that the ACT Government expand the Register of Disciplinary Actions or establish a separate register, to genuinely reflect the compliance and rectification work being done on building sites around Canberra and give clarity to consumers as they go through the process of choosing a builder.

This is important because, unfortunately, buyers in general have no idea who the dodgy builders are. How would you tell? How is the average punter going to see if a new apartment block is going to leak in a couple of years time? You have no chance. This is where we really need more government action and support.

Recommendation 42 is about tax reform. It is:

... that the ACT Government release in full to the community, any research commissioned by, and findings of the tax reform advisory committee, as soon as they have been seen by Cabinet and prior to 2020-21 budget papers, where possible.

We have had seven years of tax reform; it is time to stop, look and see what progress has been made and what lessons have been learned. If we want tax reform to continue in this jurisdiction, and if we want to maintain the support of the community for it, we need to make sure that stakeholders and the broader community understand what has happened and can see what will happen in the future. We need to make sure that, while people may not be overly enthusiastic about paying taxes, there at least is a widespread acknowledgement in the community about how our taxation system is fair and appropriate.

Recommendations 52 to 55 are complementary to recommendation 20 on the climate emergency. Again, I am very pleased that they have all been put forward. They do more to elaborate on what we are talking about.

Recommendation 52 is about major projects and says that these need to be explicitly considered from a climate change perspective; be compatible with the trajectory to zero emissions; and, if they are not compatible or cannot be made compatible, proceed only under some sort of special consideration. That would seem to me to be common sense at this point.

Along those lines, recommendation 54 is that ACT infrastructure be planned and built to be resilient to the changing climate. Again, that is pretty much common sense. It is fairly clear that our climate is changing; it is getting hotter and drier.

On the issue of it getting hotter, I would like to share with you something I saw on Facebook over the weekend, with someone talking about a particular place and saying, "This is the hottest summer we have had for 150 years." We need to reframe that, as suggested, to say that this is quite possibly the coolest summer that we are going to have for 150 years or a few thousand years. My point is that there no reason to think that it is going to change and get better any time soon. Our climate is getting hotter



and drier. We are having more extreme weather events. We have to build our infrastructure for that. Our infrastructure, by definition, needs to be long lived—for 10 years, maybe, but, hopefully, more like 100 years. We need to take into account the climate in 100 years time.

One of the other things the current budget does not do is explicitly include some sort of cost of carbon emissions. There is nothing along those lines that I can see. This is what recommendation 55 is all about: there should be some sort of social cost of carbon figured into the cost-benefit analyses of treasury and directorates. I would love to see that. I assume that part of the wellbeing indicators that the government is developing, which I touched on earlier, will include explicit analysis of climate change.

Moving right along—members will be pleased to know that I am skipping pages and pages—I am up to recommendation 111. This is about ambulance levies. It is quite shocking. What happens with the ambulance levy is that if you have private health insurance it pays it to the government, and if you are on a concession card you are not charged, but if you are in between, you get to pay the ambulance if it comes. That is around \$1,000 a time. This really seems inequitable. The only people who get to pay it are people who are going to find it fairly hard to find \$1,000 at a time of some degree of crisis in their life. I would think that the ambulance people themselves can do enough gatekeeping and only transport people in their ambulance who actually need to be transported. I would really like to see the government look at that again.

Looking at development applications, recommendation 122 is that we change the system so that we renotify all amendments to development applications. Clearly people in the community are concerned that developers use amendments through development applications to seek inappropriate development. The first one has a lot of good features that mean that even though you really do not like the development, you think, “Oh well, it is not that bad, given it is going to happen.” Then there are a suite of amendments that do not go out to the community for comment and take away the good features, and you are left with a dud.

Recommendation 123 is about the urban sounds discussion paper. I remind members that this went out for consultation in 2016. There will be a lot more to say about that tomorrow, because Mr Parton has moved a very relevant item for discussion in private members’ business.

I note the scarred tree recommendations. They are very important because the local Aboriginal community is still concerned about those, particularly because at least one of them was removed by ACT government action.

Recommendation 139 asks for more funding for the low income energy efficiency program, because it is oversubscribed.

I am running out of time; next I will talk about the last amendments.

**Mr Coe:** We will grant an extension.

**MS LE COUTEUR:** I might take you up on that, but I want to go to recommendation 204, which is about the green bin system. I must admit that this is at the unbelievable level. For people who were not in the estimates committee, if you are an ACT Housing tenant, you cannot just go and request a green bin and pay your \$50 for it. We found that out from constituents. We asked about it. The reason they gave was that they could not do it because if they had addresses of ACT Housing residences on the website, someone might work out that they are ACT Housing residences.

I firstly point out that what they have done is a privacy breach. You can work out what are ACT Housing residences because they are the residences that are not on the website. It is totally and utterly wrong. Secondly, the ACT government does manage to supply red bins and yellow bins even to ACT Housing tenants. Why do we have this separate system for green bins? Another thing that worries me is that we discovered this issue with green bins by accident. What else is the ACT government not providing to ACT Housing tenants that they provide to the rest of the residents of Canberra? I was shocked and appalled to find that—(*Time expired.*)

Question resolved in the affirmative.

## **Privileges 2019—Select Committee Report**

**MADAM SPEAKER:** I present the following report:

Privileges 2019—Select Committee—Report—*Unauthorised Release of Committee Documents*, dated 9 July 2019, together with the relevant minutes of proceedings.

The report was circulated to members on 9 July 2019, when the Assembly was not sitting.

**MR PETTERSSON** (Yerrabi) (11.12), by leave: I move:

That the report be noted.

The committee was established in April 2019 with its reference concerning an alleged unauthorised disclosure to the *Canberra Times* of correspondence from the Chief Executive Officer of Canberra Health Services to the Standing Committee on Health, Ageing and Community Services. As the HACS committee had not authorised publication of the letter, its release had the potential to be considered an act of contempt towards the Assembly.

In an attempt to determine the source of the alleged disclosure, the privileges committee wrote to all persons who apparently had access to the letter, including members and staff of the HACS committee, and the CEO and certain staff of CHS. All formally responded, indicating that they were not responsible for the disclosure, nor did they have any knowledge of who may have. The committee also wrote to the *Canberra Times*, who declined to reveal any detail. In the interests of transparency the committee resolved to publish all responses on its website.

Although the committee found the *Canberra Times* had access to the letter or its contents, it was unable to determine the source of the disclosure. As a result, it was not possible to judge the circumstances or the motivation behind the disclosure, so the committee was unable to reach a conclusion that contempt had been committed.

Nonetheless, the unauthorised disclosure of material provided to committees is a very serious matter and has the potential to significantly affect an inquiry, perhaps even fatally. The committee has therefore recommended that ACT government guidelines on officials interacting with Assembly committees be revised to clarify that all documents provided to a committee may attract privilege and that agencies be reminded of these guidelines.

This inquiry has highlighted the problem privileges committees face when dealing with these sorts of issues. While the Assembly has procedures for dealing with allegations of unauthorised disclosures, the committee believes these could be further refined. Identifying the source of an unauthorised disclosure is extremely difficult, and this committee's experience was no different.

It appears that in many other jurisdictions this question is initially left with the affected committee to investigate and formally report to the chamber. Should a committee report to the Assembly that it was significantly affected by unauthorised disclosure, a reference to a privileges committee may then follow. The affected committee is in the best position to know the circumstances of a disclosure and who may be potentially responsible. It is invested with all the powers a privileges committee would have anyway. The privileges committee believes the Assembly should adopt a similar practice and has made a recommendation to implement this.

Question resolved in the affirmative.

## **Justice and Community Safety—Standing Committee Scrutiny report 32**

**MRS JONES** (Murrumbidgee) (11.15): I present the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 32, dated 23 July 2019, together with a copy of the extracts of the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MRS JONES:** Scrutiny report No 32 contains the committee's comments on six bills, 20 pieces of subordinate legislation, four government responses and proposed amendments to one bill. The report was circulated to members when the Assembly was not sitting, and I commend the report to the Assembly.

## **Administration and Procedure—Standing Committee Report 13**

**MS J BURCH** (Brindabella) (11.15): I present the following report:

Administration and Procedure—Standing Committee—Report 13—*Provisions and Conventions around Committee Inquiries*, dated 30 July 2019, together with a copy of the extracts of the relevant minutes of proceedings.

**MR WALL** (Brindabella) (11.15), by leave: I move:

That the report be noted.

I will speak very briefly. The genesis of this inquiry was, of course, Mr Parton's motion in April relating to development application processing times. The Assembly had some questions over whether or not it impinged on the Standing Committee on Planning and Urban Renewal inquiry into building application processes that was underway. The committee considered what has been common practice here in the Assembly but also common practice in other legislatures, particularly New South Wales which had some very good literature on their position, and *House of Representatives Practice* which, of course, we are tied to through our standing orders.

The conclusion of the committee mentioned the practice in other legislatures and stated that there is nothing to prevent members discussing in the Assembly matters that are subject to a committee inquiry and that the Assembly is free to discuss any matter it chooses, subject to the standing orders and continuing resolutions of the Assembly and other practices such as sub judice. I think this, for members, clears up the position that we have found ourselves in previously as to whether or not a motion that delves into, or is close to, the subject matter of a committee can be debated. I think this has been resolved clearly now.

Question resolved in the affirmative.

## **Consideration of private members' business Standing orders—suspension**

**MR WALL** (Brindabella) (11.17): I move:

That so much of the standing orders be suspended as would prevent order of the day No 6, Private Members' business, relating to development application assessments, being called on forthwith.

The reason for this is twofold. One is that the opposition is ready to resume the debate on this motion that Mr Parton brought in April but secondly there is also a technical issue that the Assembly is required to deal with. The motion that Mr Rattenbury used to adjourn debate on Mr Parton's motion stated:

That the resumption of the debate be made an order of the day for the day after the tabling of the report of the Standing Committee on Planning and Urban Renewal ...

Admin and procedure has found that there is nothing to prevent a member moving or the Assembly debating such a motion whilst a committee inquiry is underway. Unless we actually resolve the adjournment motion that was used by Mr Rattenbury, the opposition is prohibited from bringing forward this motion for debate until the planning and urban renewal committee has reported. As a very minimum, I would seek that the standing orders be suspended just to re-adjourn this motion in a straightforward manner that allows this to be brought forward on another date. As I say, the opposition stands here ready to deal with this matter today.

The use of development applications and the processing time the planning minister is overseeing have only got worse since April. We have seen the processing time for development applications six months ago taking about 60 days and now we are up to over 90 days.

**Mr Barr:** On a point of order, I think Mr Wall may have strayed from the reason for the suspension. That is what we are debating, the suspension of standing orders, not the motion itself.

**MADAM SPEAKER:** I will let Mr Wall continue, but I will be alert to his straying.

**MR WALL:** Thank you, Madam Speaker. I think it is important that the Assembly consider also the subject matter of Mr Parton's motion and the impact that it has on the ACT community, particularly our economy. There are a number of builders and people in the industry who are waiting exorbitant amounts of time to have their applications processed. They are taking too long, and it is placing uncertainty on jobs. We have got very clear messages from those opposite of what they think about whether or not people need to be employed, and it seems that there is a blatant disregard for people who are employed in the private sector.

We are hearing time and again from builders who are experiencing these delays and who are now having to face the prospect of finding projects outside the ACT or letting staff go simply because this government and this minister cannot get their act together. That is why it is important that standing orders be suspended and that this motion be brought on.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tertiary Education, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (11.20): The government is happy to support a suspension to allow this to be adjourned again but it will not be brought on on an executive business day. It can be brought on according to the opposition's scheduled timings for a future private members' business day. If they wish to bring that on as a matter of urgency in August, if they wish to do that as part of their allocated business on private members' business day, the government has no objection. But we will not allow the precedent of the opposition seeking to suspend standing orders to bring on private members' business on an executive business day.

Given that this chamber devotes more time to private members' business than any other parliament in this nation, there is ample time for the opposition to bring it on.

They spend a lot of time debating many issues, and if this is the most important one for them it should be their number one motion on private members' business day when they next have the opportunity to list it, and that is what they should do. That is what I encourage them to do if this is indeed the priority that Mr Wall seems to indicate in this suspension of standing orders speech that certainly strayed far from the topic of whether standing orders should be suspended.

**MR RATTENBURY** (Kurrajong) (11.22): We would be happy to support the move to re-adjourn the discussion. I think the very point of having this committee inquiry was that it was evident in the previous discussion that members in this place were operating under different understandings of the convention, and that is exactly why we have the committee process. I think that that committee process has been valuable.

Certainly we as the Greens have long operated under what has turned out not to be perhaps the appropriate convention, and I think that this committee report has been very valuable in clearing that up. We are very happy to operate on the basis going forward of what the committee has found.

The committee made a clear finding that the very fact that a matter is before a committee does not preclude its being discussed in the Assembly but it precludes matters obviously that are being deliberated within the committee, the prospective findings of the committee et cetera; or the pre-empting of the committee being discussed in this place. And I think that is a useful and important distinction.

The report uses good examples from other parliaments to be very clear about what that is. And we find that very useful. As I say, we have certainly operated on a different understanding for many years now, in fact, and we are very happy to operate on the new basis.

On those grounds, and with the now clear understanding of this Assembly, we do not seek to prevent Mr Parton's motion being debated. We are reluctant to debate it today, for two reasons. One is that we were given no indication from the Liberal Party that they wanted to debate it today. Until five minutes ago we were given no indication from the Liberal Party that they wanted to debate it today. To be fair, Ms Le Couteur, who would be the spokesperson, has not made any preparation. She has been focused on some other matters. But we are very happy to debate it on another occasion.

I take Mr Barr's point as well about this being executive business day, and we are very happy for it to come on on another day. In light of what Mr Wall said, we will certainly be happy to suspend standing orders to re-adjourn it in a way that does not preclude Mr Parton bringing it on when he wishes to in the future.

**MR PARTON** (Brindabella) (11.24): I do not have much to say here, other than that I am most pleased that Mr Rattenbury has had a genuine change of heart in terms of the ruling from this committee on what can and cannot be discussed in this chamber, irrespective of whether it is being discussed in another room by members of this Assembly. I just wish we could have debated this in April when it was brought forward.

I begrudgingly take on board the Chief Minister's words regarding today not being private members' business day. I am pleased to see that the Greens are going to support the suspension of standing orders to adjourn the original debate and hopefully we will be discussing it here in the very near future.

Motion agreed to, with the concurrence of an absolute majority.

## **Planning—development application assessments**

Debate resumed from 3 April 2019, on motion by **Mr Parton**:

That the motion be agreed to.

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

## **Administration and Procedure—Standing Committee Report 14**

**MS J BURCH** (Brindabella) (11.26): I present the following report:

Administration and Procedure—Standing Committee—Report 14—*Respectful Dialogue*, dated 30 July 2019, together with a copy of the extracts of the relevant minutes of proceedings.

Motion (by **Mr Wall**, by leave) agreed to:

That the report be adopted.

## **Environment and Transport and City Services—Standing Committee Statement by chair**

**MS ORR** (Yerrabi) (11.26): 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 inquiry into nature in our city. On 29 May 2019, the committee held the last of its public hearings for the nature in our city inquiry. In total, there were seven public hearings for the inquiry.

During these hearings, the committee heard from a wide range of witnesses, including government officials, experts, community representatives and interested citizens, about their views on Canberra and its relationship with its natural environment. In addition to this, the inquiry received a total of 71 submissions which have provided the committee with a wide body of evidence from which to draw conclusions and to make recommendations.

On 29 November 2018 the Assembly asked the committee to inquire into a separate territory coat of arms with a reporting date 6 June 2019, which was subsequently amended to 1 August 2019. Due to unforeseen reasons, the committee has decided to

request a further extension to this reporting date. I will shortly be seeking the leave of the Assembly to move a motion to this effect.

Due to the committee's obligations concerning the territory coat of arms inquiry, the reporting date for the nature in our city inquiry has been delayed. While the committee had intended to report on the nature in our city inquiry by the end of July, it will now be working to complete the inquiry as soon as possible, but no later than the end of October this year. The committee will soon be contacting each submitter and witness to explain the reasons for the further extension to the reporting date of the inquiry.

### **Reporting date**

Motion (by **Ms Orr**, by leave) agreed to:

That the resolution of the Assembly of 29 November 2018, as amended on 16 May 2019, relating to the referral of a new Territory Coat of Arms to the Standing Committee on Environment and Transport and City Services be amended by omitting the words "by 1 August 2019" and substituting "by 31 August 2019".

### **Petrol prices—ICRC final report Ministerial statement**

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tertiary Education, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (11.29): As the referring authority for the Independent Competition and Regulatory Commission Act 1997, I present to the Assembly the following paper:

Independent Competition and Regulatory Commission Act, pursuant to section 24—Independent Competition and Regulatory Commission—Investigation into motor vehicle petrol prices in the ACT—Final Report—Report 9 of 2019, June 2019.

The government remains very concerned about ongoing high fuel prices in the ACT. We understand that the cost of fuel is a significant expense for many Canberra households. I tasked the ICRC with undertaking a factual analysis of petrol prices and competition in the ACT retail market, which will provide valuable information for the Legislative Assembly's Select Committee on Fuel Pricing inquiry and the government in responding to the recommendations from the inquiry.

The ICRC has now completed its investigation process. The ICRC undertook extensive consultation with a range of key stakeholders, including petrol distributors, wholesalers, retailers and other government agencies, and gathered a substantial amount of business data from petrol retailers operating in Canberra and surrounding regions.

The tabling of the final report is the last step in the ICRC's investigative process, which commenced in February of this year. I welcome their final report. The evidence



and information from the investigation indicates that the market is not serving our community, with service stations charging motorists higher prices than in other capital cities and the surrounding region.

The facts are that Canberra service stations are making nearly twice—I repeat that: nearly twice—the profit of those in nearby regional locations. Petrol prices are influenced by various factors, including wholesale costs, transport costs, retail costs and margins. In Canberra, like in other markets, wholesale costs and Australian government taxes make up most of the retail price.

The ICRC found that while petrol retailers have limited control over most components of the petrol price, in Canberra, retail costs and margins accounted for around 14 per cent of the petrol price in 2018, compared with around 10 per cent nationally. During the past three years the average petrol price in Canberra rose gradually from about 120c a litre to around 160c a litre in the final months of 2018, before reducing and settling between around 145c and 150c per litre in May 2019.

The ICRC found that ACT petrol prices in general tend to follow the wholesale price of fuel at the Sydney fuel terminal, the terminal gate price, with a longer lag than in Sydney. Canberra petrol prices are much slower to respond to changes in the terminal wholesale price than in Sydney, on average, two to three weeks compared with two to three days in Sydney. And surprise, surprise, Madam Assistant Speaker! They are faster on the way up than they are on the way down.

Viva Energy has been setting prices for Coles Express sites since March 2019. The ICRC considered that as Coles Express accounts for 15 of the 58 sites in Canberra's retail petrol market, this might have contributed to lower Canberra average retail prices in the months of April and May 2019.

Prices in Canberra are generally higher than in Sydney and most other capital cities. For example, annual petrol prices in the ACT were consistently higher than in Sydney by around 8.4c a litre on average for the past six years. There were only two months that prices in Canberra were lower than in Sydney over the period from January 2013 to May 2019.

Compared to the surrounding towns and locations on the south coast, the Hume Highway and inland, ACT prices were found to be 1.7c per litre higher on average. But there can be substantial variations in price differences on any given day. The ICRC's analysis suggests that 80 per cent of this price differential, compared to interstate locations, is due to the presence of higher retail margins in Canberra. The ICRC's analysis showed there were some instances where Canberra prices were lower than in the towns on the south coast and Hume Highway. Compared to inland towns, prices in Canberra were lower in 58 per cent of the months surveyed.

The ICRC's analysis suggests that petrol retailers in Canberra are consistently more profitable than those in Sydney or on average across Australia. For example, in 2016-17 the average annual net profit per site in Canberra was around \$670,000, compared to the national average of \$400,000, whilst going back to 2014-15, it was \$600,000 in Canberra compared to \$500,000 in Sydney. So retail profits have gone up

in Canberra by \$70,000 on average between 2014-15 and 2016-17 whilst falling in Sydney.

When compared to petrol retailers in surrounding towns, the petrol retailers in Canberra made nearly twice the profit. The most recently available data shows that in 2017-18 the average net profit rose to around \$750,000 per site in Canberra while it was only \$380,000 in the regional locations. The ICRC's analysis further indicates that the higher net profit in Canberra primarily reflects a higher net retail margin. The net retail margin is the profit margin of the retailer remaining after all other costs, such as wholesale costs, transport costs and the retailers' operating costs.

The net retail margin in Canberra has increased from 3.7c per litre in 2012-13 to just under 6c per litre in 2017-18. This was higher than in the surrounding regional locations by an average of 4.4c per litre based on 2017-18 data and in Sydney by an average of 1c per litre based on the 2014-15 data.

Within Canberra, petrol retailers at the airport and in Fyshwick had the lowest net margins of 2.1c per litre in 2017-18. This reflects the relative high level of competition in these areas. The net retail margin was highest in Tuggeranong at 7.2c per litre, followed by Gungahlin at 7.1c per litre.

The ICRC found that Canberra's higher net retail margins reflect weaker competition in Canberra. This is mainly due to Canberra having a more concentrated retail petrol market with a higher share of major brands with business models offering a premium product and a lower number of independent retailers that often exhibit a business strategy to aggressively discount. They found that in Sydney and in the towns on the Hume Highway and inland, with lower net retail margins, there is a substantially higher proportion of independent retailers, with price discounting a key component of their overall business model.

A low level of competition in Canberra also reflects the relatively poor visibility of petrol stations and their price offerings. For historic planning reasons, petrol stations in Canberra are typically located off major roads. They are located in local shopping and industrial districts, whilst in Sydney and other regions they are often located on the main road, which makes it easier for consumers to compare competing retailers' prices and seek out the best available prices.

Retail operating costs include site rental, maintenance, labour and utility costs. They vary for a range of reasons that may be related to factors such as the scale of the business, its location and its capital costs. The ICRC's report indicates that compared to retailers in Sydney, the operating costs for Canberra retailers are around 4c higher per litre. However, they are around 1.3c lower than the average surrounding region, which appears primarily due to the higher sale volumes per site in Canberra.

The ICRC found that the differences in wholesale petrol costs and transport costs also contribute somewhat to the retail price difference observed between Canberra and other regional areas. For example, in 2017-18 the average annual wholesale cost paid in Canberra was 2.2c a litre higher than the average across regional towns. Based on

2014-15 data, the ICRC estimated that petrol delivery costs for Canberra retailers are around 1.3c a litre higher than those faced by retailers in Sydney.

In addition to these interstate comparisons, the ICRC also observed variations across different locations within the ACT. The ICRC found that the daily average price is more volatile in some individual districts such as—again, surprise, surprise!—Fyshwick and the airport compared with the whole of Canberra average, reflecting once again the higher level of competition in these areas. Some indications of an irregular price cycle were found in the Canberra Airport area.

Petrol prices also vary significantly by brand and region, reflecting the different business models, ownership structures, retail operating costs and competition levels. The annual average price at Costco and Metro were below the market average by 16c and 13.7c per litre respectively, whilst prices at Coles Express were on average 3.3c per litre above the ACT average.

When comparing petrol cost components by region in Canberra, the ICRC found that retailers at the airport and Fyshwick had the lowest net retail margins, operating costs and wholesale costs, while retailers in south Canberra had the highest net retail margin and wholesale costs, and retailers in northern Canberra had the highest operating costs. Despite these variations, the average retail price for 2017-18 for all areas of Canberra, other than the airport and Fyshwick, was between 142.9c per litre and 143.3c per litre compared to 132.7c per litre at the airport and Fyshwick.

Madam Assistant Speaker, the Assembly Select Committee on Fuel Pricing inquiry released its interim report in May of this year. The committee outlined a number of potential measures for further consideration, including enhancing consumer information, increasing the presence of independent retailers, regulatory options and subsidies for low income earners. The findings from the ICRC's investigation confirm that the key contributing factor to higher petrol prices and retail margins in the territory is relatively weak competition due to the presence of a low number of independent retailers.

I have highlighted to the committee the importance of improving the competitive environment and would seek their further consideration of the potential barriers and opportunities for independent retailers seeking to establish a presence in Canberra, and the areas in which the government may be able to act to reduce barriers and enable opportunities to be harnessed.

The committee is considering a hierarchy of approaches and whether some measures should be deployed together. Further consideration of options, with the potential to provide a solution over the next decade or so until low and zero emission vehicles become commonplace, would indeed be welcome. I look forward to the committee's final report, which is expected to be released in the middle of September.

In closing, I take this opportunity to thank the senior commissioner of the ICRC, Mr Joe Dimasi, and his staff for their work in undertaking this most comprehensive of investigations into petrol prices in the territory. The report will provide valuable information for the committee as it completes its inquiry and

finalises its report. I commend the report to the Assembly. I present the following paper:

Independent Competition and Regulatory Commission—Investigation into Petrol Prices and Competition in the ACT—Final Report—Ministerial statement, 30 July 2019.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

## **Animal Welfare Legislation Amendment Bill 2019**

Debate resumed from 16 May 2019, on motion by **Mr Steel**:

That this bill be agreed to in principle.

### **Reference to committee**

**MRS DUNNE** (Ginninderra) (11.43): Pursuant to standing order 174, I move:

That the Animal Welfare Legislation Amendment Bill 2019 be referred to the Standing Committee on Environment and Transport and City Services for inquiry and report by the last sitting day in 2019.

On behalf of Ms Lawder, who has been called away, I move this motion to refer the Animal Welfare Legislation Amendment Bill to the Standing Committee on Environment and Transport and City Services for inquiry and report by the end of this year. We do this because it is a complex bill; it amends 10 acts and regulations and some of the amendments arrived only yesterday.

This is a novel bill; the media release by the minister in May said that it was an Australian first for the ACT to recognise animal sentience in law. By his own admission Minister Steel said that this was novel legislation and that no other state or territory has had similar legislation. The Liberal opposition believes there is to some extent a rush to go down this path without proper public consideration of the issues in what is by the minister's own admission novel legislation.

The scrutiny committee has raised a number of serious issues, including the right to the presumption of innocence and the right to a fair trial. The issues also rest around the idea that animal welfare is of paramount consideration under the law. While no-one would disagree that animal welfare is very important and characteristic of a modern and compassionate society, there is a question as to whether there should be paramount placement of this right under the law.

While the minister has replied to the scrutiny report questions, there should be a much wider debate on these issues involving the public before we go down what is by the minister's own admission a very novel approach.

The bill is complex. It has an explanatory statement of 41 pages, which is longer than most, and the bill itself is 90 pages. All of that would be bad enough and reason enough to transfer this for inquiry to a committee, but the experience of Ms Lawder in preparing for this bill shows that there is much worse to be seen.

Ms Lawder sought a briefing on this bill on 21 May and was refused. As someone who has been in this place as long as I have I cannot recall an occasion when a minister has refused to give a briefing to a member on a bill for which they have carriage. This is a matter of considerable concern for the opposition. Mr Steel's reasoning was that noting that Ms Lawder had already taken a public position on the legislation and that this occurred before the bill was introduced, he would not be providing a briefing.

Minister Steel briefed the *Canberra Times* on the bill before it was introduced to parliament and the *Canberra Times* published a story on 14 May, two days before the bill was introduced into the Assembly. Ms Lawder was asked for comment on the content of the story and she did so in her role as the shadow minister responsible for the area of animal welfare. This was then used by Mr Steel as an excuse for not providing Ms Lawder and the opposition with a briefing on the bill. Mr Steel has two rules: one for himself and one for everyone else.

Ms Lawder then set about the task of putting together an array of written questions about the bill. As a result of not being able to be briefed, on 21 May Ms Lawder sent a set of questions to the minister on 29 May. Ms Lawder received answers to those questions only on 12 July. On the basis of the answers, on 13 July she sent a further set of questions to the minister which to date have not been answered.

For a variety of reasons—one, this is new ground; two, there has been no obvious public consultation; three, new and innovative legislation would be well served by referral to a committee for inquiry and report; and four, the arrogance and churlishness of this minister in refusing to provide a member of this place a briefing when they request it on a piece of legislation for which the minister has carriage—the opposition has taken the view that this legislation should be referred to a committee for inquiry and report. I commend the motion to the Assembly.

**MR STEEL** (Murrumbidgee—Minister for Community Services and Facilities, Minister for Multicultural Affairs and Minister for Transport and City Services) (11.50): There has been very extensive consultation in relation to the development of this bill. Considerable community consultation was undertaken in relation to the animal welfare strategy. The bill was developed following consultation processes on the animal welfare and management strategy in 2017, the animal welfare amendment bills in the late 2018 and 2019, and feedback collected through other processes including talking to members of our community and key stakeholders such as the RSPCA ACT and the assistance animal industry.

We specifically consulted on an exposure draft of the animal welfare bill between 13 December last year and 7 February this year. Key concerns were addressed through the process, for example, removing the restriction on walking three dogs at a

time. There was significant support for the bill in general, including recognising the sentience of animals, increasing penalties and improving enforcement powers. Of course, that followed the very significant consultation we undertook on the animal welfare and management strategy where people called for stronger animal welfare laws and greater protections.

A consultation report in relation to the consultation processes we undertook has been published and is available on the website, so it is simply not true to suggest that there has been no consultation on this bill. There has been quite a lot of consultation, and the results are available through the summaries that have been provided.

The government will not be supporting this motion given the extensive amount of consultation that has been undertaken on the bill, including the exposure draft process. We are very happy to provide briefings in relation to bills in good faith. Unfortunately, on this occasion the opposition chose to take a stance on the bill before it had even been introduced to the Assembly. I offered to respond to any questions Ms Lawder wanted to provide in writing, and I did so within a reasonable time frame before the bill being debated today.

We do not think this reference is necessary. These laws are new. They are novel in the context of the Australian jurisdiction but certainly not in relation to other jurisdictions throughout the world. These laws were developed with significant consultation with the community and reflect the Canberra community's values. They should be debated today given the significant consultation that was undertaken and the amount of time that has elapsed in between that should have enabled the Canberra Liberals to consult with the community themselves.

**MS LE COUTEUR** (Murrumbidgee) (11.53): First off I will say that we basically support this legislation, so from that point of view we do not see the need to send it to committee. But I was shocked and disturbed to hear the minister's statements about consultation and briefings to the opposition. That is incredibly poor form. All I can say positively to the opposition is: you are not alone. I also have considerable problems getting briefings from the government. For the minister to say, "I have done other consultation, therefore I will not give you a briefing," or "The opposition has a view on something, therefore I will not consult with them," is not good enough.

I keep hoping we will be a consultative-type Assembly and will all try to work together for the good of the Canberra community. I am very disappointed at the minister's statements. Unfortunately, I cannot see that referring this bill to a committee will change the minister's views.

**MR PARTON** (Brindabella) (11.54): I have major concerns with the bill but even more worrying than the bill itself is Mr Steel's complete disdain for the citizens of Canberra in refusing to provide any briefings to members of this chamber on this bill. I am pleased that Ms Le Couteur agrees with that position but I am disappointed and dismayed that that has not led—despite the ideological position of the Greens on these matters, and I fully understand that—to the Greens supporting the referral of this bill to a committee.

As has been mentioned on a number of occasions, Ms Lawder has made a number of requests for a briefing on this bill and they have been refused. How can you possibly refuse a request for a briefing because it was apparent that a view had been formed on the bill without seeking permission from the minister? I am assuming the minister thinks that when Ms Lawder was asked by a journalist for her thoughts on the bill she should just have said, "I'm going to have to just seek permission from Mr Steel to see what it is that I can say." It is just absurd. It is petty party politics.

How are we expected to properly debate a bill of this nature when the relevant minister plays these silly little political games? This is a basic function of ministers in this place in regards to the path towards passing legislation. How can the minister possibly justify this political bullying? That is what it is; it is basically saying, "Well, I'm sorry opposition members, I basically don't rate you in this place and I'm not going to consult with you."

I cannot believe that contempt being shown of this entire parliament and of the people of Canberra. I do not understand how the minister could possibly withhold a briefing on such an important bill. The minister himself has stated that this is a groundbreaking bill, that we are a nation-leader in this space and that this has never been done before. "It is groundbreaking, but I'm not just going to sit down and tell you all about it. Just trust me that we've got it right". I fully support the referral of this bill to committee.

**MRS DUNNE** (Ginninderra) (11.57), in reply: This is an important motion. The minister has said that there has been consultation and there was an exposure draft. But the level of consultation was quite poor, which is evidenced by the fact that he would not be even vaguely generous in offering a briefing to Ms Lawder and it seems not even to Ms Le Couteur who supports the legislation. So you are damned if you do and damned if you don't. Ms Le Couteur says that she supports the legislation—no briefing.

Ms Lawder expressed concern in a response to a journalist from the *Canberra Times* and the minister has decided that he knows better and that he should therefore refuse to provide briefings to members in this place. It is an extraordinary precedent and it is extraordinarily poor form from someone who does not understand the forms of the house. He thinks he does and he likes to take witty points of order—most of which are wrong most of the time—and he has shown just how poor his understanding of the processes of this place are by his performance on this bill not just today but in refusing to provide briefings to non-government members in this place.

This is a complex piece of legislation. It is by the minister's own admission Australia-first legislation and it has real implications. The scrutiny committee has raised considerable concerns about this report, and if the opposition and the crossbenchers have not been briefed it is important for this chamber to delve as much as possible into just how effective the other consultation was. After listening to the pet shop owners last week it was clear that they were not particularly well consulted and that some of the provisions in this legislation are against their interests.

Let us go through the community and let us have a proper inquiry under the auspices of this Assembly. This is what parliaments do. They do not ram through legislation because young ministers get a bee in their bonnet about something. They deliberate on it and they make sure that the community is consulted and brought along with it. That is what parliaments do and that is what committee inquiries are for.

This legislation will be groundbreaking but there is no reason that we cannot delay it until the end of this year to allow a proper committee inquiry to fact-check the provisions of this bill, the issues the minister says he has consulted on and the issues raised by the opposition. It is utterly important that this legislation is referred to committee for inquiry and report.

Question put:

That the motion be agreed to.

The Assembly voted—

Ayes 9

Miss C Burch	Mr Parton
Mr Coe	Mr Wall
Mrs Dunne	
Mr Hanson	
Mrs Jones	
Mrs Kikkert	
Mr Milligan	

Noes 12

Ms Berry	Mr Pettersson
Ms J Burch	Mr Ramsay
Ms Cheyne	Mr Rattenbury
Ms Cody	Mr Steel
Mr Gupta	Ms Stephen-Smith
Ms Le Couteur	
Ms Orr	

Question resolved in the negative.

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

**Sitting suspended from 12.05 to 2.00 pm.**

## **Questions without notice**

### **ACT Health—SPIRE project**

**MR COE:** I have a question for the Minister for Health. In 2016, the Labor Party election commitment regarding SPIRE was that it would be built at a cost of \$500 million at the Canberra Hospital. Minister, what is the revised budget for the SPIRE project and will it be delivered according to that election commitment?

**MS STEPHEN-SMITH:** I thank the Leader of the Opposition for his question. The SPIRE project specific budget is not public to the last dollar. That is because there will be, of course, a procurement process. We have said that it is at least a \$500 million project. It is going to be the largest investment in health infrastructure, I understand, since the beginning of self-government. The scope of the SPIRE project at the Canberra Hospital will include 114 emergency department treatment spaces,



39 more than are currently available at Canberra Hospital, and 60 ICU beds, 12 more than originally planned. Going to the point of Mr Coe's question, it is more than was originally planned. The ICU will also include four paediatric ICU beds. There will be 22 new state-of-the-art operating theatres, an increase from the 13 that are currently available and two more than originally planned. The theatres will include hybrid theatres and interventional radiology theatres that will allow for advances in the use of medical technology and techniques.

**MR COE:** Minister, what is the expected budget for this project, noting that you said at least \$500 million, and when will it be delivered? Will that be as per the original commitment or by a new commitment?

**MS STEPHEN-SMITH:** I think I answered the first part of the question in my earlier answer that we will not be giving a specific dollar figure. Indeed, it is not possible to do that until the procurement process has been completed. This is a more than \$500 million project, as we have publicly stated, and there are figures in the budget in terms of preparing for this project to be delivered.

In terms of the time frame, in May 2019 the government announced that preparatory site works for SPIRE will get underway with decanting and site works commencing this year and construction set for completion in 2023-24. This remains the case, and the project is not delayed. These decanting works will start in September 2019 with construction of a new demountable building to accommodate the CHS executive team. The time frame remains exactly the same as it was in May this year.

**MRS DUNNE:** Minister, what is your plan to ensure that the hospital does not experience capacity problems, especially in emergency, ICU and surgical theatres while we wait for SPIRE?

**MS STEPHEN-SMITH:** I thank Mrs Dunne for the supplementary question. There are a number of elements to the plan to ensure that Canberrans can continue to receive acute hospital services or hospital services where and when they need them. These include the ICU expansion at the Canberra Hospital, \$28.8 million for staff, \$13.5 million from the commonwealth for a capital expansion and an expansion of the Centenary Hospital for Women and Children. That is a \$43.5 million capital project with about a \$40 million expense associated with it. It includes, of course, the delivery of an adolescent mental health unit.

Calvary expansions: almost \$12 million is being provided for more surgical theatres. There is a \$22 million expansion of ED capability, a urology expansion and, of course, the recent revamp of the Calvary maternity. I could go on but suffice to say that the ACT government has a plan for the future of both infrastructure and services across the territory as part of a territory-wide delivery of health and hospital services.

### **Parking—Australian War Memorial**

**MS LE COUTEUR:** My question is to the minister for roads, and relates to negotiations with the War Memorial regarding turning part of the Remembrance nature reserve into a very large car park. Minister, why did the recently released

documents include a draft letter from you to the War Memorial saying that you were supportive of the proposed arrangements when there has been no community consultation?

**MR STEEL:** I thank Ms Le Couteur for her question. The Australian War Memorial is proposing to develop a site to allow for the expansion of its collections and provide modern research facilities. The memorial has proposed to construct a permanent car park to the north of Treloar Crescent, on currently zoned nature reserve land managed by the ACT government to provide additional parking spaces for use by the Australian War Memorial and visitors to Mount Ainslie. An interim proposal to use the area for a construction site compound and construction parking has been raised. We have indicated that support for the proposal will be dependent on the resolution of land use permission issues, and ecological and heritage issues through appropriate approvals.

Transport Canberra and City Services are currently working with the Australian War Memorial to identify the most appropriate solution, having regard to environmental impact and community expectations.

**Ms Le Couteur:** A point of order, Madam Speaker.

**MADAM SPEAKER:** Resume your seat, please, minister.

**Ms Le Couteur:** I specifically asked why you support it when there is no community consultation. You have not even gone close to answering my question.

**MADAM SPEAKER:** Minister, go to Ms Le Couteur's point, please.

**MR STEEL:** Thank you, Madam Speaker. When I was interrupted, I was saying that TCCS is currently working with the Australian War Memorial to identify the most appropriate solution, having regard to environmental impact and community expectations. In my response to Dr Brendan Nelson on the issue, I have been very clear that the ACT government has requested additional analysis of the ecological, heritage and environmental impacts of the proposed construction licence area. If the impacts of the proposed construction licence area are assessed as acceptable, the provision of a permanent car park could be an acceptable planning outcome. Obviously, there is a lot of work that is still happening in relation to this matter and I look forward to updating the Assembly as that progresses.

**MS LE COUTEUR:** Minister, given that answer—which did not include community consultation—when are you proposing to consult with the community, or is it not considered necessary to consult with the community before turning a nature reserve into a large car park?

**MR STEEL:** I thank the member for her question. We are not the proponent of the proposal; it has been put forward by the Australian War Memorial. I imagine that they will certainly be considering community expectations and that as this moves forward through the planning process and through Minister Gentleman's department there will be requirements in relation to community consultation.

**MR COE:** Minister, is the government supportive of the Australian War Memorial expansion and associated works?

**MR STEEL:** In relation to the specific issue of the car park, I can say that we have in-principle support subject to the matters that I have outlined in the Assembly today, considering the ecological heritage and environmental impacts of the proposed construction area.

**Mr Coe:** Point of order.

**MADAM SPEAKER:** Point of order, Mr Coe?

**Mr Coe:** It is regarding relevance. The specific question was: does the government support the Australian War Memorial expansion and associated works. He might well have addressed the associated works, but he has not addressed the crux of the question.

**MADAM SPEAKER:** I think he is still within the policy remit. The primary question was around the associated works to deal with the car park, so there is no point of order. Do you have anything to add, Mr Steel?

**MR STEEL:** No.

### **ACT Health—workplace culture**

**MRS KIKKERT:** Madam Speaker, my question is to the Minister for Health. A report published in July 2019 showed that a quarter of all complaints from ACT Health staff were about bullying and harassment. Why does bullying and harassment in the ACT's health system continue to be rife even after all the attention that has been paid to it?

**MS STEPHEN-SMITH:** I am not entirely sure which report Mrs Kikkert is referring, but I thank her for the question. Culture across the health sector is very important, and that was why the government commissioned the independent review into workplace culture within the ACT public health services and why it has committed to the implementation of all 20 recommendations made by the independent review.

I commend the former Minister for Health and Wellbeing, Meegan Fitzharris, for the very hard work she did on this matter and her absolute commitment to ensuring that these issues were addressed. Of course we are committed to the implementation of the 20 recommendations of the report. The culture review oversight group, which former Minister Fitzharris chaired and which I will now take over chairing, has met twice to oversee that process.

Last week I met for the first time with the clinical leadership forum responding to some of the primary findings of the review that clinical leaders across the organisation need to take more responsibility in terms of both service delivery and cultural leadership within the organisation.

We recognise that it will take time to change the culture overall of the health services, but a lot of work is already underway within both the ACT Health Directorate and Canberra Health Services around embedding the values they hold and ensuring that staff are aware of those values and are empowered to speak up when they see behaviours that are not acceptable according to those values, and they will be heard.

**MRS KIKKERT:** Minister, in addition to implementing the 20 recommendations, what is the short-term plan to deal with the current problems?

**MS STEPHEN-SMITH:** I thank Mrs Kikkert for her supplementary. As I have just mentioned, the first recommendation of the culture review was to re-engage with staff to ensure that values are lived and embraced at all levels of the organisation. Within Canberra Health Services there has been a wide consultation with staff about the vision and role that they have for Canberra Health Services, and that has then led to a second consultation about values and behaviours. The final part of that consultation is currently underway where they have identified four key values relating to behaviours, and staff are being asked to identify specific sentences that speak to them about the way that they expect everybody in the organisation to behave.

Within the ACT Health Directorate they have undertaken a significant values refresh process, engaging 25 staff to work up that process and then more than 200 staff will be participating in a world cafe style discussion about what those values will be. It is the start of a process.

There are also processes underway with both the CEO of Canberra Health Services and the Director-General of the ACT Health Directorate making themselves directly available to staff who want to come to talk to them about the way that they experience the workplace and any issues that they have. There is also work underway in terms of strengthening the human resources capability of both the directorate and, particularly, Canberra Health Services.

We know that the experience reflected in the culture review was that the response from the human resources areas was not what we would have expected. There is significant work underway within Canberra Health Services to both expand and strengthen the human resources capability so that when staff have complaints those complaints are handled appropriately.

**MRS DUNNE:** Minister, what is your plan to ensure that immediate action is taken to address the issues highlighted, for instance, in today's *Canberra Times* and also highlighted at the ALP recent conference, that bullying, harassment and racism are still at this moment rife in the hospital?

**MS STEPHEN-SMITH:** I thank Mrs Dunne for the supplementary question. I have spoken to some of the work that is underway within both the Health Directorate and particularly in Canberra Health Services. It is always disappointing to hear that staff are subject to bullying, harassment, workplace stress or, indeed, occupational violence. These are not acceptable in our health service or across the ACT public service. That is why the ACT public service as a whole is developing both an occupational violence strategy and a workplace mental health strategy.

Within Canberra Health Services in particular, there is work going on in particular areas of Canberra Health Services that have been identified as being, I guess, problem areas. We do not particularly want to talk publicly about those individual areas where specific work is happening because that would stigmatise the staff in those areas. The last thing that we want to do is add to the workplace stress of staff by identifying particular areas where those issues are taking place.

But I can assure members of the Assembly that the directorate is working very closely with staff and with union representatives to identify those areas and to work with staff in those areas to develop a stronger culture of respect and understanding of the behaviours that are expected of staff and empowering staff to speak up when they see that those behaviours are not what they are seeing day to day.

### **Employment—labour market**

**MS CHEYNE:** My question is to the Chief Minister. Chief Minister, how has the ACT labour market performed over the past year, and what does this mean for Canberra households?

**MR BARR:** I thank Ms Cheyne for the question. In short, the ACT labour market has performed exceptionally well. In the past year, 4,300 more Canberrans found a job. That has taken total employment in the territory to 232,500, which I believe to be an all-time record. Our unemployment rate stands at 3.4 per cent, which remains the lowest rate of unemployment in the nation. In fact, the ACT has had the lowest unemployment rate in the country since September 2017, or for 22 consecutive months.

In this year's budget, we estimated that jobs growth over 2018-19 would come in at around one per cent for the year. With the fiscal year now concluded, it is great to see that a period of very strong jobs growth in the final quarter of the year brought that final jobs growth number to 1.9 per cent.

We will keep our focus on creating more good jobs in our economy in the months and years ahead because we know that this is central to helping families meet their needs and enjoy a higher standard of life.

Of the new jobs that have been created, it was particularly pleasing to see the split between full-time and part-time jobs.

**MS CHEYNE:** Chief Minister, what sort of jobs are being created, and who is getting them?

**MR BARR:** The answer to that is all kinds of jobs, and everyone is benefiting. Of the 4,300 new jobs created in the 12 months to June 2019, 3,400 were full time and the remaining 900 were part time, creating jobs that suit people in a variety of different circumstances. We have a particular focus, of course, on growing full-time jobs in Canberra because we know that the quality of new jobs matters just as much as the total number of them.

I can report that both our male and female participation rates also increased over the last year. Not only do we have amongst the highest participation rates in the country, it is worth noting that our female participation rate is six percentage points higher than either New South Wales or Victoria. Women's participation in the workforce shows that the right kinds of jobs are on offer in our community, along with the supports to help with caring and other responsibilities that too often fall to women in our society. The ACT's female workforce participation rate is testament to our city's inclusiveness.

It is also another important source of financial security for Canberra households because in this jurisdiction both women and men can find good jobs that meet their family's needs and their individual circumstances.

**MR PETTERSSON:** Chief Minister, how is youth unemployment tracking in the territory?

**MR BARR:** The ACT economy has also been performing incredibly strongly when it comes to creating jobs for young people. Our unemployment rate for people aged 15 to 24 is currently the lowest it has been since 2008, so we are seeing the strongest labour market for young people in over a decade.

The unemployment rate for young Canberrans has fallen by over two per cent in the past 12 months. As of the June data it was a little over half the rate of youth unemployment seen nationally, so the ACT's unemployment rate is half that of the national rate.

This is important because a young person's first steps into the workforce have a significant impact on their longer term employment outcomes, and if young Canberrans can finish their education and move straight into a good job they will be well placed to keep on building their careers from there. Giving more young people the chance to find a good job avoids the huge waste of talent, energy and skills that comes from people being unemployed or out of the labour force for long periods.

Canberra's very strong jobs market is providing more opportunity and better economic security for young people, women and men. This is why the government will continue our efforts of economic diversification to continue to see the ACT economy grow faster than the rest of the nation and to attract more investment into the ACT economy. The evidence so far is that this approach has been delivering for a number of years now.

### **ACT Health—radiotherapy**

**MR PARTON:** My question is to the Minister for Health. Minister, I refer to the Canberra Health Services budget strategic objective 9, "Improving timeliness of access to radiotherapy services". The estimated outcome for 2018-19 was that only 70 per cent of palliative care patients started treatment within the recommended two weeks. Only 50 per cent of radical care patients started treatment within the recommended four weeks. The target for both classes was 90 per cent and remains so for this year. When your predecessor became health minister in 2016, the outcomes

were 84 and 86 per cent respectively. In 2012-13 they were 100 and 98 per cent respectively. Minister, why are so many patients who need radiotherapy not starting treatment within the recommended times?

**MS STEPHEN-SMITH:** I thank Mr Parton for the question. I will take that question on notice.

**MR PARTON:** Minister, how many patients have had poor clinical outcomes due to the failure of the ACT's health system to start their treatment on time?

**MS STEPHEN-SMITH:** While rejecting the premise of that question, I will take the detail on notice as to whether any patients have had poor clinical outcomes.

**MRS DUNNE:** Minister, what is your plan to turn around the poor performance of the government in this vital area of providing timely radiotherapy services to patients in need?

**MS STEPHEN-SMITH:** I thank Mrs Dunne for the supplementary question. I can assure her that the CEO of Canberra Health Services is absolutely committed—and it is one of her highest priorities alongside culture—to the implementation of the timely care strategy to ensure that Canberrans are getting the right care at the right time in the right place, particularly within the hospital, to reduce demand, to divert patients to the most appropriate service, to maximise capacity and to improve patient flows.

This work is being driven by a very close watching of data across the Canberra Hospital to ensure that we can better utilise the beds that are available to ensure that we understand exactly where blockages are and that we can address those. Issues like getting patients released from hospital earlier, the one before nine strategy, seeing patients out of hospital in a timely way, discharged in a timely way including through the new discharge lounge that has been established to ensure that patients can move into the dispatch lounge a bit earlier than they might have otherwise been able to, freeing up beds. There is a lot of work going on in relation to the timely care strategy and Mrs Dunne is welcome to a full briefing on that if she would like one.

### **Health—nurse-led walk-in centres**

**MR PETTERSSON:** My question is to the Minister for Health. Minister, could you update the Assembly on the successes of nurse-led walk-in centres?

**MS STEPHEN-SMITH:** I thank Mr Pettersson for the question and for his interest in nurse-led walk-in centres.

This month we celebrated the five-year anniversary of the opening of two new nurse-led walk-in centres in Tuggeranong and Belconnen by the ACT Labor government. These two centres evolved from the successful model of the walk-in centre based at the Canberra Hospital, providing community-based, free primary healthcare services where and when people need them. The Tuggeranong and Belconnen walk-in centres treated more than 46,000 patients last financial year. That

is 46,000 patients treated by skilled, advanced practice nurses and nurse practitioners with extensive experience and training.

Since the opening of the Belconnen and Tuggeranong nurse-led walk-in centres, the government has embarked on a project to expand the walk-in centre network around the territory. By the end of 2020 there will be five nurse-led walk-in centres around Canberra.

The establishment of walk-in centres has meant that the government has invested in 26 more advanced practice nurses and eight nurse practitioners to provide specialised health care to the Canberra community. The additional two walk-in centres will see another 23 new nursing positions created to deliver primary health care for our city.

The past five years has seen a growth in nurse-led health care around Canberra because this government has made the investments necessary to support our nurses and our community in growing our walk-in centre network. The past five years of successes in nurse-led walk-in centres has shown that nurses are an absolutely critical aspect of our healthcare system in the ACT. It is important that we continue to treat them with the respect they deserve, the respect that is duly afforded to any professional with extensive education, training and skills.

**MR PETTERSSON:** Minister, what is happening in respect of the future of nurse-led walk-in centres?

**MS STEPHEN-SMITH:** I thank Mr Pettersson for the supplementary. A new nurse-led walk-in centre opened in Gungahlin in 2018, as Mr Gupta mentioned, and has since been seeing, on average, over 50 patients a day. Up to 200 patients per day are seen across the three nurse-led walk-in centres.

Announced in June this year, work on the new Weston Creek walk-in centre is already underway and it is due to open later this year. Of course, in the budget the government announced its plans for a new inner north walk-in centre to be located in Dickson. The inner north walk-in centre will be our fifth walk-in centre and will continue building on the success of the walk-in centres over the past five years.

The expansion of the walk-in centre network demonstrates this Labor government's commitment to a modern, innovative and person-centred health system. Certainly, many Canberrans that I speak to in my electorate are very excited to have the opportunity of a walk-in centre coming to them, and I look forward to its opening next year.

Walk-in centres are one of the territory's stand-out public health success stories. Canberra is better for having nurse-led walk-in centres. Building on the positive work of Minister Fitzharris, this government will get on with the job of making record investments in health, expanding the walk-in centre network and supporting our nurse practitioner workforce.

Health is one of the most critical aspects of our society's wellbeing. It is important to everyone, and it makes sense to invest in health care when and where our community



needs it. That means providing many different forms of health care to address the diverse needs of Canberrans. Unfortunately, it is entirely clear that those opposite do not share our views on this matter, and continue not to support our nurses and our nurse-led walk-in centres.

**Mr Hanson:** That is a lie.

**MADAM SPEAKER:** Mr Hanson, you will withdraw that.

**Mr Hanson:** I withdraw.

**MADAM SPEAKER:** I think you were getting to your feet with a supplementary, Ms Cody.

**MS CODY:** I was, Madam Speaker. Minister, what can be treated at a nurse-led walk-in centre?

**MS STEPHEN-SMITH:** I thank Ms Cody for her supplementary. They could probably help with your cough, Ms Cody. There is an extensive range of conditions that can be treated by the walk-in centres, from suturing lacerations, assessment and treatment of simple fractures, sprains and colds, through to mastitis and eye infections. The top presentations at walk-in centres are for upper respiratory tract infections, wounds, musculoskeletal conditions, skin conditions, and ear, nose and throat concerns. Thankfully, patients are not presenting with all these things at the same time.

It is important to note that the walk-in centres do have their limits. If anyone presents to a walk-in centre for conditions that are unable to be treated there, whether more serious conditions, requiring specialist medicines, or if the patient is under two years of age, the nurses will assist in making alternative arrangements ranging from calling an ambulance in extreme situations, and supporting people's needs while they are waiting a very brief time for an ambulance arrival, through to contacting GPs for appointments where appropriate.

Following treatment in a walk-in centre, and where patients consent, the nurses will send correspondence to a person's GP to ensure that they are aware of the presentation, the findings and the treatment provided. Treatment protocols for the walk-in centres are managed and approved by an active committee that comprises representatives from the GP community, healthcare consumers and the ACT Ambulance Service.

New protocols are regularly being developed and implemented, such as the recent addition of the management of dental pain. I have no doubt that we will continue to see the nurse-led walk-in centres mature as a part of our comprehensive territory-wide health services, providing people with the right care at the right time. Having recently attended the five-year celebration of the walk-in centre in Belconnen and having the opportunity to spend time with the nurses there, I have great faith in the work, care and treatment that nurses in our community provide each and every day.

**ACT Health—flu strategy**

**MR HANSON:** My question is to the Minister for Health: in your answer to estimates question on notice E19-285 about the bad flu season you said that nearly 1,000 people had presented to the Canberra Hospital with the flu between 11 May and 20 June this year. Patients have been kept in corridors in the emergency departments at both the Canberra Hospital and Calvary hospital, however ACT Health's winter bed strategy did not start until 11 July. Why was the winter bed strategy not planned to start until 11 July, a month and a half into winter and fully two months after the first flu case presented to the ED?

**MS STEPHEN-SMITH:** I thank Mr Hanson for his question. The influenza season is ongoing in the ACT with the number of cases increasing since early May, but it is important to point out that this was the earliest start to an influenza season in 10 years. Despite the early start to the season the current level of activity, while high, is not unusual when compared to previous seasons.

Current influenza activity in the community remains high, however, numbers have started to decrease since mid-July. It is too early to predict if notification numbers will continue to decline in the coming weeks and, of course, we have now implemented the winter bed strategy.

I can update the Assembly in relation to numbers: between 1 January and 21 July 2019 there have been 2083 notifications of influenza reported to the Health Directorate. In comparison there were 182 notifications in the same period in 2018. This probably goes some way to explaining why the winter bed strategy was scheduled to start in July, because this was an unusually early start to the influenza season.

**MR HANSON:** Minister, what infection control measures were put in place to limit the risk of the flu virus spreading when patients were being kept in corridors? It is pretty outrageous, to be honest.

**MS STEPHEN-SMITH:** I thank Mr Hanson for the supplementary and ignore his commentary around it.

*Mr Hanson interjecting—*

*Mr Wall interjecting—*

**MADAM SPEAKER:** Mr Hanson and Mr Wall! You asked a question; allow it to be answered.

**MS STEPHEN-SMITH:** There are, of course, infection control procedures in place at all times in the hospital. This is a very significant issue in any hospital. The safety of patients and protection from infection are important at all times in every season. I will take on notice Mr Hanson's question in relation to whether there were any specific measures put in place.

**MRS JONES:** Minister, why is it that every time I go and stand outside Mawson shops, yet another nurse from the emergency department who lives in the area comes up to me and tells me that she is appalled that there are staff assigned to the corridors and that the winter plan was so slow in getting going?

**MS STEPHEN-SMITH:** I thank Mrs Jones for the supplementary question. As I said in my response to the first question, this was the earliest start to an influenza season in the past 10 years. This has—

*Mrs Jones interjecting—*

**MS STEPHEN-SMITH:** In relation to the rest of the question, I refer Mrs Jones to previous answers.

### **Public housing—renewal program**

**MS CODY:** My question is to the Minister for Housing and Suburban Development. Can the minister provide an update on the start of the new public housing growth and renewal program?

**MS BERRY:** From 1 July this year—

*Opposition members interjecting—*

**MS BERRY:** I have only just started speaking today, Madam Speaker, and the first words out of my mouth—

*Opposition members interjecting—*

**MADAM SPEAKER:** Members on my left, patience is running thin.

**MS BERRY:** Thank you, Madam Speaker. From 1 July this year the first \$20 million of a \$100 million investment kick-started the growth and renewal of public housing across Canberra.

*Mr Hanson interjecting—*

**MADAM SPEAKER:** That is enough, Mr Hanson.

**MS BERRY:** Over the next five years 1,200 brand new homes will be built for current and future public housing tenants, replacing 1,000 of the older, less efficient homes and building an extra 200.

This is the single largest per capita investment in public housing in the country. This program will provide more modern homes for Canberrans who need long-term secure and affordable housing. Three hundred and forty-three of the 1,200 new dwellings are already in the planning, design or construction phase, with the rest of the homes to be developed over the next five years.

Tenants have already started to move into their new homes that better suit their needs and are more energy efficient, lowering power bills and helping with the cost of living. The ACT government is committed to making housing more affordable and accessible, and the growth and renewal program is delivering more housing for Canberrans who need it most.

**MS CODY:** Minister, how will the program impact the lives of public housing tenants?

**MS BERRY:** I thank Ms Cody for the supplementary. I have seen the changes these new homes make on the lives of the tenants, and I will share a story of a couple I met recently. The Rentons had lived in their Wanniasa home for the past 38 years. In that time it had served them well; they raised their kids there. But with their kids all grown up and having moved out they had been looking to downsize and move into a property that would be easier to manage as they got older.

The Rentons were some of the first tenants to move into a new home as part of the new growth and renewal program, with their old home to be demolished and redeveloped into brand new public housing. The Rentons have moved into a brand new, fully accessible two-bedroom home with a small yard which will suit their needs for many years to come.

Building new homes for families like the Rentons is important to meet the housing needs for Canberrans who need some help from the community. Half of public housing households include at least one person with a disability, so new homes must be built to be accessible for more tenants.

It was really great to meet the Rentons in their new home, and I look forward to meeting more tenants as they move into their new homes over the coming years.

**MS ORR:** How does this program build on the previous public housing renewal program?

**MS BERRY:** This builds on the 1,288 homes that have been built and renewed over the previous renewal program. While the previous program focused on the renewal of some of our oldest and least efficient public housing across 13 sites, this new program will see homes built all across the city. The growth and renewal will predominantly focus on the better use and development of existing Housing land, for example, replacing an older, inefficient house on a large block with two accessible, modern homes that are easier to maintain.

The heart of this program are the people who need a new home, with the first batch of development occurring on sites where tenants have already indicated that they wish to move. Housing ACT will work with these tenants over a long period of time to identify the right homes that will suit their needs. Then, once complete, the development and renewal of their old home can begin.

This program will give tenants more options of where to live by increasing housing stock in areas where there has not been much before, for example, in Gungahlin. I am proud of this government and its delivery of more public housing for Canberrans. I will continue to update the Assembly as the program continues.

### **ACT Health—workplace culture**

**MRS JONES:** My question is to the Minister for Health. Minister, during estimates your predecessor undertook to publicly release the results of the 2019 ACT Health workplace culture survey. Minister, please confirm that the outcome of this survey will be released, when that will be, and whether it will be in full.

**MS STEPHEN-SMITH:** I thank Mrs Jones for the question. I can confirm that it will be released, but I will have to take the question on notice in relation to the time frame on that.

**MRS JONES:** Minister, will the survey results be released in full, and why have they not been released in the past?

**MS STEPHEN-SMITH:** I thank Mrs Jones for the supplementary. I think she would understand that my capacity to answer a question about why something has not happened in the past is pretty limited. I think the answer is that I might as well release it in full, because it will be FOI-ed if I do not.

**MRS DUNNE:** Minister, what is your plan for creating complete openness when it comes to identifying and dealing with workplace culture issues in the ACT health system?

**MS STEPHEN-SMITH:** I think I have responded in part to Mrs Dunne's supplementary, for which I thank her. I think I have a record in my other portfolios of being transparent and, indeed, increasing the amount of reporting to the Assembly. I am absolutely committed to transparency and, again, I might as well be, because everything we do and say within the Health portfolio is FOI-ed anyway so I do not lose anything by getting out in front of it and putting it out in my own time.

### **ACT Health—executive remuneration**

**MISS C BURCH:** My question is to the Minister for Health. Last year your predecessor promised that the staff budget for public health services would not increase as a result of the restructure of ACT Health. We have since found out from a question on notice that the executive staffing budget for ACT public health services has increased by over \$1 million. Minister, why has the cost of executive staffing blown out by over \$1 million?

**MS STEPHEN-SMITH:** I thank Miss Burch for the question. I recall answering another question on notice in relation to executive staff numbers which did not seem to indicate a significant increase in the number of executive staff. I will take the detail of the question on notice, but it may be that, as a result of restructuring, and

considering the appropriate structure of either the ACT Health Directorate or Canberra Health Services, it was determined that an extra executive position was required or that there was extra remuneration required to get the right skills in the right positions. I will take the detail on notice.

**MISS C BURCH:** Minister, you may need to take this on notice as well: from what existing resources has this increase in the executive staff budget been funded?

**MS STEPHEN-SMITH:** Miss Burch is right: I will take the question on notice.

**MRS DUNNE:** Minister, what is your plan to ensure that front-line health services get priority over executive and management staffing?

**MS STEPHEN-SMITH:** I think the government has a record, including in the last budget, of significant investment in front-line health services. It should also be noted that executives across Canberra Health Services often are part of supporting that front-line team. So I do not think that you can say that investing in an experienced executive staff member is not, in fact, supporting front-line services.

We have a strong record of investing in front-line services across Canberra Health Services: within Canberra Hospital; the expansion of Calvary hospital; the expansion of the Centenary Hospital for Women and Children; of course, the expansion of the nurse-led walk-in centre network; and the continued investment in our community health centre network. So across Canberra Health Services, we continue to invest in front-line services to ensure that Canberrans get the health care they need where and when they need it.

### **Budget—municipal services**

**MS ORR:** My question is to the Minister for Transport and City Services. Following last month's budget what new services is the government providing for Canberrans?

**MR STEEL:** I thank Ms Orr for her question. The ACT government is continuing to provide more and better services for our community and last month's budget demonstrates the many ways we continue to deliver for Canberrans. We know that Canberrans are active and effective recyclers. We have very low waste contamination, and our government is working to divert 90 per cent of waste from landfill by 2025. Since the last election our government has delivered on the commitment to provide green bins to every Canberra household, a highly popular and highly utilised service. Now we look towards the next step: food waste.

Around 143,000 tonnes of organic waste goes into landfill each year. Food scraps and other organics make up approximately 37 per cent of the content of our garbage bins, and this is something that we are working to take action on with funding through the budget to help develop a food waste avoidance campaign to raise awareness amongst residents and businesses as to the volumes of food we waste every year and what steps can be taken to reduce waste in the first place. Food scraps will always make their way into our bins, and our government will begin the important step of planning for a citywide organics collection service as well.

In terms of other new services, we know that Canberrans are very fond of their four-legged friends. We are making it easier for dog owners in particular with upgrades to and maintenance of dog parks across the city, including reseeded grass and providing dog waste bag dispensers in key locations around the city, a small but important change that I am sure dog owners will appreciate. By investing in new services our government is continuing to deliver against the needs of the Canberra community.

**MS ORR:** Minister, can you outline how the government continues to deliver better services for our suburbs?

**MR STEEL:** I thank Ms Orr for her supplementary. Along with providing new services, we are continuing to do more and better work with the existing services that we deliver through Canberra, more of all the essential services that our city needs as we continue to grow.

We are investing in additional street sweeping capacity so that we can sweep more roads more often to keep our city beautiful and reduce leaf litter making its way into our water network. Work will begin on two new depots, with an upgrade to the Nicholls TCCS depot and planning for a new depot for the Molonglo Valley. This will help our city services workers service the Woden-Weston area, the growing Molonglo region and the burgeoning suburbs of Gungahlin. More investment will be dedicated to maintenance of our road network, including street sweeping and maintenance of our traffic lights and streetlights, along with community and bike paths.

There is an increase in funding to ensure that new houses receive rubbish and recycling collections, providing more essential waste services as our city grows, and also to provide more rubbish and recycling bins at our group centres throughout Canberra. We are hiring more essential staff to deliver our city services, with more arborists protecting and growing our urban forests, more compliance officers keeping our city safe, and ensuring that we have secure employment for those who are working in Transport Canberra and City Services in particular.

With these significant investments our government is making, we will continue to deliver more and better services throughout our growing city.

**MR GUPTA:** Minister, will food organic and garden organic collection services be integrated as part of the popular green bins service?

**MR STEEL:** I thank Mr Gupta for his question and for his interest in responsible waste management and the environment. Providing food organic and garden organic collection services will be a significant undertaking, and we want to get it right so that Canberrans enjoy high quality services.

The green bins collection service remains incredibly popular. As of 30 June this year, 69,000 households had registered for the scheme. The contamination rate has been very low, at 0.01 per cent, which reflects the commitment of Canberrans to this new and popular service.

Funding from the budget means that we can begin undertaking early planning for a food organics collection service. But before it is rolled out, we need to ensure that we have the processing infrastructure in place to ensure that the material can be collected but then processed, and go to the right markets to achieve the circular economy principles that we have.

There is a range of food organic processing facilities that are available and have been tested in other jurisdictions. The technologies range from vermi-composting right through to open windrowing, aerated static piles, in-vessel composting and fully enclosed composting, to name a few. We need to find out what processing facility is right for the ACT.

Research undertaken on a food organic and garden organic collection model outlines the benefits that could be gained by merging this service with green bins, using our existing waste collection contracts which conclude in 2023. The planning work is being undertaken now, with that time line in mind. Our government will continue to work to ensure that we provide better services to Canberrans and responsibly manage our waste and the environment.

### **Mental health—emergency presentations**

**MR WALL:** To continue the theme, my question is to the Minister for Health. Minister, as at 13 June 2019 ACT Health’s risk register identifies “a risk of patients with identified serious mental health illness having long waits within the Emergency Department at Canberra Hospital and other general hospital wards prior to transfer to an appropriate mental healthcare location.” The risk is classified as a high risk.

A number of actions were identified to be taken but they all had long action-by dates, some stretching out as far as March 2020, and none had been allocated to any one redress. Minister, why is a high risk not attracting a high priority of action within the health department?

**MS STEPHEN-SMITH:** I thank Mr Wall for the question, and I can assure him that this matter is attracting a high priority within Canberra Health Services and the Health Directorate. Within Canberra Health Services in particular it was in fact an issue that was raised with me as something that was being worked on quite early in my time after I became health minister.

Of course there are a number of issues in relation to this. There is the support for people presenting to emergency with mental health challenges, and that is a specific area of work that is being undertaken. As Mr Wall said, there are a number of actions in relation to that.

There is also the work around supporting staff to better manage their interaction with people who may be experiencing an acute mental health condition, and we did invest in the budget—and again this going forward; it is around the feasibility work—for the police, ambulance and clinician early response to people experiencing acute mental health crises to ensure that we have a better coordinated response to people in those



situations to try to reduce the number of people who are in emergency experiencing an acute mental health condition.

**MR WALL:** Minister, on average in 2018-19, how much time did patients presenting with a serious mental health illness spend in either emergency departments or general wards before being admitted into appropriate mental healthcare locations?

**MS STEPHEN-SMITH:** I will take that question on notice.

**MRS DUNNE:** Minister, what is your plan to accelerate actions identified in this area of the risk register?

**MS STEPHEN-SMITH:** I thank Mrs Dunne for the supplementary. As I have said, this is an area of high priority for Canberra Health Services. It is an area where, of course, the mental health portfolio and the broader health portfolio have to work very closely together to ensure that people who are presenting with mental health challenges are getting the support they need, where they need it. I will take this on notice, providing if I can, some further information to Mrs Dunne in terms of more detailed time frames than may have been available previously.

### **Government—health policy**

**MRS DUNNE:** My question is to the Minister for Health. What is your plan to turn around the failures of successive Labor health ministers over the past 18 years in emergency department waiting times, long elective surgery waiting lists, gaps in specialist services, overcrowding in emergency and maternity departments, ageing infrastructure and equipment, a toxic workplace culture, and delays and poor planning processes for new infrastructure?

**MS STEPHEN-SMITH:** I am not sure that Mrs Dunne could possibly expect me to respond to that question in two minutes to outline all of the significant investments the ACT government is making across the Canberra Hospital, the Centenary Hospital for Women and Children, the Calvary Public Hospital Bruce and other areas of the health system to address the multiple matters that Mrs Dunne has raised. We know that there is always more to do in any health system. There is not a health system in the country or probably around the world that does not face challenges around emergency department waiting times and elective surgery waiting lists, and this is why the timely care strategy is a top priority for the CEO of Canberra Health Services.

The timely care strategy is a multifaceted strategy that is about reducing demand, diverting patients to the most appropriate service, maximising capacity and improving patient flows. I note also that there are significant investments that the ACT government is making to support that. For example, the 2019-20 budget builds on the previous initiatives around emergency services and care with an additional two senior staff specialists to be recruited to Canberra Hospital ED to respond to increasing demand, building on the increase to ED staff delivered through the 2018-19 budget, which has grown front-line resourcing by 14 staff.

The ACT government will also increase the timeliness of treatment in ED by adding 12 medical beds at Canberra Hospital in 2019-20 to meet demand for acute inpatient services. The new beds will be added in medicine, surgery and aged care, freeing up places for admission in ED. This builds on the additional 68 beds to be added this year as a result of the government's investment through the 2018-19 budget.

**MRS DUNNE:** Minister, what is your plan to bring down the cost of providing hospital services so that they more accurately reflect the national efficient price?

**MS STEPHEN-SMITH:** I thank Mrs Dunne for the supplementary. I think the timely care strategy is also relevant in relation to this because I do get feedback that what we need is just more beds. But, in fact, we do have a challenge to use the beds that we have more efficiently. That is what timely care is all about: ensuring that those people who need the beds are in them and that those people who do not need the beds are able to be discharged in a timely manner. That is a key part of the timely care strategy.

What we also need to do is better understand the activity that is going on in hospital. There is a significant digital health strategy that, of course, Minister Fitzharris released a couple of months ago and a really significant investment in our data and digital capability to better understand what is happening in our hospitals, to better code what we are doing to ensure that we are tracking our services and the cost of those services appropriately.

**MR WALL:** Minister, what will you be doing differently and better over the next 15 months in the Health portfolio?

**MS STEPHEN-SMITH:** I thank Mr Wall for the supplementary, but I would say that I think I am very fortunate to come into the portfolio at a time when Minister Fitzharris has done an incredible amount of work in a wide range of areas, not only in relation to the culture review but in relation to the data issues that I have just touched on and the development of the digital health strategy; in relation to investment where it is needed; and in the planning for the SPIRE centre, the largest single investment, as I understand it, in health services, in a health facility, in the history of self-government.

Minister Fitzharris has done an incredible amount of work in the restructure of health services into the ACT Health Directorate and Canberra Health Services, and ensured that we have two exceptional leaders in Michael De'Ath as the Director-General of ACT Health Directorate and Bernadette McDonald as the CEO of Canberra Health Services. Both of them are working very hard to ensure that they are empowering the leadership teams that they have around them and they are ensuring that those teams are empowering the people under them to deliver excellent health outcomes for the people of the ACT.

I will continue the work that Minister Fitzharris did, focusing on timely care, focusing on ensuring that the culture of our health services continues to improve, and focusing on investment across our health system, territory-wide, where and when we need it, to ensure that Canberrans continue to get excellent health care in this city.

**Budget—assistance for seniors**

**MADAM SPEAKER:** Mr Gupta, this is your first substantive question.

**MR GUPTA:** Thank you, Madam Speaker. My question is to the Minister for Seniors and Veterans. Can the minister outline for the Assembly what practical measures are in the budget to assist seniors across Canberra?

**MR RAMSAY:** I thank Mr Gupta for his question and welcome him not only to the Assembly but to question time. In this budget we have a great variety of measures across many portfolios which are specifically designed to assist our older Canberrans. We have increased our funding for the seniors card to support COTA to deliver the scheme, given the growing population of seniors across Canberra. We have also increased funding for the delivery of Seniors Week, to help connect seniors with groups and services of interest to them. That is a combined amount of \$162,000.

We have extended rebates and concession schemes to reduce the cost of living, including the pensioner duty concession scheme being extended and the life support rebate being increased by five per cent. We have continued our trial of free off-peak public transport for those who are over 70 and we continue to support the flexible bus service with an investment of \$860,000 to help our seniors move around the city more easily.

We have a significant investment in health services across the territory to make it easier for all Canberrans but particularly seniors. There are new walk-in centres, expansions to palliative care, more services at the Canberra Hospital for aged care patients, and more specialty services for seniors.

This budget is one that looks to the needs of seniors to ensure that they remain connected and integral members of the community, where they feel that they belong, where they feel that they are valued and where they have the opportunity to participate.

**MR GUPTA:** Minister, how are these measures supporting the social inclusion of seniors and reducing their cost of living?

**MR RAMSAY:** I thank Mr Gupta for the supplementary question. The budget continues the government's grant funding for organisations who support our seniors. Last year we increased the funding for this round to \$80,000 per year, and this funding continues in this year's budget.

The budget also increases our funding of Seniors Week. That week is a highlight for many of our seniors and is something that lifts their lives across the city. The Chief Minister's concert is a great excuse to get dressed up and to head out to listen to the band of the Royal Military College, and the Seniors Week Expo is a huge event just by itself. It is events like these that give opportunities for our seniors to be active and to be engaged with groups and causes across the city and to ensure that they remain fit and healthy.

We have also increased the funding for the seniors card program. This is one way we honour the older members of the community and it helps ease their cost of living. We place on record our thanks to the many businesses who participate in the scheme.

This year's budget also continues our support for the flexible bus service. This is a practical and very vital service helping to link our older Canberrans and those with mobility impairments in our city. It provides a door-to-door service to help those who use it get around Canberra, whether it is to medical appointments, to the shops or to their local community group.

This government wants to ensure that our senior Canberrans remain involved and connected, and this is shown in this year's budget.

**MS CHEYNE:** Minister, how will these measures support senior Canberrans access the health system?

**MR RAMSAY:** I thank Ms Cheyne for the supplementary question. I note that the government's work for seniors extends across many portfolios and that the government's budget shows our priorities. I am proud of this government's massive investment in the public health system and I want to place on record my deep appreciation to the former minister for health, Ms Fitzharris, for all of her work in this portfolio. She has made such a positive impact on the lives of Canberrans through this work and I am pleased to see the energy and the impact living on through Ms Stephen-Smith in the portfolio now.

The budget contains a large investment in the health system, which will directly benefit older Canberrans. There is an investment in acute services at the Canberra Hospital, which includes an increase in aged care beds, helping to improve older Canberrans' time in the hospital. There is a significant expansion in palliative care to help those in their final days and weeks. This includes an expansion of Clare Holland House to continue to provide high quality care with dignity and respect for more Canberrans at the end of their lives.

The expansion will deliver more inpatient beds as well as improved administration and clinical support services. We are also expanding palliative care services across Canberra's aged care facilities to integrate specialist services into their practice. This is in addition to the investments in services that many older Canberrans use such as strengthening rheumatology services, two new walk-in centres and the expansion to urology services at Calvary Public Hospital.

This government is continuing to invest in health services for seniors across the city. It is in our DNA to provide high quality health. This budget shows that we are not only investing in this but also ensuring that it serves our older Canberrans.

**Mr Barr:** I believe that all questions that can be asked have been asked, Madam Speaker. So I ask that all further questions be placed on the notice paper.

## **Supplementary answer to question without notice ACT Health—executive remuneration**

**MS STEPHEN-SMITH:** Miss Burch asked a question about executive remuneration which I believe I took on notice. I can advise that since the transition to the two organisations, both Canberra Health Services and the Health Directorate have restructured their executive positions to reflect the needs of the organisations. There have also been other priorities post transition which have required new executive positions that are not related to the transition—for example, the new coordinator-general of the office for mental health and wellbeing and the new executive branch manager for the implementation of the workplace culture review.

Those two positions and the creation of the CHS CEO, which is of course critical to leading the organisations, are the new positions that have been established, two of them completely unrelated to the transition to the new organisation. The annual remuneration cost for these three positions alone is around \$840,000, not including staffing on-costs. Some of the other increase relates to the determination of the ACT Remuneration Tribunal for the Head of Service, directors-general and executives across the ACT public service.

## **Matter of public importance Statement by Speaker**

**MADAM SPEAKER:** I wish to make a statement about today's discussion of a matter of public importance. This morning 10 members submitted matters for consideration, including our newest MLA, Mr Gupta. When I conducted the draw required by standing order 79, Mr Gupta's matter was drawn. Lucky first day, Mr Gupta.

Whilst there was some discussion between the Clerk and me as to whether Mr Gupta could lodge an MPI, no definitive precedent could be found, so I erred on the side of the view that, as Mr Gupta had been declared elected last week, he was eligible to lodge an MPI.

In the course of the morning, the Clerk found a reference in *House of Representatives Practice* that states:

As the Constitution provides that every Member shall take and subscribe an oath or affirmation of allegiance before taking his seat, a Member may not take part in the proceedings of the House ...

On one hand it could be interpreted that new MLAs can still lodge an MPI but can only participate in the actual MPI proceeding once they have been sworn in. Another view, which is applied for MLAs who are suspended, is that a new MLA cannot lodge MPIs, petitions or notices of motion.

I took the view this morning that the MPI should still be printed on the daily program, but after having discussions with members this morning, I think the best course of

action is for Mr Gupta, when we get to matters of public importance, to seek leave to discuss his MPI. If members grant him leave, he can discuss that matter.

During the course of this afternoon I have noted that the *Companion to the standing orders*, in the footnotes on page 54, provides further clarity on the grey area which persists on this matter. Given that we have a new member sworn in mid-term only on rare occasions, I think we will proceed with seeking leave, Mr Gupta. I want to thank Mr Wall and Mr Rattenbury for their consideration of this matter during the day.

## Papers

**Madam Speaker** presented the following papers:

Ethics and Integrity Adviser for Members of the Legislative Assembly for the Australian Capital Territory, pursuant to Continuing Resolution 6A of the Assembly of 10 April 2008, as amended 21 August 2008—Report for the period 1 July 2018 to 30 June 2019, dated 3 July 2019.

Ombudsman Act, pursuant to section 21—ACT Ombudsman—Quarterly report for the period 1 April to 30 June 2019, dated 29 July 2019.

Legislative Assembly (Members' Superannuation) Act, pursuant to section 11A—Australian Capital Territory Legislative Assembly Members Superannuation Board—Annual Report 2018-2019, dated 29 July 2019.

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

6/2019—ICT Strategic Planning, dated 21 June 2019.

7/2019—Referral processes for the support of vulnerable children, dated 27 June 2019.

Inspector of Correctional Services Act, pursuant to subsection 30(2)—Report of a Review of a Critical Incident by the ACT Inspector of Correctional Services—Assault of a detainee at the Alexander Maconochie Centre on 1 January 2019 (CIR 01/19), dated 11 June 2019.

**Mr Gentleman** presented the following papers:

Administrative Arrangements—

Administrative Arrangements 2019 (No 1)—Notifiable Instrument NI2019-424, dated 26 June 2019.

Australian Capital Territory (Self-Government) Ministerial Appointment 2019 (No 1)—Notifiable Instrument NI2019-423, dated 26 June 2019.

Economic Development and Tourism—Standing Committee—Report 5—*Report on Annual and Financial Reports 2017-2018*—Government response.

Education, Employment and Youth Affairs—Standing Committee—Report 4—*Report on Annual and Financial Reports 2017-2018*—Government response.

Environment and Transport and City Services—Standing Committee—Report 8—*Report on Annual and Financial Reports 2017-2018*—Government response.

Health, Ageing and Community Services—Standing Committee—Report 6—*Report on Annual and Financial Reports 2017-2018*—Government response.

Justice and Community Safety—Standing Committee—Report 5—*Report on Annual and Financial Reports 2017-2018*—Government response.

Planning and Urban Renewal—Standing Committee—Report 8—*Report on Annual and Financial Reports 2017-2018*—Government response.

Public Accounts—Standing Committee—Report 5—*Report on Annual and Financial Reports 2017-2018*—Government response.

Public Accounts—Standing Committee—Report 6—*Inquiry into Commercial Rates*—Government response.

Education, Employment and Youth Affairs—Standing Committee—Report 5—*Standardised Testing in ACT Schools*—Government response, dated July 2019.

Administration and Procedure—Standing Committee—Report 12—*Protocols for Visits by Members to Government Schools*—Government response, dated July 2019.

Planning and Development Act—

Pursuant to subsection 242(2)—Statement of leases granted for the period 1 April to 30 June 2019, dated July 2019.

Pursuant to subsection 79(1)—Approval of Variation No 350 to the Territory Plan—Changes to definition of “single dwelling block”, dated 24 July 2019, including associated documents.

Pursuant to subsection 161(2)—Statement by Minister—Exercise of call-in powers—Development application No 201835109—Block 21 Section 30 Dickson, dated 11 July 2019.

End of Life Choices in the ACT—Select Committee—Report—Government response, dated 19 July 2019.

*ACT Mental Health Act 2015*—Review of the Authorised Period of Emergency Detention.

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

Legislation Act, pursuant to section 64—

Adoption Act—Adoption (Fees) Determination 2019 (No 1)—Disallowable Instrument DI2019-150 (LR, 27 June 2019).

Agents Act—Agents (Fees) Determination 2019—Disallowable Instrument DI2019-123 (LR, 27 June 2019).

Animal Welfare Act—Animal Welfare (Fees) Determination 2019—Disallowable Instrument DI2019-110 (LR, 27 June 2019).

Architects Act—Architects (Fees) Determination 2019—Disallowable Instrument DI2019-111 (LR, 27 June 2019).

Associations Incorporation Act—Associations Incorporation (Fees) Determination 2019—Disallowable Instrument DI2019-165 (LR, 27 June 2019).

Births, Deaths and Marriages Registration Act—Births, Deaths and Marriages Registration (Fees) Determination 2019—Disallowable Instrument DI2019-122 (LR, 27 June 2019).

Building Act—

Building (ACT Appendix to the Building Code) Determination 2019 (No 3)—Disallowable Instrument DI2019-175 (LR, 28 June 2019).

Building (Fees) Determination 2019—Disallowable Instrument DI2019-112 (LR, 27 June 2019).

Building (General) Amendment Regulation 2019 (No 1)—Subordinate Law SL2019-17 (LR, 27 June 2019).

Building (Minimum Documentation and Information for Building Approval Applications—Class 2-9 Buildings) Guideline 2019—Disallowable Instrument DI2019-178 (LR, 1 July 2019).

Canberra Institute of Technology Act and Financial Management Act—Canberra Institute of Technology (CIT Board Member) Appointment 2019 (No 2)—Disallowable Instrument DI2019-99 (LR, 20 June 2019).

Casino Control Act—Casino Control (Fees) Determination 2019—Disallowable Instrument DI2019-157 (LR, 27 June 2019).

Cemeteries and Crematoria Act—Cemeteries and Crematoria (Public Cemetery Fees) Determination 2019 (No 1)—Disallowable Instrument DI2019-105 (LR, 24 June 2019).

City Renewal Authority and Suburban Land Agency Act and Financial Management Act—

City Renewal Authority and Suburban Land Agency (City Renewal Authority Deputy Chair) Appointment 2019—Disallowable Instrument DI2019-96 (LR, 20 June 2019).

City Renewal Authority and Suburban Land Agency (City Renewal Authority Member) Appointment 2019 (No 1)—Disallowable Instrument DI2019-97 (LR, 20 June 2019).

City Renewal Authority and Suburban Land Agency (City Renewal Authority Member) Appointment 2019 (No 2)—Disallowable Instrument DI2019-98 (LR, 20 June 2019).

City Renewal Authority and Suburban Land Agency (Suburban Land Agency Member) Appointment 2019 (No 1)—Disallowable Instrument DI2019-104 (LR, 21 June 2019).

Civil Law (Wrongs) Act—

Civil Law (Wrongs) The Bar Association of Queensland Professional Standards Scheme 2019—Disallowable Instrument DI2019-172 (LR, 28 June 2019).

Civil Law (Wrongs) The Law Society of Western Australia Professional Standards Scheme 2019—Disallowable Instrument DI2019-171 (LR, 28 June 2019).

Civil Law (Wrongs) The Victorian Bar Professional Standards Scheme 2019—Disallowable Instrument DI2019-170 (LR, 28 June 2019).



## Climate Change and Greenhouse Gas Reduction Act—

Climate Change and Greenhouse Gas Reduction (Climate Change Council Chair) Appointment 2019 (No 1)—Disallowable Instrument DI2019-149 (LR, 27 June 2019).

Climate Change and Greenhouse Gas Reduction (Climate Change Council Member) Appointment 2019 (No 1)—Disallowable Instrument DI2019-151 (LR, 27 June 2019).

Climate Change and Greenhouse Gas Reduction (Climate Change Council Member) Appointment 2019 (No 2)—Disallowable Instrument DI2019-152 (LR, 27 June 2019).

Climate Change and Greenhouse Gas Reduction (Climate Change Council Member) Appointment 2019 (No 3)—Disallowable Instrument DI2019-153 (LR, 27 June 2019).

Climate Change and Greenhouse Gas Reduction (Climate Change Council Member) Appointment 2019 (No 4)—Disallowable Instrument DI2019-154 (LR, 27 June 2019).

Climate Change and Greenhouse Gas Reduction (Climate Change Council Member) Appointment 2019 (No 5)—Disallowable Instrument DI2019-155 (LR, 27 June 2019).

Clinical Waste Act—Clinical Waste (Fees) Determination 2019—Disallowable Instrument DI2019-103 (LR, 24 June 2019).

Community Title Act—Community Title (Fees) Determination 2019—Disallowable Instrument DI2019-132 (LR, 27 June 2019).

## Construction Occupations (Licensing) Act—

Construction Occupations (Licensing) (Fees) Determination 2019 (No 2)—Disallowable Instrument DI2019-113 (LR, 27 June 2019).

Construction Occupations (Licensing) Building Surveyors Code of Practice 2019—Disallowable Instrument DI2019-174 (LR, 28 June 2019).

Co-operatives National Law (ACT) Act—Co-operatives National Law (ACT) (Fees) Determination 2019—Disallowable Instrument DI2019-121 (LR, 27 June 2019).

## Court Procedures Act—

Court Procedures (Fees) Determination 2019—Disallowable Instrument DI2019-164 (LR, 27 June 2019).

Court Procedures Amendment Rules 2019 (No 1)—Subordinate Law SL2019-11 (LR, 27 June 2019).

Dangerous Goods (Road Transport) Act—Dangerous Goods (Road Transport) Fees and Charges Determination 2019 (No 2)—Disallowable Instrument DI2019-81 (LR, 13 June 2019).

Dangerous Substances Act—Dangerous Substances (Fees) Determination 2019 (No 2)—Disallowable Instrument DI2019-83 (LR, 13 June 2019).

Domestic Animals Act—Domestic Animals (Fees) Determination 2019 (No 1)—Disallowable Instrument DI2019-109 (LR, 27 June 2019).

Domestic Violence Agencies Act and Legislation Act—

Domestic Violence Agencies (Council) Acting Appointment 2019 (No 2)—  
Disallowable Instrument DI2019-59 (LR, 16 May 2019).

Domestic Violence Agencies (Council) Acting Appointment 2019 (No 3)—  
Disallowable Instrument DI2019-60 (LR, 16 May 2019).

Domestic Violence Agencies (Council) Acting Appointment 2019 (No 4)—  
Disallowable Instrument DI2019-61 (LR, 16 May 2019).

Domestic Violence Agencies (Council) Acting Appointment 2019 (No 5)—  
Disallowable Instrument DI2019-62 (LR, 16 May 2019).

Domestic Violence Agencies (Council) Acting Appointment 2019 (No 6)—  
Disallowable Instrument DI2019-63 (LR, 16 May 2019).

Duties Act, Rates Act, Land Rent Act and Land Tax Act—Rates, Land Tax,  
Land Rent and Duties (Certificate and Statement Fees) Determination 2019 (No  
1)—Disallowable Instrument DI2019-144 (LR, 27 June 2019).

Electoral Act—

Electoral (Fees) Determination 2019—Disallowable Instrument DI2019-71  
(LR, 6 June 2019).

Electoral Amendment Regulation 2019 (No 1)—Subordinate Law SL2019-9  
(LR, 23 May 2019).

Electricity Safety Act—Electricity Safety (Fees) Determination 2019—  
Disallowable Instrument DI2019-114 (LR, 27 June 2019).

Emergencies Act—Emergencies (Fees) Determination 2019—Disallowable  
Instrument DI2019-90 (LR, 17 June 2019).

Energy Efficiency (Cost of Living) Improvement Act—Energy Efficiency (Cost  
of Living) Improvement (Priority Household Target) Determination 2019,  
including a regulatory impact statement—Disallowable Instrument DI2019-75  
(LR, 3 June 2019).

Environment Protection Act—Environment Protection (Fees) Determination  
2019—Disallowable Instrument DI2019-124 (LR, 27 June 2019).

Financial Management Act—

Financial Management (Directorates) Guidelines 2019 (No 2)—Disallowable  
Instrument DI2019-73 (LR, 4 June 2019).

Financial Management (Statement of Performance Scrutiny) Guidelines  
2019—Disallowable Instrument DI2019-136 (LR, 27 June 2019).

Firearms Act—Firearms (Fees) Determination 2019—Disallowable Instrument  
DI2019-91 (LR, 17 June 2019).

First Home Owner Grant Act—First Home Owner Grant (Amount)  
Determination 2019 (No 1)—Disallowable Instrument DI2019-138 (LR, 27 June  
2019).

Fisheries Act—Fisheries (Fees) Determination 2019—Disallowable Instrument  
DI2019-125 (LR, 27 June 2019).

Gambling and Racing Control Act—Gambling and Racing Control (Code of Practice) Amendment Regulation 2019 (No 1), including a regulatory impact statement—Subordinate Law SL2019-10 (LR, 24 May 2019).

Gaming Machine Act—

Gaming Machine (Fees) Determination 2019—Disallowable Instrument DI2019-158 (LR, 27 June 2019).

Gaming Machine Amendment Regulation 2019 (No 1)—Subordinate Law SL2019-16 (LR, 28 June 2019).

Gas Safety Act—Gas Safety (Fees) Determination 2019—Disallowable Instrument DI2019-115 (LR, 27 June 2019).

Gene Technology (GM Crop Moratorium) Act—Gene Technology (GM Crop Moratorium) Advisory Council Appointment 2019 (No 2)—Disallowable Instrument DI2019-102 (LR, 24 June 2019).

Guardianship and Management of Property Act—Guardianship and Management of Property (Fees) Determination 2019—Disallowable Instrument DI2019-163 (LR, 30 June 2019).

Health Act—Health (Fees) Determination 2019 (No 1)—Disallowable Instrument DI2019-180 (LR, 28 June 2019).

Heritage Act—Heritage (Fees) Determination 2019—Disallowable Instrument DI2019-126 (LR, 27 June 2019).

Independent Competition and Regulatory Commission Act—Independent Competition and Regulatory Commission (Price Direction for the Supply of Electricity to Certain Small Customers on Standard Retail Contracts) Terms of Reference Determination 2019—Disallowable Instrument DI2019-72 (LR, 30 May 2019).

Integrity Commission Act—Integrity Commission (Commissioner) Appointment 2019—Disallowable Instrument DI2019-74 (LR, 5 June 2019).

Land Titles Act—

Land Titles (Fees) Determination 2019—Disallowable Instrument DI2019-67 (LR, 23 May 2019).

Land Titles (Fees) Determination 2019 (No 2)—Disallowable Instrument DI2019-156 (LR, 27 June 2019).

Legal Aid Act—

Legal Aid (Commissioner—Financial Management) Appointment 2019—Disallowable Instrument DI2019-78 (LR, 11 June 2019).

Legal Aid (Commissioner—Specialist Assistance) Appointment 2019—Disallowable Instrument DI2019-77 (LR, 11 June 2019).

Legislative Assembly (Members' Staff) Act—

Legislative Assembly (Members' Staff) Members' Salary Cap Determination 2019 (No 2)—Disallowable Instrument DI2019-79 (LR, 13 June 2019).

Legislative Assembly (Members' Staff) Speaker's Salary Cap Determination 2019 (No 2)—Disallowable Instrument DI2019-80 (LR, 13 June 2019).

Liquor Act—Liquor (Fees) Determination 2019—Disallowable Instrument DI2019-159 (LR, 27 June 2019).

Lotteries Act—Lotteries (Fees) Determination 2019 (No 1)—Disallowable Instrument DI2019-100 (LR, 20 June 2019).

Machinery Act—Machinery (Fees) Determination 2019 (No 2)—Disallowable Instrument DI2019-84 (LR, 13 June 2019).

Magistrates Court Act—Magistrates Court (Agents Infringement Notices) Amendment Regulation 2019 (No 1)—Subordinate Law SL2019-18 (LR, 4 July 2019).

Nature Conservation Act—

Nature Conservation (Exempt Animals) Declaration 2019, including a regulatory impact statement—Disallowable Instrument DI2019-66 (LR, 13 June 2019).

Nature Conservation (Fees) Determination 2019—Disallowable Instrument DI2019-127 (LR, 27 June 2019).

Official Visitor Act—

Official Visitor (Children and Young People) Appointment 2019 (No 1)—Disallowable Instrument DI2019-86 (LR, 17 June 2019).

Official Visitor (Children and Young People Services) Visit and Complaint Guidelines 2019 (No 1)—Disallowable Instrument DI2019-147 (LR, 27 June 2019).

Official Visitor (Homelessness Services) Visit and Complaint Guidelines 2019 (No 1)—Disallowable Instrument DI2019-146 (LR, 27 June 2019).  
1540

Official Visitor (Mental Health) Appointment 2019 (No 1)—Disallowable Instrument DI2019-179 (LR, 1 July 2019).

Partnership Act—Partnership (Fees) Determination 2019—Disallowable Instrument DI2019-167 (LR, 27 June 2019).

Planning and Development Act—

Planning and Development (Fees) Determination 2019—Disallowable Instrument DI2019-133 (LR, 27 June 2019).

Planning and Development (Lease Variation Charge Deferred Payment Scheme) Determination 2019—Disallowable Instrument DI2019-140 (LR, 27 June 2019).

Public Place Names Act—

Public Place Names (Lawson) Determination 2019—Disallowable Instrument DI2019-68 (LR, 23 June 2019).

Public Place Names (Wright) Determination 2019—Disallowable Instrument DI2019-169 (LR, 4 July 2019).

Public Trustee and Guardian Act—Public Trustee and Guardian (Fees) Determination 2019—Disallowable Instrument DI2019-162 (LR, 30 June 2019).

Public Unleased Land Act—Public Unleased Land (Fees) Determination 2019 (No 1)—Disallowable Instrument DI2019-108 (LR, 27 June 2019).

Race and Sports Bookmaking Act—Race and Sports Bookmaking (Fees) Determination 2019—Disallowable Instrument DI2019-160 (LR, 27 June 2019).

Registration of Deeds Act—Registration of Deeds (Fees) Determination 2019—Disallowable Instrument DI2019-120 (LR, 27 June 2019).

Retirement Villages Act—Retirement Villages (Fees) Determination 2019—Disallowable Instrument DI2019-119 (LR, 27 June 2019).

Road Transport (General) Act—

Road Transport (General) (Parking Permit Fees) Determination 2019 (No 1)—Disallowable Instrument DI2019-58 (LR, 28 May 2019).

Road Transport (General) Driver Licence and Related Fees Determination 2019 (No 1)—Disallowable Instrument DI2019-95 (LR, 17 June 2019).

Road Transport (General) Fees for Publications Determination 2019 (No 1)—Disallowable Instrument DI2019-94 (LR, 17 June 2019).

Road Transport (General) Numberplate Fees Determination 2019 (No 1)—Disallowable Instrument DI2019-92 (LR, 17 June 2019).

Road Transport (General) Refund and Dishonoured Payments Fees Determination 2019 (No 1)—Disallowable Instrument DI2019-93 (LR, 17 June 2019).

Road Transport (General) Vehicle Registration and Related Fees Determination 2019 (No 1)—Disallowable Instrument DI2019-89 (LR, 17 June 2019).

Road Transport (Offences) Amendment Regulation 2019 (No 1)—Subordinate Law SL2019-13 (LR, 27 June 2019).

Road Transport (General) Act and Road Transport (Safety and Traffic Management) Act—Road Transport (Road Rules) Amendment Regulation 2019 (No 1)—Subordinate Law SL2019-14 (LR, 27 June 2019).

Road Transport (Public Passenger Services) Act—Road Transport (Public Passenger Services) Amendment Regulation 2019 (No 1)—Subordinate Law SL2019-15 (LR, 1 July 2019).

Scaffolding and Lifts Act—Scaffolding and Lifts (Fees) Determination 2019—Disallowable Instrument DI2019-85 (LR, 13 June 2019).

Security Industry Act—Security Industry (Fees) Determination 2019—Disallowable Instrument DI2019-166 (LR, 27 June 2019).

Senior Practitioner Act—

Senior Practitioner (Positive Behaviour Support Panel) Guideline 2019 (No 1)—Disallowable Instrument DI2019-65 (LR, 15 May 2019).

Senior Practitioner (Positive Behaviour Support Plan) Guideline 2019 (No 1)—Disallowable Instrument DI2019-64 (LR, 15 May 2019).

Sex Work Act—Sex Work (Fees) Determination 2019—Disallowable Instrument DI2019-118 (LR, 27 June 2019).

Stock Act—

Stock (Fees) Determination 2019—Disallowable Instrument DI2019-129 (LR, 27 June 2019).

Stock (Levy) Determination 2019—Disallowable Instrument DI2019-131 (LR, 27 June 2019).

Stock (Minimum Stock Levy) Determination 2019—Disallowable Instrument DI2019-130 (LR, 27 June 2019).

Surveyors Act—Surveyors (Fees) Determination 2019—Disallowable Instrument DI2019-134 (LR, 27 June 2019).

Taxation Administration Act—

Taxation Administration (Amounts Payable—Duty) Determination 2019 (No 1)—Disallowable Instrument DI2019-69 (LR, 28 May 2019).

Taxation Administration (Amounts Payable—Duty) Determination 2019 (No 2)—Disallowable Instrument DI2019-141 (LR, 27 June 2019).

Taxation Administration (Amounts Payable—Home Buyer Concession Scheme) Determination 2019 (No 1)—Disallowable Instrument DI2019-70 (LR, 28 May 2019).

Taxation Administration (Amounts Payable—Home Buyer Concession Scheme) Determination 2019 (No 2)—Disallowable Instrument DI2019-137 (LR, 27 June 2019).

Taxation Administration (Amounts Payable—Land Rent) Determination 2019 (No 1)—Disallowable Instrument DI2019-143 (LR, 27 June 2019).

Taxation Administration (Amounts Payable—Land Tax) Determination 2019 (No 1)—Disallowable Instrument DI2019-145 (LR, 27 June 2019).

Taxation Administration (Amounts Payable—Pensioner Duty Concession Scheme) Determination 2019 (No 1)—Disallowable Instrument DI2019-101 (LR, 27 June 2019).

Taxation Administration (Amounts Payable—Rates) Determination 2019 (No 1)—Disallowable Instrument DI2019-142 (LR, 27 June 2019).

Taxation Administration (Special arrangements—Energy Industry Levy returns and payments) Approval 2019—Disallowable Instrument DI2019-76 (LR, 6 June 2019).

Taxation Administration (Special Arrangements—Pensioner Duty Concession Scheme Deferrals) Approval 2019 (No 1)—Disallowable Instrument DI2019-139 (LR, 27 June 2019).

Traders (Licensing) Act—Traders (Licensing) (Fees) Determination 2019—Disallowable Instrument DI2019-117 (LR, 27 June 2019).

Tree Protection Act—Tree Protection (Fees) Determination 2019 (No 1)—Disallowable Instrument DI2019-107 (LR, 27 June 2019).

Unit Titles (Management) Act—Unit Titles (Management) (Fees) Determination 2019—Disallowable Instrument DI2019-168 (LR, 27 June 2019).

Unit Titles Act—Unit Titles (Fees) Determination 2019—Disallowable Instrument DI2019-135 (LR, 27 June 2019).

Unlawful Gambling Act—Unlawful Gambling (Charitable Gaming Application Fees) Determination 2019—Disallowable Instrument DI2019-161 (LR, 27 June 2019).

Victims of Crime (Financial Assistance) Act—Victims of Crime (Financial Assistance) Amendment Regulation 2019 (No 1)—Subordinate Law SL2019-12 (LR, 27 June 2019).

Victims of Crime Act—Victims of Crime (Victims Advisory Board) Appointment 2019 (No 1)—Disallowable Instrument DI2019-148 (LR, 27 June 2019).

Victims of Crime Regulation—Victims of Crime (Fees) Determination 2019 (No 1)—Disallowable Instrument DI2019-173 (LR, 28 June 2019).

Waste Management and Resource Recovery Act—

Waste Management and Resource Recovery (Exemption) Declaration 2019 (No 1)—Disallowable Instrument DI2019-82 (LR, 13 June 2019).

Waste Management and Resource Recovery (Fees) Determination 2019 (No 1)—Disallowable Instrument DI2019-106 (LR, 27 June 2019).

Water and Sewerage Act—

Water and Sewerage (ACT Appendix to the Plumbing Code) Determination 2019 (No 3)—Disallowable Instrument DI2019-177 (LR, 28 June 2019). No

Water and Sewerage (Fees) Determination 2019—Disallowable Instrument DI2019-116 (LR, 27 June 2019).

Water Resources Act—Water Resources (Fees) Determination 2019—Disallowable Instrument DI2019-128 (LR, 27 June 2019).

Work Health and Safety Act—Work Health and Safety (Fees) Determination 2019 (No 2)—Disallowable Instrument DI2019-87 (LR, 13 June 2019).

Workers Compensation Act—Workers Compensation (Fees) Determination 2019 (No 2)—Disallowable Instrument DI2019-88 (LR, 13 June 2019).

Working with Vulnerable People (Background Checking) Act—Working with Vulnerable People Background Checking (Fees) Determination 2019 (No 1)—Disallowable Instrument DI2019-176 (LR, 28 June 2019).

## **Administration and Procedure—Standing Committee**

**MR GENTLEMAN** (Brindabella—Manager of Government Business, Minister for the Environment and Heritage, Minister for Planning and Land Management, Minister for Police and Emergency Services and Minister assisting the Chief Minister on Advanced Technology and Space Industries) (3.09): Pursuant to standing order 211, I move:

That the Assembly take note of the following paper:

Administration and Procedure—Standing Committee—Report 12—*Protocols for Visits by Members to Government Schools*—Government response.

**MS BERRY** (Ginninderra—Deputy Chief Minister, Minister for Education and Early Childhood Development, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (3.09): I want to speak briefly on this response from the ACT government. I do not believe I need to seek leave, but if I—

**Mrs Dunne:** No, you do not.

**MS BERRY:** I do not?

**Mrs Dunne:** The question is that we take note of the paper.

**MS BERRY:** We will get there. Before Mrs Dunne finishes, we will have learned a lot. The government response regarding the school visits inquiry and report has been tabled. The government response is quite long, and I hope that it provides the clarity that members have sought around the government's school visits protocol. I will be revising the protocol and putting it on the Education Directorate website shortly. I hope that we can now move on from this process and deal with more important matters that are affecting people in the ACT.

I do not think that any of the response that was provided by the ACT government should be a surprise to anyone in this chamber. I hope that members are mature enough to move on, and to respect the reasonable and unexceptional protocol for government school visits contained in the government's response to that inquiry.

Question resolved in the affirmative.

### **End of Life Choices in the ACT—Select Committee**

**MR GENTLEMAN** (Brindabella—Manager of Government Business, Minister for the Environment and Heritage, Minister for Planning and Land Management, Minister for Police and Emergency Services and Minister assisting the Chief Minister on Advanced Technology and Space Industries) (3.11): Pursuant to standing order 211, I move:

That the Assembly take note of the following paper:

End of Life Choices in the ACT—Select Committee—Report—Government response.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Families, Minister for Disability, Minister for Employment and Workplace Safety, Minister for Health, Minister for Urban Renewal) (3.11): I thank members for the opportunity to speak briefly to the ACT government response to the report of the Select Committee on End of Life Choices in the ACT.

In November 2017, the ACT Legislative Assembly established the select committee to inquire into and report on a range of issues which arise in considering end of life choices, including: current practices in the ACT that assist people to manage the end of their lives in accordance with their preferences, including the provision of palliative care; and ACT community views on voluntary assisted dying being legislated in the ACT, the management of risks associated with voluntary assisted dying, and voluntary assisted dying schemes in other jurisdictions.



Originally, the select committee was to report to the Assembly on the last sitting day in 2018 but, due to the very large number of responses to the select committee's call for submissions, and the community's interest in participating in the public hearings, the due date was extended to allow the select committee further time to report. The select committee's report was tabled in March 2019.

The committee reported that it had published 488 submissions and examined a number of others that were not published, at the submitter's request. Additionally, the select committee heard from 87 witnesses at 10 public hearings. The sheer number of responses clearly demonstrates the very strong community interest in the choices that are already available, or may become available in the future, to everyone in the ACT as we inevitably reach the end of our lives. These are issues that affect every one of us.

The ACT government has now had the opportunity to respond to the report and I am pleased to be able to say that many of the report's 24 recommendations are already being acted upon, or planning is in place.

The ACT government has agreed to the majority of the recommendations, in particular noting the activities being undertaken by the territory-wide end of life and palliative care project, established in July 2018. This project aims to provide high quality care, integrated across all service providers and settings, to people who are at the end of their lives, and to provide support to their families and carers.

I would like to take this opportunity to pay tribute to the excellent work being done every day by clinicians and carers in the ACT and surrounding New South Wales, in private homes, hospitals, residential aged care facilities, respite facilities and palliative care facilities.

In closing, I thank all of those who contributed to this inquiry, particularly those who shared their personal stories in the hope that others might benefit, and all of the members of the Assembly who worked respectfully and collaboratively to deliver a useful and timely report.

**MRS DUNNE** (Ginninderra) (3.14): While I welcome the government's response to the committee inquiry into the end of life, I must say that I was somewhat underwhelmed by the fervour of the commitments made by the government. There was pretty much a response that "There is nothing to see here; there is work already being done," but not very much outlined about what that work was. In relation to palliative care and end of life planning, in relation to powers of attorney and similar documentation, I thought that the government's response was minimalist and that much more could be done in this space.

There was a great deal of evidence received by the committee. The great bulk of the work in relation to the committee report related specifically to palliative care and initiatives in palliative care. For the minister to respond by saying, "We agree, and a whole lot of work is being done," but not specifying what that work is does a disservice to the committee and the people in the community who have been clamouring for extended and better palliative care.

While I welcome the government response, a lot more needs to be done in this space. There was a clear expectation that the government was somewhat champing at the bit to receive the committee's recommendations because, it was put to the committee, the government wanted to make budget allocations in the palliative care space. I was very disappointed to see the paucity of budget initiatives in relation to the palliative care space. I do not think that the government is alive to the issues in palliative care and the urgency of some of those issues.

One of the things that I found particularly distressing was the recommendation in relation to counselling and assistance for staff who work in palliative care. Quite frankly, Mr Assistant Speaker, we would not have made that recommendation if we had not received evidence that there was not enough assistance and counselling in that space. The minister came back and said, "It is all right; everything is fine." Some of the evidence we heard was that the extent of counselling and assistance that was given to staff was: "Suck it up; have a drink of wine when you go home." It is not good enough.

Again, the staff are being disregarded by this so-called labour government, the workers' friends. The workers who work in the health system, who work in palliative care, are not being supported and assisted, by their own evidence. And when the evidence is there, the minister turns around and says, "Of course there should be counselling; we are already doing that."

That was the tone of much of the government response. This was an important piece of work. It was done collaboratively. You had cross-parliamentary support for significant initiatives in relation to enduring powers of attorney, ongoing care directives and palliative care. What we got back from the government was a bit of a damp squib.

Question resolved in the affirmative.

### **ACT Mental Health Act 2015—review of the authorised period of emergency detention**

**MR GENTLEMAN** (Brindabella—Manager of Government Business, Minister for the Environment and Heritage, Minister for Planning and Land Management, Minister for Police and Emergency Services and Minister assisting the Chief Minister on Advanced Technology and Space Industries) (3.18): Pursuant to standing order 211, I move:

That the Assembly take note of the following paper:

*ACT Mental Health Act 2015—Review of the Authorised Period of Emergency Detention.*

**MR RATTENBURY** (Kurrajong—Minister for Climate Change and Sustainability, Minister for Corrections and Justice Health, Minister for Justice, Consumer Affairs and Road Safety and Minister for Mental Health) (3.18): I am pleased to table the report of the review of the Mental Health Act 2015, section 85, which relates to the

maximum period of further involuntary detention permissible under the act. I am tabling this report in accordance with my obligations under the act.

The Mental Health Act 2015 is the result of considerable stakeholder engagement and public consultation. It promotes a recovery-oriented approach to people's mental health and mental health service delivery. It also aligns with the ACT government's obligations under the Human Rights Act 2004.

It is a fundamental principle of our health system in Australia that people have the right to choose if, and when, they receive medical treatment. This principle applies equally to people with mental illness, and any limitations on this right must be carefully considered.

Consistent with this principle, mental health care provided on an involuntary basis is utilised as a measure of last resort when a person is believed to be at risk of harm to themselves or others. The act provides a mechanism for a person to be apprehended for initial assessment and, if adequate grounds exist, detained for a maximum of three days, for the purpose of further assessment. An additional period of up to 11 days can be sought if a person requires immediate treatment which has been refused but is necessary for the person's wellbeing or the safety of the community and, crucially, that treatment cannot be provided in a less restrictive environment.

I understand that increasing the period for involuntary detention from seven to 11 days seems counterintuitive to keeping the least restrictive ethos of the Mental Health Act. However, the policy intent for the change was to reduce the number of people subject to emergency detention orders moving onto longer term orders, by allowing more time for comprehensive assessments and allowing people to become less acutely unwell.

The review indicates that the policy intent of the act has been delivered. Since the commencement of the act, we have seen a decrease in the number of people transferring from emergency detention orders to long-term orders. The finding of the review recommends that this section of the act is operating as intended and that no legislative changes are required in this respect.

In addition to the review of emergency detention orders, I am obligated to undertake community consultation to review whether mental health orders and forensic mental health orders are working as intended. Public consultation on these matters recently closed and we are currently considering the feedback provided. I will present the outcome of that review in the coming months.

As part of this consultation, the community was invited to provide general feedback on the operation of the act. Information obtained from both consultation processes is invaluable in considering where, how and if the act should be amended. It also plays an important role in how we approach service delivery as we continue to develop our mental health services.

In accordance with my obligations under the act, I commend the review report to the Assembly.

Debate (on motion by **Mrs Dunne**) adjourned to the next sitting.

### **Public Accounts—Standing Committee**

**MR GENTLEMAN** (Brindabella—Manager of Government Business, Minister for the Environment and Heritage, Minister for Planning and Land Management, Minister for Police and Emergency Services and Minister assisting the Chief Minister on Advanced Technology and Space Industries) (3.22): Pursuant to standing order 211, I move:

That the Assembly take note of the following paper:

Public Accounts—Standing Committee—Report 6—*Inquiry into Commercial Rates*—Government response.

**MS LE COUTEUR** (Murrumbidgee) (3.23): I want to make some brief comments about a number of the recommendations. Recommendation 4 is:

The Committee recommends that the ACT government establish a more predictable and transparent means to calculate the value of properties following changes to use clauses in Crown leases, so that owners are able to anticipate the financial consequences of changes of use.

Recommendation 5 is:

The Committee recommends that the ACT government considers relief to commercial lessees who experience extended vacancies in their properties.

Recommendation 8 is:

The Committee recommends that the ACT government introduce a legislative mechanism to allow for apportionment between categories of use.

Recommendation 9 is:

The committee recommends that the ACT government considers amending the Rates Act 2004 to provide for commercial rates to be levied on the basis of actual, activated uses rather than all the possible uses.

Recommendation 11 talks about the timing of mass revaluing of properties. Recommendation 22 is:

The Committee recommends that the ACT government provides commercial rates concessions on heritage-listed properties, to take account of the distinct set of planning rules ...

Recommendation 24 is:

The Committee recommends that the ACT government:  
establishes a taskforce to review commercial rates in the ACT with regard to improving transparency, certainty for property owners ...

What, you might ask, have all these got in common, apart from the fact that they are recommendations from the standing committee's report on commercial rates? All these have to do with some of the issues that we have with our current commercial and residential rating system, which is based entirely on the land value of the thing that you are rating. The Greens have for quite a while been suggesting that we should very seriously look at changing this to make the valuation based on the market value of the property, rather than the land value. The relationship of these particular recommendations in many cases would solve the problem.

Look at recommendation 5, which seeks to grant relief to commercial lessees who experience extended vacancies in their properties. If you have an extended vacancy in your property, the market value of it is going to go down. It is a self-correcting mechanism.

Recommendation 4 is something more predictable. You can work out what will happen if the uses in your crown lease change. If you base it on market value then the uses could change and, if they are uses that you cannot in fact actually use, the market value will not change and you will not have a problem, whereas at present the argument is made, sometimes in a way that seems unfair, that the value of the underlying land has changed because the potential uses have changed. If on top of that piece of land you have already got a 20-storey building which is in good condition, you are not going to be knocking it down any time soon just because there are some different options.

Recommendation 9 is going in the direction I am going but does not actually get there. It says:

... the ACT government considers amending the Rates Act ... to provide for commercial rates to be levied on the basis of actual, activated uses rather than all the possible uses.

Again, it is going to the point that what we should be levying our rates on is the actual value of the thing we are rating—in other words, the market value, not the land value.

There are many commercial properties that are not one storey. They are multistorey with potentially many uses within the one property. Levying the rates on the market value rather than the land value would be a much fairer way. I would point out that in other jurisdictions—Victoria and South Australia, to be precise—they levy their rates on market value and I put forward this as a superior response to the committee's recommendations.

Question resolved in the affirmative.

### **Planning and Development Act—exercise of call-in-powers**

**MR GENTLEMAN** (Brindabella—Manager of Government Business, Minister for the Environment and Heritage, Minister for Planning and Land Management, Minister for Police and Emergency Services and Minister assisting the Chief Minister on Advanced Technology and Space Industries) (3.28): Pursuant to standing order 211, I move:

That the Assembly take note of the following paper:

Planning and Development Act, pursuant to subsection 161(2)—Statement by Minister—Exercise of call-in powers—Development application No 201835109—Block 21 Section 30 Dickson.

On 31 May 2019, in my capacity as Minister for Planning and Land Management and using my powers under section 158 of the Planning and Development Act 2007, I directed the Planning and Land Authority to refer development application No 201835109 to me. The development application sought approval for, among other things, the demolition and removal of all trees to facilitate the construction of a two to seven-storey mixed use development with 140 residential units, a supermarket and other ground floor retail commercial tenancies, a podium car park, two levels of basement car parking and other associated onsite and offsite works at block 21 section 30 Dickson. On 11 June 2019 I approved the application, with conditions, under section 162 of the Planning and Development Act 2007, using my ministerial call-in powers.

In deciding the application, I gave careful consideration to the requirements of the Territory Plan, the advice of the Transport Canberra and City Services Directorate, Icon Water, Evoenergy, the Environment Protection Authority, the Conservator of Flora and Fauna, the ACT Heritage Council, the ACT Emergency Services Agency, the City Renewal Authority and other entities and agencies, as required by the legislation and the planning and land authority. I also gave consideration to the representations received by the planning and land authority during the public notification period for the development application that occurred between 21 January and 28 February 2019.

I have imposed firm conditions on the approval of the development application that require, among other things, a plan for temporary offsite parking for construction workers during the construction phase, with construction only permitted to commence once this plan has been approved by the independent planning and land authority; paving works; the heritage value of the Dickson Library to be preserved during site works; sediment and erosion control; verge management; and temporary traffic management.

The Planning and Development Act 2007 provides specific criteria in relation to the exercise of my call-in powers. I have used my call-in powers in this instance because I consider the proposal will provide a substantial public benefit, particularly by delivering a revitalised group centre that will serve a stated principle of economic sustainability. In particular, this development will deliver a range of commercial and retail activity to the Dickson and surrounding communities through a contemporary development responding to changing economic opportunities. The provision of this development will enable more commercial opportunities, in association with new living opportunities, and bring an additional benefit to enhancing the public domain within the Dickson group centre.

The provision of this development will also replace existing car parking and supplement it with further parking opportunities across two basements and on a

podium level, resulting in a total of 655 parking spaces. The proposed development will promote a well-considered design which has been further refined in close collaboration with the community and businesses to enliven the surrounding public domain while not detracting from those things we value in Dickson, including the heritage-listed Dickson Library. The use of my ability to call in this development application will contribute to the timely and considered construction of the development whilst preserving the important community, heritage and economic values present at the locality.

Section 161(2) of the Planning and Development Act 2007 specifies that, if I decide an application, I must table a statement in the Legislative Assembly not later than three sitting days after the day of the decision. As required by the act and for the benefit of the members, I have tabled a statement providing a description of the development, details of the land where the development is proposed to take place, the name of the applicant, details of my decision for the application, reasons for the decision and community consultation undertaken by the proponent. This statement includes a copy of the notice of decision.

Question resolved in the affirmative.

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

**MS BERRY** (Ginninderra—Deputy Chief Minister, Minister for Education and Early Childhood Development, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (3.33), by leave: I welcome the Assembly Standing Committee on Education, Employment and Youth Affairs report No 5, *Standardised Testing in ACT Schools*. The government's response to the report recognises that students and their families need to understand how their education is progressing. In addition, teachers, schools and education systems also need to understand how the education of students is progressing. Standardised testing is one method to provide students, families, teachers, schools and education systems with an understanding of educational progress.

The government agrees with the committee that standardised testing, including NAPLAN, can be a valuable diagnostic tool when used appropriately. The issue, of course, is that standardised testing can also be used inappropriately. It is the government's view that appropriate use of standardised testing includes being used to inform teaching and learning. It is also the government's view that the appropriate use of standardised testing includes making results available to students, teachers and families in a timely way that allows students to receive the support that they need.

Except for recommendation 3, the government has agreed with, or noted, the remainder of the committee's recommendations. Recommendations that relate to things that the government has already been acting on have been noted, and the recommendations that involve decisions or considerations by the Education Council have mostly been noted. It is for members of the Education Council to decide what matters it considers, which, under the council's terms of reference, occurs by consensus. Additionally, some recommendations have been noted where the

recommendations deal with issues subject to another process, such as a consideration of a more effective way of reflecting student gain in NAPLAN reporting.

The government does not agree with recommendation 3 about using standardised testing data from NAPLAN to conduct a public inquiry into the causes of the observed underperformance of ACT schools. Using NAPLAN data in this way is not appropriate, for a range of reasons. Most relevant is that using NAPLAN data for this purpose relies on the underlying calculation of the index of community socio-educational advantage, ICSEA. Among other things, the ACT has concerns about the accuracy of this index in relation to its application to jurisdictions with small populations. The ACT is working with ACARA to understand and resolve any potential biases in this index, and it would be inappropriate to make performance judgements about the ACT until any issues with the index are resolved.

The other reason is that the educational performance of the ACT has already been considered in a number of contexts, including by the Auditor-General, and is well understood. Responses to the already identified issues relevant to school education in the ACT, including improvement in the equity of outcomes, are contained in the future of education strategy.

The government is also delivering a range of specific, targeted initiatives such as early years literacy, high school writing, count me in too, middle years computation, principals as numeracy leaders, and reSolve: maths by inquiry. The government is focused on setting every child up to be successful at school, particularly those who need extra help, as will be outlined in the soon to be released early childhood strategy. We have been clear about supporting people who teach our children with strategies to empower teachers, school leaders and other professionals to meet the learning needs of all students.

Recommendation 3 is also premised on the idea that NAPLAN is the indicator of school performance. It is not. It is just one indicator, taken at one point in time, among a range of others.

Another analysis of the past using comparisons based on ICSEA will not contribute significantly to current understanding of the issues that face education in the ACT nor contribute significantly to the government's direction. Instead, it is more likely to delay the implementation of the strategies to improve outcomes, to the detriment of children.

In the ACT public school system the emphasis in strategic reporting has shifted from reporting NAPLAN mean scores to reporting student growth and equity. The government is ensuring that schools can utilise detailed NAPLAN data through access to the SCOUT system, which is a data analysis tool. Schools are also encouraged to use school-based standardised testing tools such as PAT-reading and PAT-maths and other school-based assessments to provide quick feedback on student progress and, more particularly, to provide insights into the individual strengths and weaknesses of students in a way that supports teachers to provide differentiated learning on an ongoing basis.



As context and student circumstances play an important role in shaping student outcomes, NAPLAN data is being used in conjunction with other organisational administrative data, including data on school satisfaction and on the school climate, in order to better identify areas for targeted support. NAPLAN data is therefore just one source of data used to evaluate the effectiveness of various interventions which are being implemented to improve student outcomes.

The ACT government is committed to continuing to use the best available evidence from multiple sources of data to ensure that our education system is meeting the needs of all students. I thank the committee for their report and commend the government's response to the Assembly.

## **Recognition for nurses**

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

**MR ASSISTANT SPEAKER:** Madam Speaker has received letters from Ms Cheyne, Ms Cody, Mr Gupta, Mrs Kikkert, Ms Le Couteur, Mr Milligan, Ms Orr, Mr Parton, Mr Pettersson and Mr Wall proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, Madam Speaker has determined that the matter proposed by Mr Gupta be submitted to the Assembly for discussion, namely:

The importance of recognising the expertise, commitment and skill of nurses working in our walk-in centres and hospitals.

**MR GUPTA** (Yerrabi) (3.39), by leave: I rise to bring this matter of public importance to the Assembly today. Before I begin, I would like to remark upon the amazing luck that I drew the MPI on my first sitting day ever! Mr Assistant Speaker, I am pleased to speak today to recognise the expertise, commitment and skills of nurses working in our walk-in centres and hospitals. Health care has always been a priority for ACT Labor. In the 2019-20 budget our government delivered significant investment to futureproof our health system because we understand that health services are essential to keep Canberrans healthy.

As part of our health system, our ACT Labor government recognises the essential work that nurses play in the system. One of ACT Labor's election commitments in 2016 was to deliver a nurse-led walk-in centre in every region, because we understand the value of free health care for families. Our nurse-led walk-in centres are run by a highly skilled team of nurses and nurse practitioners. They provide free, one-off treatment and health advice for people with minor injuries and illnesses.

A nurse-led walk-in centre was opened in Gungahlin last year to provide faster access to care for minor injuries and illnesses for people living and working in Yerrabi. There are many young families in my electorate. As a parent, I know that having fast walk-in access to medical care, free of charge, makes a big difference. Since the Gungahlin walk-in centre opened its doors to the public in September last year, the centre has serviced over 16,725 presentations over 328 days. This is an average of 51 presentations per day and 51 people per day who rely on the skills of our nurses.

The most common presentations reported by nurses in Gungahlin were common colds, laceration wounds, sore throat conditions and ear conditions.

Mr Assistant Speaker, our nurses and nurse practitioners are incredibly skilled. They bring professionalism and expertise to our health system. Registered nurses work as part of a team alongside other skilled professionals, such as doctors, specialty nurses, therapists and surgeons. They play an incredibly versatile role and have responsibilities that include performing diagnostic tests, administering medication, creating a treatment plan, as well as assisting in operations and post-operative care. It is hard work.

To become a registered nurse in Australia, you need to complete a Bachelor of Nursing, which usually takes three years and is done alongside practical clinical training. In order to become a nurse practitioner, you need to obtain a relevant master's degree and have at least three years of advanced practical training. To say that a mother with a packet of bandaids and a bottle of antiseptic is the same as the level of care provided by nurses in our health system is utterly disrespectful to our health workforce.

Mrs Dunne's comments that a lot of the stuff that people come to the nurse-led walk-in centre for were once upon a time dealt with by a mum with a packet of bandaids and a bottle of Betadine diminishes the nurses in our community who have studied and practised for years. The comments from Mrs Dunne demonstrate again that the Canberra Liberals have continued to show that they have nothing to offer except negativity.

It is incredibly disappointing to see the Canberra Liberals denigrate thousands of hardworking men and women in our health workforce. I am disappointed that we have to point out that the Canberra Liberals are disrespecting our health workforce time and again in this place. The Canberra Liberals seem to have missed the point of nurse-led walk-in centres. Nurse-led walk-in centres are there to provide fast and affordable health care to Canberrans, which assists in the cost of living for families and Canberrans while reducing pressure on our hospitals.

Unlike Mrs Dunne, we understand the value of nurses in our community. I have my own story about a nurse who is a good friend of mine and who has also treated some of my family members. My nurse, Georgia, is someone who has treated me for years. In her role she has provided me with medical advice, assisted in writing health plans for me and hassles me to get a check-up every six months, for which I am grateful. I also share a birthday with her son. Every year when her son gets a year older she says that she is reminded of me.

I believe that everyone has a comparable story about a nurse who tended to them at some stage in their life. Georgia is just one example of a nurse who has used her skills to improve the health of Canberrans. Nurses provide professional expertise but they also lend a supporting hand. We know the amazing work that they do for the health of our cities.

ACT Labor is committed to making our healthcare system even better. We have been working to deliver many commitments that include supporting the working lives and conditions of our nurses. Our government values the skills and expertise of our nurses. We appreciate the value that they bring to our health system and we will continue to advocate for nurses to get the recognition that they deserve.

**MRS DUNNE** (Ginninderra) (3.46): I welcome the opportunity to speak on this matter of public importance, which is to recognise the expertise, commitment and skills of nurses working in our walk-in centres and hospitals.

I made those comments about the walk-in centre recently in the full knowledge that the minister would find an opportunity to make hay with them. It is a little unfortunate that she actually sent out as her spear-bearer the newest and most inexperienced member of the Assembly, because today she has caused Mr Gupta to lead with his chin and speak in an area where this government has a pitiable record.

I would like to thank Mr Gupta for leading with his chin and bringing forward this matter of public importance so that we can highlight the issues. Mr Gupta said that I and the Canberra Liberals disrespect the nurses in the walk-in centre. No, it is not us who disrespect the nurses in the nurse-led walk-in centre. The nurses in the nurse-led walk-in centre tell us that they would like a better, more comprehensive model of care so that they can provide better and more comprehensive health services.

These are highly qualified people. As Mr Gupta said, they have the basic health training; they have become registered nurses and they have to have at least master's level qualifications. And many of those people have PhDs. They are highly skilled people and they are frustrated at the model of care that is rolled out in the walk-in centres because they cannot work to the extent of their expertise. They are hamstrung by the system in the nurse-led walk-in centre.

As Mr Gupta said, they can only provide one-off care. They cannot provide continuity of care. Their capacity to prescribe is limited, and their capacity to provide services is limited by the model of care, which does not reflect their expertise. This model of care, through the walk-in centre, disrespects the nurses and the hard work that they do to acquire the levels of qualification that they have over the years.

Also, we need to recognise the importance of the expertise, commitment and skills of nurses working throughout the health system. Nurses working in our mental health system work in a very challenging environment. Mr Gupta did not dwell on the 44 instances of assault in the Dhulwa mental health unit between July last year and May this year. Most of these assaults were on nurses. Last year the Australian Nursing and Midwifery Federation raised concerns about a number of serious assaults at Dhulwa on nursing staff. On one occasion it was claimed that help did not arrive for over a minute. An ongoing minute of unrestrained assault by a mental health patient on a nurse is a pretty frightening experience, I would imagine.

The nursing staff at the adult mental health unit also face a difficult working environment. In 2018-19 the adult mental health unit was working at 106 per cent of

capacity. Deadly ligature points were and are in the process of being removed from the adult mental health unit, which is putting more pressure on nursing staff.

The pressure that the staff at the adult mental health unit experience increases when you realise the difficult problems of the patients in that unit and the possible problems caused by delays in treatment. Earlier this year the independent review into health culture delivered its final review, and the outcomes were not good. Twelve per cent of staff said that they had been subjected to physical harm, sexual harassment or abuse at work. Nearly half of the people who had been subjected to this kind of treatment said that the offender was a work colleague, while members of the public made up 40 per cent of the occasions of harassment and abuse.

The handling of complaints by staff was inefficient. There were inefficient and inappropriate human resources practices, including recruitment, and there was inadequate training in good workplace relations. Management at ACT Health and the Canberra Health Services did not make timely decisions and there was widespread criticism of management and leadership at all levels of the health system, all the way up to the minister.

Only 22 per cent of staff had confidence in the processes in place in the ACT public health system. I will repeat that for the benefit of Mr Gupta: only 22 per cent of staff had confidence in the processes in place in the ACT health system to deal with workplace culture.

The new Minister for Health and the Minister for Mental Health face significant challenges over the next 18 months. Minister Stephen-Smith and Minister Rattenbury have to tackle the serious problems caused by years of neglect by their predecessors. They have to clean up the toxic cultures in many areas of the public health system. The hardworking staff, including nurses, in our public health system are relying on these ministers and senior public servants to fix the health system.

When you speak with nurses and other victims of bullying in our public health system, you realise the huge impact it has had on them. I reflected only last week that probably the most difficult time that I have experienced in my office, and my staff have experienced, over what is coming up to 18 years in the Legislative Assembly has been the time since I became the shadow minister for health and the time that we have spent in dealing with victims of bullying and harassment in the health system.

It has been harrowing for my staff because they are the ones who are at the front line, who pick up the phone and maybe engage in a phone call with someone who is at the point of suicide, and that conversation may go on for an hour or more. My staff had not been trained for that and had not anticipated the number of complaints that we received.

That is why we on this side worked so hard to get an independent inquiry into bullying, harassment and workplace culture. And, yes, Mr Gupta, and Mr Assistant Speaker, we should recognise the importance, expertise, commitment and skills of our nurses, but in doing so we cannot put on our rose-coloured glasses and parrot the

government's rhetoric in such an unconscionable and unthinking way as Mr Gupta has done here today.

There is much that I could say in support of the wonderful staff that we have in the health system, and much that I could say about how little respect the government, the Health Directorate and the management in the hospital have for them. I will encapsulate it in a story that was brought to my attention at a family gathering recently.

Some members may have seen on the hospital Facebook page, and reported by the ABC, the retirement of a very senior, highly qualified and long-serving member of the Canberra Hospital nursing staff. This person had been a nurse for 51 years—I think 44 of those years in the Canberra Hospital or its predecessors. She worked in radiology for a long period of that time, and many people in this town owe their lives to her work and the work of her colleagues.

It was interesting that on the last day she put in her swing tag, got in the car and was driving home, and she got a phone call from the hospital to say, "Do you think you could come back in?" "No, I've retired and I've finished my last day." "But we'd like to do a story on your career." She had been there for 44 years; you would think that they could have got to her before she clocked off for the last time.

She was encouraged to come back in and the hospital provided her with a certificate of appreciation, which is something that the hospital do not do. Generally speaking, they do not recognise long service, but on this occasion they did. When she got the certificate, it said she had been at the hospital for 51 years, not 44. When she asked for it to be fixed up, they said, "Don't worry about it; it's all right." But it mattered to her that the hospital could not recognise her service, even at the last, in this way. That is a testament to the way this government and this hospital service treat their nurses.

**MS CHEYNE** (Ginninderra) (3.56): As we have heard, nurses can have a lasting impact on the patients they treat and care for, and it is a privilege to speak about their value today. In doing so, I want particularly to reflect on and share some of the recent stories told to me about the high quality care and services that the nurses at the Belconnen walk-in centre provide and have provided for over five years now. I will take a moment to wish the centre a very happy fifth birthday.

I will leave reflections on Mrs Dunne's comments to others, but I note that she said that the opposition does not disrespect the nurses at the centres, yet just over an hour ago I heard, in response to Ms Cody's question about what can be treated at the walk-in centres, a member of the opposition mutter, "Not a lot." I am pleased to say that, based on the feedback I have, that could not be further from the truth.

Xiaolan recently shared with me:

It was a wonderful experience when I was seeking help a few months ago with a minor burn, and got very useful tips for dealing with burns. Definitely an important part of health services worthy of scaling up!

Another constituent told me:

We have taken my daughter there on a Friday/Saturday on a couple of occasions—littlies tend to get sick at the most inconvenient times! These guys were fantastic and so good with her, and me.

Christopher had a broken ankle, which was diagnosed at the walk-in centre within a few seconds, even though it seemed miniscule on the X-ray that was taken later. He said:

They even called ahead to the hospital to make sure radiology was available. They saved both I and the hospital hours of time that could have been wasted. Fantastic service.

And there is this feedback from Jack:

The Belconnen Walk In Centre is a very impressive service. They always take the time to listen to your problems and use their experience and their contacts to do what they can to solve them. Most of their valuable work probably can't be measured by statistics, but it definitely adds value to the community.

Joanna kicked a garden tool and split her toes open, despite wearing shoes. She said they checked it, cleaned it up and gave her a tetanus shot. She said she was really happy with her treatment. Another constituent, Ciara—this starts to get gory—sliced her palm open while trying to cut through a hot cross bun and they stitched her up nicely and cleanly, with the wound healing quickly with no infections. She rated the service 10 out of 10.

Jordan advised me:

It's the most fantastic service. So friendly and quick and terrific.

This came from Michelle:

I love the Belconnen Walk-In centre—awesome service!

Danielle's pharmacist could not get the drug she needed for her MS in time. Her GP managed to write a script and a pharmacy was identified that had the drug she needed. But this all happened due to the service at the Belconnen walk-in centre. She said the staff there were instrumental in making this happen, helping her to troubleshoot and were genuinely lovely when she was having "a bit of a meltdown", in her words, in their waiting room. She described them as "the real MVP". For those who do not know, that stands for "most valuable player".

Danielle said:

They were so helpful tonight, and they were really under no obligation whatsoever to be. Rather than having a "not my problem" attitude, they facilitated a positive outcome with a "how can we help" attitude.

Danielle also described the centre as being fantastic when she has had netball or sport injuries in conducting primary assessment of whether she needed to go to the hospital to get X-rays or not. She said:

I'd much rather go there in the first instance than accident and emergency.

This government is passionate about free public health care, and our walk-in centres offer just that. Visiting a walk-in centre is often the quickest way to see a health professional. You do not need to make an appointment and wait times are minimal.

Our nurses, including our nurses at the walk-in centres, are professional and committed. They have years of collective skills and experience, as you noted yourself, Madam Deputy Speaker. They also assess and treat a very wide range of issues. They offer empathy and they offer compassion, which are often just as important during distressing moments. The stories I have shared here today are just a handful of the community's experiences right across the centres in our city—positive experiences that will continue to grow as the number of centres grows.

I want to thank the nurses at all of our walk-in centres, hospitals and health services. I would like to thank Mr Gupta for raising this very important matter today, on his first day—very auspicious. In particular, I say to the nurses: thank you for what you do. You have left an indelible impression on so many people and you are so valued.

**MR RATTENBURY** (Kurrajong—Minister for Climate Change and Sustainability, Minister for Corrections and Justice Health, Minister for Justice, Consumer Affairs and Road Safety and Minister for Mental Health) (4.02): I am pleased to discuss the importance of the expertise, commitment and skill of nurses working in Canberra's walk-in centres and hospitals. I congratulate Mr Gupta on bringing this important matter forward on his first sitting day. As the minister responsible for mental health and justice health I experience firsthand the hard work, compassion and know-how of nurses working across the sector. Nurses are at the heart of the health system, and we are pleased to be able to recognise their dedication and resilience in this discussion this afternoon.

Nurses studying and working in the ACT are increasingly being recognised for their hard work but also their excellence. Four nurses from Dhulwa mental health unit recently graduated with their master's in mental health nursing. One nurse from the adult mental health unit recently graduated with a master's in mental health nursing from Sydney university. A nurse from city mental health won the research poster award at the Australian College of Nurse Practitioners conference 2018 and will again be presenting a poster on the physical health project at the 2019 ACNP conference. The same nurse was recognised by her university for outstanding results in semester 1 2019 in studying for her nurse practitioner master's.

A nurse from justice health services will graduate from his graduate diploma in forensic mental health nursing course in August. Seven RN1s completed the postgraduate diploma in mental health nursing through the University of Canberra in June 2018, and a further seven RN1s completed the postgraduate diploma in mental health nursing through the University of Canberra in December 2018.

Nursing in any part of the system is a rewarding but challenging role. Aside from the day-to-day support offered to patients, carers and families, we know there are issues with our health system faced by our front-line staff. The Minister for Health and I, along with the leadership in Canberra Health Services and ACT Health, recognise the need for improvement in the workplaces of our health professionals. Some of the challenges we face have been discussed in this place before and have been well publicised, and I am deeply conscious of them.

In December 2018, together with the former Minister for Health and Wellbeing, I launched the ACT Health Directorate's strategy to improve the workplace health and safety of nurses and midwives. The strategy—nurses and midwives: towards a safer culture, the first step—outlines the Health Directorate's vision for an ACT public healthcare system where staff, patients and visitors are protected from harm and feel safe at all times. It is a fundamental right that staff have when they turn up to work.

As I have said in this place before, our staff, particularly in mental health, accept that there is an element of risk, but we should do everything we can to design a system that minimises that risk so that the default position is that staff will have a safe and healthy day at work and so that difficult or violent incidents are the exception rather than the norm.

In terms of the strategy I was talking about, interactive consultation sessions with 126 nurses and midwives from across the Canberra Health Services, the University of Canberra Hospital and Calvary Public Hospital Bruce have occurred to inform the implementation of the strategy. Dhulwa and the extended care unit are the first units in Canberra Health Services to commence work on the introduction of safe wards, an element of the nurse safe strategy.

I note the ongoing issues flagged by the Community and Public Sector Union in today's *Canberra Times* and I acknowledge the concerns raised. I also welcome the cautious optimism from the ANMF about the improvements we have been able to make so far. That is a phrase that has been used a bit in health lately around some of the culture and violence in the workplace issues. I take heart from that but certainly do not rest on my laurels, knowing that we still have a lot to do. We hope to deliver on that optimism with the culture review and nurse safe strategic work. As I say, we remain committed to not resting on the laurels of that early optimism.

Training and developing our nursing workforce is another way we can provide support to our staff. The Greens are keen to continue our engagement with nursing and health workforce stakeholders to explore the parliamentary agreement commitment to implementing incentives to raise nurse qualifications and career development opportunities. Continued professional development along with options for expanding scopes of practice offer avenues to make positive changes in health care.

One area of particular interest to me is the review by one of the health service providers from north-west Victoria who looked at ACT mental health services last year. They noted our low percentage of qualified mental health nurses—that is, staff who have a particular qualification in mental health in addition to being qualified as a



nurse generally. This is a challenging long-term goal and one where professional development is obviously important to achieving the goal of raising that percentage.

We should not be simply seeking to ship in nurses from somewhere else; we should be seeking to develop our own workforce and provide our own staff with the opportunities to gain those qualifications in order to give them professional development and career pathways. In terms of retaining staff in the long term, it is our own staff who are most likely to stay, so developing them is a successful pathway to the sustainability of our own workforce.

The ACT Greens note the pressure put on ACT hospital emergency departments to respond to the needs of many patients who present at Calvary and the Canberra Hospital. I am pleased that the walk-in centres offer an alternative avenue for safe, effective treatment by professional nurses at the community-based walk-in clinics. There has been a lot of discussion about them today. My simple observation is that I am a fan both professionally and as someone who has made use of those walk-in centres. They are an excellent part of the healthcare system.

Anecdotally, we know the walk-in centres work. I heard a story of a gentleman who needed his ear syringed because he could not hear much and was dizzy. He could not get to see a nurse at his doctor's at a time that was convenient for him for two weeks, so he attended a walk-in clinic on a Saturday. Some 45 minutes later he was done and dusted and has since been back to have a wound dressed. He raves about the service provided by the nurse-led walk-in centre.

These essential services are well regarded in the community. They reduce waiting times for care, and they offer free, high quality care and one-off advice and treatment for people with minor illness and injury. There is always room for new ideas and innovation. I am committed to continuing to work with medical experts and our nursing staff to explore what further services they can provide safely and appropriately to the community.

The ACT Greens have made walk-in centres part of our election policy and the parliamentary agreement with Labor after the 2016 election reflects that. We are pleased with the development of the Dickson and Weston Creek clinics. Understanding the impact of the clinics on emergency department presentations and referrals will help us identify whether the centre opening hours and types of medical treatments can be expanded to further alleviate pressure and provide more choices for community-based care.

As the minister responsible for mental health and justice health and as the ACT Greens health spokesperson, I thank Mr Gupta for offering us this opportunity today to reflect on the role nurses play in our health system. I acknowledge the nurses working in our community for their dedication, commitment and skill. The Canberra community and this Assembly appreciate it a great deal.

**MR HANSON** (Murrumbidgee) (4.11): I was not planning to speak, but I have been inspired to by listening to the debate. I have been reminded how good nurses are. As our Prime Minister would say: how good are nurses? I acknowledge the fantastic

contribution they make, often under very difficult circumstances. There is no doubt that nurses are confronted by some of the most challenging career places you can image. We have all had interactions with nurses at various times, through births, deaths, sickness and accidents. They are always there, being competent, capable and caring. Nursing is one of the most, if not the most, trusted professions, and rightly so.

We have friends who are nurses. Not that long ago Robbie was very sick and we were about to take him to ED because we were worried. Fleur rang a nurse friend of ours; she gave us advice which fixed him right up and we did not have to go to ED. Many of us who know nurses have those sorts of experiences.

I have to say, though, that instead of the contribution from Mr Gupta focusing on the positives, it seems that right out of the Labor playbook he has come in here with a bunch of hollow words and rhetoric and had a go at trying to disparage and have a crack at the Liberals. Well, Mr Gupta, welcome to the Labor Party; welcome to the club over there. With that sort of speech you are going to fit right in, may I say. Hollow words, lots of rhetoric, lots of sneering and raising fear and mistruths—you will fit right into the team over there.

The reality is, as Mr Gupta will find out, that the health system in which our respected nurses work has been declining for the last 19 years under this government. I was the shadow health minister for eight years and during that period I saw a decline. If you go back to when the Libs were in, we had the best health system in Australia. I spent eight years as shadow minister and all I saw was decline, decline, decline. I thought it could not get much worse, but it has.

If Mr Gupta listened to Mrs Dunne—I advise that you do so instead of sneering at her and having a crack on your first day here—there would be a lot he could learn. She will provide you with very accurate analysis of the health system, where it is going wrong and where we desperately need to improve it if we want to respect nurses and provide them with the support they deserve.

It is also ironic that we are talking about nurses when today's headline in the *Canberra Times* is "Hospital bullying rife". That is not the first terrible headline we have seen. The culture is toxic in the Canberra Hospital and throughout the health system. The government pretend to care, but under their stewardship we have seen a decline in culture, infrastructure delays and time blowouts that are the worst in the country. A lot of money has been thrown at the problem—we commend that and support that—but we have seen a lot of inputs without the results.

Mrs Dunne has made some excellent points on the walk-in centres. I will remind members what the Canberra Liberals said we would do during the 2016 election campaign. We were going to rebuild the Canberra Hospital. We had a detailed plan. We were going to have a small hospital in Gungahlin, in Mr Gupta's electorate, but he did not want that. We were going to have one in Tuggeranong and they were going to take over and expand the work done by the nurse-led walk-in clinics.

We were not getting rid of the nurse-led clinics; we were turning them in to hospitals. We were turning them in to places where you would have had beds and you would

have had proper emergency treatment. Importantly, you would have had doctors, nurses and allied health professionals working collaboratively in a team. These highly respected, highly qualified, highly trained nurses who have so many skills and qualifications could then work to their full scope of practice.

If nurses are isolated from those collaborative teams and doctors and nurses who work so well together, they cannot work to their scope of practice. That is the point. We want to respect those nurses. We want to get the most out of them that we can and not put them in a position where they are limited in what they can do.

What a fantastic topic for an MPI. The Canberra Liberals have the greatest respect for our nurses, but we want to see the rhetoric from that lot over the chamber—including the part-time minister, who has this job as a bit of a part-time gig on top of her other loads—match some action and bring about changes in outcomes. If you look at the outcomes, they are a disaster. The culture is toxic. As I said, all the results we see are trending downwards. Let us see some results, because that is how we will give nurses the respect they deserve.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Families, Minister for Disability, Minister for Employment and Workplace Safety, Minister for Health, Minister for Urban Renewal) (4.17): I thank Mr Gupta for bringing this important matter to the Assembly and I congratulate him again on his election and his first day here in the chamber with us. As we have all recognised, we have a highly capable nursing workforce here in Canberra. Every day and night, nurses working in our walk-in centres and hospitals provide expert care across a variety of health disciplines.

ACT Labor has always backed our nurses, Madam Deputy Speaker. This Labor government continues to grow our nursing workforce and continues to ensure that our nurses are supported in their practice. Canberra cannot be a healthy city without the highly skilled nurses who are at the front line of our public health system, both in our public hospitals and in our community health facilities. Madam Deputy Speaker, I note that in question time you asked about front-line positions. In response, I can advise that between 2017-18 and 2018-19 we saw a six per cent increase in the number of nurses and midwives across our community. We have continued to grow that investment through the 2019-20 budget as well.

I was pleased recently to be able to attend the fifth anniversary of the opening of our first nurse-led walk-in centre, as one of my first events as the newly minted health minister, and to speak with the nurses playing a pivotal role in this system. Walk-in centres provide better access to primary health care for the ACT community, where and when they need it, through a nurse-led model of care by nurse practitioners and advanced practice nurses.

I note that Mr Hanson said the Canberra Liberals were not intending to get rid of nurse-led walk-in centres and then said that they would be replaced by hospitals, which does seem to be getting rid of nurse-led walk-in centres and a nurse-led model of care by nurse practitioners and advanced practice nurses.

The community, as others have said, has warmly welcomed the addition of walk-in centres to the primary healthcare landscape. The centres are very popular; yet, as Ms Cheyne noted, waiting times remain low and satisfaction with treatment is very high.

It is five years since the government opened the walk-in centres in Tuggeranong and Belconnen. We opened Gungahlin last year; Weston Creek will open later this year; and the government recently announced the timing for the fifth walk-in centre, at Dickson. Nurses in the centres provide appropriate care for patients. Mr Hanson's anecdote about the advice he got from a nurse that prevented him going to the ED shows that, while we do not have enough data yet to make a definitive case, the anecdotal evidence from people is that they go to a walk-in centre instead of an ED or when they cannot get in to see a GP.

Nurse practitioners are an increasingly integral part of our health system and provide support to our expanding network of walk-in centres. Nurse practitioners use their advanced training and skills to provide a more specialised practice. Many Canberrans may have been treated by a nurse practitioner at their local walk-in centre or at other health facilities around Canberra.

The ACT government was early in recognising the contribution that nurse practitioners can make to health care in the territory. In 2001 ACT Health, in collaboration with what was then the ACT nursing and midwifery board, conducted a nurse practitioner trial. The trial established the early framework for nurse practitioner educational preparation, their intended scope of clinical practice and the requirements for ACT regulation of their roles.

The government is mindful that the role nurse practitioners have in our public health system has become more accepted since that trial in 2001, and of the need to continually update and review governance and regulatory matters. The government will continue to work with nurse practitioners on these matters and will continue to listen and create regulation that is evidence based and works for both nurse practitioners and the community.

Madam Deputy Speaker, it is disappointing that the skilled and expert care that nurses provide to our community through the walk-in centres is not always recognised by all in this place. I was sorry recently to hear you, as shadow health spokesperson, in an interview with *WIN News* on 11 July, describe the health care that walk-in centre nurses provide in these terms:

A lot of the stuff that people come to the walk-in centre for, once upon a time was dealt with by mum and a packet of bandaids and a bottle of Betadine.

This description of the health care provided by skilled nurses at our walk-in centres shows the depth of "out-of-touchness" of the Canberra Liberals: they continue to be out of touch with the work of our walk-in centres. In one sentence, unfortunately, Madam Deputy Speaker, you managed to belittle both the patrons and the staff. I would encourage you to gain a better understanding of the care that nurses in our

walk-in centres provide to the community every day. It would indeed be a miracle mum who could stitch a wound or treat a simple fracture, mastitis or an eye infection with bandaids and antiseptic.

As I mentioned in question time, the work of the walk-in centres continues to expand, with the recent addition of the management of dental pain. Madam Deputy Speaker, I think that here we may be on a unity ticket. We would like to see the work of the walk-in centres expand and to see nurse practitioners being able to use more of their skills for the benefit of the community.

Madam Deputy Speaker, I encourage you to talk with Wendy, one of the nurses I met at the Belconnen walk-in centre, who has been working across the centres since they opened five years ago, who has seen many patients come and go, and who understands the genuine value that she and her colleagues provide to the community. Canberrans respect and value the work of nurses in our walk-in centres, and it is time that the Canberra Liberals started doing so as well.

In complete contrast to the Canberra Liberals, the ACT government will continue to support nurses across our entire system. We are committed to ensuring that nurses have the resources available to support their practice. ACT Health, for example, offers a variety of nursing and midwifery scholarships, including Aboriginal and Torres Strait Islander enrolled nursing scholarships, through CIT; postgraduate nursing and midwifery scholarships; travel scholarships to assist nurses and midwives to present at relevant national and international conferences; and many more. These opportunities ensure that the government can assist those with ambitions to enter the nursing profession to realise that ambition, and help nurses continuously develop their skills and share their research with their colleagues.

As Mr Rattenbury has spoken about, late last year the government released the nurses and midwives towards a safer culture strategy, to improve workplace health and safety for nurses. As I said in question time, it is the right of every worker to work in a workplace where they are safe from bullying, harassment and occupational violence, and where workplace stress is minimised. This is what the nurses and midwives towards a safer culture strategy aims to achieve. The 2019-20 budget has committed over \$1.2 million over four years to implementing the first step of the strategy. Together with the comprehensive recommendations of the independent review into workplace culture within ACT public health services, this strategy has provided the government with a clear direction on how to improve workplace culture for those that work in public health services, including our nursing staff.

In the coming weeks, I will be chairing my first culture review oversight group meeting, where employee representatives assist ministers, the Director-General of ACT Health and the CEO of Canberra Health Services, and the regional CEO of Calvary ACT, in ensuring that the review recommendations are implemented in full. I want to reiterate the government's commitment to addressing the issues outlined in the review, and I look forward to providing further updates to the Assembly and the community as the work of the culture review oversight group continues.

I have just outlined a very small part of the ways in which the ACT government supports our nursing workforce here in Canberra. However, we also formally recognise our nurses and midwives in the ACT at the annual Nursing and Midwifery Excellence Awards. The last awards night was held in May. I understand that 46 nominations were received across five categories from both public and private sector nurses. This is indicative of the high regard the workforce is held in around the territory.

The World Health Organisation has announced 2020 as the Year of the Nurse and Midwife. This recognises the outstanding work and dedication of nurses and midwives across the globe and the fact that nurses and midwives are essential to the achievement of universal health coverage. The nurses I have met are an example of the commitment, dedication and passion that our nurses show to patients and families every day.

Being a patient in one of our public hospitals or needing to attend a walk-in centre can be a stressful, daunting or worrying experience. Ms Cheyne's stories illustrated that people have a range of experiences as they enter a walk-in centre, but Canberrans can have confidence that the great nurses in our hospitals and walk-in centres can provide the best care possible.

Thousands of Canberrans come into contact with our nursing staff every year. Often it is the nursing staff you hear patients and their families speaking so highly about, even years after they have been in hospital. Only today, my office received correspondence from a new mother who highlighted the care and confidence she was provided with on her journey through hospital. She outlined that everyone she and her partner interacted with during the journey was professional, dedicated and happy to share their knowledge with them as nervous first-time parents. She highlighted her wishes that positive stories like hers could be more widely shared. I agree with her. I would encourage those in this place to continue talking about the positive stories that are shared with them as MLAs.

I look forward to meeting more of our city's nurses, in their varied roles, and working with them and their representatives in my capacity as, I can assure Mr Hanson, a very full time Minister for Health. I want to thank Canberra's—

**MR ASSISTANT SPEAKER (Mr Parton):** Minister, your time has expired.

**MS STEPHEN-SMITH:** I seek leave to continue my remarks.

**Mrs Dunne:** No.

**MS STEPHEN-SMITH:** I have two more sentences.

**Mrs Dunne:** The matter of public importance is limited by time.

Leave not granted.

*Discussion concluded.*

## Animal Welfare Legislation Amendment Bill 2019

Debate resumed.

**MRS DUNNE** (Ginninderra) (4.28): Until such time as Ms Lawder is afforded a ministerial briefing, I move:

That the debate be adjourned.

Question put.

The Assembly voted—

Ayes 9		Noes 8	
Miss C Burch	Ms Le Couteur	Ms J Burch	Mr Pettersson
Mr Coe	Mr Parton	Ms Cheyne	Mr Steel
Mrs Dunne	Mr Rattenbury	Ms Cody	Ms Stephen-Smith
Mr Hanson	Mr Wall	Mr Gupta	
Mrs Kikkert		Ms Orr	

Question resolved in the affirmative.

Debate adjourned to the next sitting.

## Planning and Environment Legislation Amendment Bill 2019

Debate resumed from 16 May 2019, on motion by **Mr Gentleman**:

That this bill be agreed to in principle.

**MS LE COUTEUR** (Murrumbidgee) (4.33): The Greens will be supporting this bill. The bill proposes four changes to the Planning and Development Act. Three fall into the category of minor tidying up and really do not warrant any further discussion. I do, however, want to talk about clause 17. To understand the impact of clause 17, it is necessary to consider and time line the overall Territory Plan variation process.

The process has four main stages, being, one, notification of a draft variation for public comment; two, the directorate sending a recommended variation to the minister; three, a standing committee inquiry; four, tabling the variation in the Assembly for possible disallowance. In most cases, and generally speaking sort of ideally, the variation does not come into effect until all four of those stages are completed.

However, the government has two opportunities to bring the variation into temporary effect during the process at steps one and two. This is known in the legislation as interim effect. Interim effect lasts for what the legislation calls the defined period. Currently, interim effect expires after 12 months. However, it could be—I do not

think it ever has been—brought into effect at two separate points in the process, which would allow up to two years of interim effect in total for one variation.

Clause 17 of the bill in front of us would increase the length of the second go at interim effect to 18 months. We have to remember that interim effect is actually quite a big deal to people—to planning nerds, at any rate. I see Mr Gentlemen nodding on that one. It allows the government to temporarily bypass community consultation and potential Assembly disallowance.

When the government uses interim effect, planning rules change overnight, without any warning. This, of course, can have a big impact on local communities. I worry that interim effect could be used in an anti-democratic way by a future government to push through a development that lacks community support and does not meet the normal rules.

It can also have a big impact on developers. There is a significant risk of the government making mistakes when it brings in rule changes without consultation. We recently saw this with draft variation 350, which was designed to correct a loophole in the Territory Plan. That was a good thing but the first version of this, which was given interim effect, was poorly drafted and had serious unintended consequences for several developers.

On the other hand, a mechanism like interim effect can allow the government to quickly correct a loophole that is seriously undermining the planning system. It can also allow the government to quickly implement a change that has already been through extensive community consultation, as was the case for some of the less controversial master plans. So, on balance, a mechanism like interim effect is necessary but it has significant risks. Against that context, I have scrutinised this proposal very carefully, taking the position that the defined period should be as long as necessary to work properly, and no longer.

The government's argument is that 12 months, in some cases, is not long enough to cover the whole period from a recommended variation being put to the minister to the variation coming into force; that it is not sensible to have an interim effect to cease part way through that process. In most cases, I believe 12 months is more than adequate. Of course, we have to remember that that is all there is now. However, plotting out the time frames does point to cases where, potentially, it is not able to be met. I must admit that this is mostly as a result of Assembly processes.

When the Standing Committee on Planning and Urban Renewal decides to inquire into a Territory Plan variation, it has six months to report. As a final step, the Assembly has five sitting days after the tabling day to disallow the variation. Over the Christmas break, that takes up the better part of three months. Then there are several points where the minister is required to notify an instrument, make a referral and so forth. Put together, it is reasonable to allow a total of one month for these steps.

Allowing for all of this, the government has about two months to consider the committee's report and to make any changes necessary in response. Of course, the committee would always wish the government to make changes if it has made



recommendations. That is the point at which the 12 months can come unstuck. Sometimes the committee makes recommendations that seek the major re-working of parts of the variation, changes big enough that the government may need to consult further on with stakeholders. Other times, the committee just directly recommends further consultation with stakeholders to point out issues. Both of these have happened more than once this term and, in these cases, consultation needs to be given time to be done properly.

To conclude this part of our considerations, after lots of internal considering of time lines, I and the Greens have formed the view that there is a reasonable argument for the second round of interim effect to be extended somewhat. Eighteen months is as much as I could possibly support. I would actually prefer 15 months, but 18 months is just acceptable.

I will quickly discuss the other amendments in this bill. The amendments to the Commissioner for Sustainability and the Environment Act are technical and sensible, and just ensure that the relevant minister is responsible for tabling government responses to reports of the commissioner.

The amendments to the Environment Protection Act are also minor and sensible. One amendment simply changes the definition of an environmental audit to reflect that a purpose of an audit is to determine the suitability of the land for a proposed or current use. A second amendment simply clarifies issues an auditor must have regard to in preparing an audit.

There is a further minor policy amendment to the Nature Conservation Act. This relates to grazing by livestock in nature reserves, which is used as a way to manage fuel loads and biomass. The amendment clarifies that it is not an offence for someone to bring livestock into a nature reserve if, in fact, they have a licence to do so.

Lastly, there is a minor amendment to the Stock Act. Again, this is just a clarification regarding a minor matter regarding a discretion of the director-general to dispose of impounded stock. In conclusion, the Greens will be supporting this bill.

**MR PARTON** (Brindabella) (4.40): The Canberra Liberals will be supporting the Planning and Environment Legislation Amendment Bill 2019. I have had my fair share of disagreements with Mr Gentleman; it is always a pleasure to come in here and be in agreement on things.

The bill pertains largely to legislation under the environment banner, so in this particular instance I am representing Ms Lee. Many of these changes are designed to minimise ambiguities and clear up any uncertainty about the powers and obligations of various government officials and those of developers.

Under the Commissioner for Sustainability and the Environment Act, completed reports are delivered to the Minister for Climate Change and Sustainability for report and response to the Assembly. It was identified that this was not an appropriate methodology for matters which would be better referred to the minister for the environment. The bill introduces a mechanism for matters outside the climate change

portfolio to be introduced and responded to by a more relevant minister or if there is a joint responsibility.

The bill makes a few very minor amendments to the Environment Protection Act. These amendments clarify the distinction between an assessment and an audit of assessment, and remediation and audit of remediation, which had become blurred. Further, the Environment Protection Regulation 2005 has been refined to amend the rules regarding the development of sites of less than 0.3 hectares without erosion and sediment control measures if these measures are a requirement of the development approval.

The Nature Conservation Act, too, has a number of amendments. These include the explicit inclusion of exceptions to some offences where a licence has been granted under section 303 of the act, as well as a minor refinement of the definition of “influential person” within a corporation.

My personal favourite amendment in this bill is to clarify that directions about how an animal is to be kept once seized by a conservation officer are limited to living animals. I assume that this step followed what I can only assume was an amusing story; however, I have been reliably informed that this is a preventative step, not an unfortunate discovery.

Finally, a single word change in the Stock Act provides greater flexibility for the director-general in disposing of impounded stock within 14 days of notice being given to the owner. This means that, should an owner have the desire to reclaim their animal but be unable to do so within the 14-day window, the director-general may grant a small extension allowing the owners to reclaim the animal or may dispose of the animal at auction. This change also brings the provision into line with other powers under part 5 of the act.

I will move to the amendments to the Planning and Development Act. The bill covers a range of areas and I will confine my remarks to areas specific to the Planning and Development Act. Firstly, I would like to genuinely thank Minister Gentleman for the opportunity to receive a briefing on this bill. That was extremely important and it was most appreciated by my office and by Ms Lee’s office. We thank you for that.

We do not have a great deal to say on the planning aspects of this bill, as they are very much a refinement of technical structure and consistency of provisions. The adjustment to extend the interim effect default period from 12 to 18 months is sensible, given that draft plan variations must be referred to a committee for review.

The adjustment of section 76 to incorporate reference to section 74(2) refines and clarifies the minister’s responsibility to take action and hence improves the functionality of that section. Likewise, specifying a time limit of 12 months within which a land rent scheme must be paid out is not unreasonable.

The last adjustment to the Planning and Development Act is a reasonable one also. In our view, a clause to prevent development approvals expiring before ACAT decides

on a lease deconcessionalisation will avoid much frustration for the proponents of these and ensure administrative fairness.

In conclusion, I compliment the government for taking a continuous improvement approach to this aspect of the Planning and Development Act and encourage it to look at the pressing needs elsewhere in its jurisdiction.

**MR GENTLEMAN** (Brindabella—Manager of Government Business, Minister for the Environment and Heritage, Minister for Planning and Land Management, Minister for Police and Emergency Services and Minister assisting the Chief Minister on Advanced Technology and Space Industries) (4.45), in reply: I thank members for their participation in this debate and their support for this bill. The Planning and Environment Legislation Amendment Bill, the PAELA, is part of the government's regular program of omnibus amendment bills that make minor policy and technical amendments to the statute book.

As members have heard, there are effects on the ACT land rent scheme, permitting people with low incomes to rent land from the territory and cleaning that up in regard to when the land rent lease has not been paid within 12 months from the date of decision. Currently the applicant has unlimited time in which to pay the amount required. We have done that calculation using the value of the property and time for the decision. Delay in paying can cause financial loss to the territory.

The bill makes two minor policy amendments to the Environment Protection Act in regard to the Environment Protection Regulation 2005, to ensure that the offence of failing to install or maintain sediment and erosion control measures applies regardless of whether the requirement has been approved by a building certifier or is a requirement of the development approval itself.

There is an amendment to the Commissioner for Sustainability and the Environment Act 1993 to permit the minister who is responsible for the content of a special report prepared by the commissioner to table the government response to that report. Minor amendments to the Nature Conservation Act and the Planning and Development Act 2007 are in this bill as well.

I might just touch on the discussion in regard to Ms Le Couteur's comments on interim effect. Changes to the Territory Plan such as draft variations can have interim effect for a particular amount of time. This means that during the period of interim effect individuals or the government cannot do anything that is inconsistent with the Territory Plan if it has been changed in accordance with the draft variation.

Interim effect is provided in the Planning and Development Act and is considered on a case-by-case basis. Draft variations are placed on interim effect where there is a public benefit in doing so. This is particularly important for key policy initiatives and the introduction of improvements to planning practice in the ACT. Without interim effect, a rush of development applications prior to the commencement of a plan or variation could undermine the intent and effectiveness of the proposed variation. This could create a speculative environment in which proponents may be compelled to feel pressured to bring forward development proposals ahead of any proposed changes.

This can sometimes be fuelled by misinformation about the proposed changes and the perceived implications. Once again, it is where a public benefit is a process for doing so. I thank members for their contributions.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Road Transport Legislation Amendment Bill 2019**

Debate resumed from 6 June 2019, on motion by **Mr Rattenbury**:

That this bill be agreed to in principle.

**MISS C BURCH** (Kurrajong) (4.49): The Canberra Liberals will be supporting this bill today. Measured and responsible road safety measures should always be welcomed in this place, and ensuring that ACT Policing can fairly and easily enforce our road rules is critical to the safety of Canberrans on our roads.

This bill includes amendments to introduce minimum disqualification periods for drivers who repeatedly drive when their licence is suspended, with one month for a first-time offender and two months for repeat offenders. Sensibly, this bill also includes amendments so that if drivers have had infringements in New South Wales those infringements are also counted towards their disqualification period in the same way that an infringement from the ACT counts. This brings us more in line with other jurisdictions, as do the amendments which make it an offence to allow someone to drive their car unregistered.

This bill will introduce clarity for medical staff around when to take blood samples from people who have been admitted to hospital following a traffic incident, including pedestrians, cyclists and a person riding an animal. This clarity will no doubt be welcomed by our health and emergency services personnel and will make it easier for police investigations to be conducted. The Canberra Liberals also welcome the efficiency improvements in administration that components of this omnibus legislation will achieve.

We all know how important road safety is for the Canberra community. The devastation that is caused by reckless or impaired drivers can be hard to grapple with. There are many individuals and families in the ACT that have been victims of reckless drivers, either first or second hand.

While it is important that we get this legislation right in order to reduce the number of accidents and achieve zero fatalities on our roads, it is just as crucial that we ensure that our police and emergency services are equipped with the resources they need to enforce relevant legislation. I note that, despite population growth, we have

significantly fewer front-line police officers than we had almost a decade ago. This means that the ACT now has the smallest police force per capita in Australia. If the government were really serious about road safety, they would also look to increase police resourcing as a matter of urgency.

I would also like to acknowledge that this bill includes amendments which pave the way for the future of e-scooters in Canberra. Electronic scooters present an exciting opportunity in Canberra for commuters and tourists alike. The reasonably flat nature of our inner suburbs means our existing cycleways make Canberra a natural fit for e-scooters and a more diverse range of ride-sharing options. Our city already embraces active travel in a unique way, and bringing electric scooters and bicycles to Canberra will further encourage active travel.

When introducing this legislation, the minister mentioned that e-scooters could be introduced as a zero emission transport option to help us reach the government's zero emissions target. I would like to note that while the zero emissions target was announced many months ago, there has still been zero information from the government on how this will be achieved. Canberrans deserve answers sooner rather than later as to how these changes will affect their day-to-day lives and their back pocket. Nevertheless, the Canberra Liberals will be supporting this legislation today.

**MR RATTENBURY** (Kurrajong—Minister for Climate Change and Sustainability, Minister for Corrections and Justice Health, Minister for Justice, Consumer Affairs and Road Safety and Minister for Mental Health) (4.52): I thank Miss Burch for her comments today. As I mentioned when I presented this bill on 6 June, the bill makes a number of minor amendments to the territory's road transport legislation to improve road safety and the administration and enforcement of the legislation.

The government is committed to developing a community that shares responsibility for road safety and the realisation of vision zero—a strategy to achieve zero road fatalities. Drivers who repeatedly drive while suspended will be subject to increased automatic disqualification periods. The reason for the disqualification will remain a relevant consideration. A driver who has been suspended for exceeding the applicable demerit point threshold will receive an automatic disqualification period of two months for a first offence of driving while suspended, which is a reduction in the current period. However, any subsequent offence will see the disqualification period increased to four months.

The ACT has adopted the safe system approach to road safety, which requires responsible road user behaviour. Strong enforcement actions are essential to reinforce safe driving behaviours on our roads. The bill also strengthens the territory's drink and drug driving regime by clarifying existing provisions to ensure the effectiveness of the scheme and consistency with other jurisdictions. Appropriate enforcement of impaired driving offences is a matter of high importance to the community, given the associated risks of death and serious injury. Impaired driving is dangerous not only to members of the community but to the drivers themselves and their passengers. A moment's reckless decision to drive while impaired can be the cause of a lifetime of suffering.

The bill clarifies the circumstances under which a blood sample can be taken in hospital from a pedestrian involved in an accident. A sample can only be taken when the pedestrian is involved in an accident with a motor vehicle, bicycle, personal mobility device or animal-drawn vehicle. It is necessary to be able to test pedestrians as an investigative tool to determine the level of culpability of each party to the accident, to assist police in determining appropriate enforcement action.

Several other jurisdictions have introduced infringement notice penalties for certain drink and drug driving offences. The bill contains amendments to ensure that in these instances that offence is treated the same as a similar offence in the territory, where it is not currently an infringement notice offence. The government is monitoring developments in other jurisdictions and is committed to protecting the community from impaired drivers. In setting penalties for driving-related offences in the ACT, the government seeks to provide a balance between deterrence, community safety and providing drivers with the assistance they need to change their behaviour.

This bill includes a number of minor amendments to improve the efficiency and administration of the road transport infringement notice scheme. The amendments clarify that family violence, whether current or past, is a relevant circumstance for the purpose of determining a person's application to participate in an approved community work or social development program as an alternative method of paying an infringement notice penalty or an application for waiver of an infringement notice penalty. These amendments are being supported by a number of updates to existing processes around withdrawal and waiver of infringement notice penalties and access to approved community work or social development programs.

The bill also makes minor amendments to support future regulatory reforms to permit the use of emerging forms of personal transportation, as Miss Burch touched on. Since this bill was introduced, community consultation has been undertaken by a discussion paper on the your say website on how to introduce new personal electronic transportation devices into the road environment in ways that meet community expectations and are safe. The paper sought community input on what the regulatory settings for this type of device might be—in particular, maximum speed, where these devices should be permitted and whether there should be restrictions or conditions for use. There were over 650 responses received.

I will be hosting a road safety forum in early September on personal use of these devices, which will build on the consultation undertaken to date. E-scooters are a great example of how we can promote the use of zero emission transport when paired with 100 per cent renewable electricity and potentially reduce our reliance on cars, especially for short trips which can be more easily replaced.

I thank the Canberra Liberals for their support for the bill and I commend it to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Adjournment**

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

That the Assembly do now adjourn.

**The Assembly adjourned at 4.57 pm.**