Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

EIGHTH ASSEMBLY

29 OCTOBER 2013

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Tuesday, 29 October 2013

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MADAM SPEAKER (Mrs Dunne) 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.

Justice and Community Safety—Standing Committee
Statement by chair

MR DOSZPOT (Molonglo): Pursuant to standing order 246A I wish to make a statement on behalf of the Standing Committee on Justice and Community Safety performing its legislative scrutiny role.

Disallowable Instrument DI2013-229, the Energy Efficiency (Cost of Living) Improvement (Priority Household Target) Determination 2013 (No 1), was tabled in the Assembly last Tuesday. The Standing Committee on Justice and Community Safety, performing its legislative scrutiny role, has examined this instrument and has no comment to make on it.

Magistrates Court (Industrial Proceedings) Amendment Bill 2013

Debate resumed from 8 August 2013, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MR HANSON (Molonglo—Leader of the Opposition) (10.01): At the outset let me indicate that the Canberra Liberals will be supporting this piece of legislation, the Magistrates Court (Industrial Proceedings) Amendment Bill 2013. The bill comes as part of the commitment the government made to implement the recommendations of the *Getting home safely* report.

The bill will establish an industrial court as a specialist court in the Magistrates Court jurisdiction, similar to the structure of the Children's Court. The Chief Magistrate will appoint an industrial magistrate for up to four years. Flexibility is available to the Chief Magistrate when the industrial magistrate no longer holds the post, is otherwise unavailable or if potential conflicts of interest arise.

Civil matters can be referred to the Supreme Court. The Supreme Court will retain jurisdiction for serious criminal offences such as industrial murder or manslaughter and for civil matters above $250,000. The ACAT's jurisdiction remains unchanged. The industrial court will hold jurisdiction to deal with criminal and civil industrial work safety and workers compensation matters.

Whilst we support the bill, I note that a similar outcome could have been achieved administratively. The question does need to be asked: what contribution will a separate industrial court make in reducing the incidence of workplace injury in the

ACT, because that is the main game here? Indeed I note that the ACT Law Society and the ACT Bar Association, in their joint submission of June 2013 on the exposure draft of this bill, made similar observations. They said:

> There also appears nothing intrinsic to the Bill which will, of itself, reduce workplace injury in the territory.

When taking the trouble to make the submission on the exposure draft, the Law Society and Bar Association made a number of other observations and recommendations. The government took up two of those. The first was to limit the civil jurisdiction of the industrial court to claims of up to $250,000. That made sense. As we are aware, in the last days of the previous Assembly Mr Corbell reviewed the civil jurisdiction regarding claims of up to $250,000.

The second recommendation of the legal profession was to structure the court so as to minimise the likelihood of conflicts of interest arising in the judiciary. I am not sure that the bill goes as far as the legal profession would like, so this may turn out to be a bandaid where something more substantial was required.

The Law Society and Bar Association also raised a number of other concerns which appear to remain unaddressed. They covered matters relating to resourcing in the judiciary and in the office of the DPP, ensuring those resources are suitably qualified and experienced in legal practice relating to work health and safety, and the risk that the industrial court's time will be taken up with common law workers compensation matters rather than work health and safety matters. The society suggested that this is likely to cause delays and said that, for this very reason, other jurisdictions have limited the work of industrial courts to the work health and safety matters.

Finally, the joint submission of the Law Society and the Bar Association suggests there should be conferencing procedures for matters within the criminal jurisdiction so as to narrow the issues, reduce court time and save costs. Again, this has not been adopted by the government.

Much as was the case for the debate earlier this week of the Crimes (Sentencing) Amendment Bill, the opposition will support this bill with some caveats.

At this stage I would like to thank the department for the briefing that was provided in the minister's office on this bill. But I would like to make it clear that the government will be on notice that there is a risk that a special industrial court will not actually reduce the incidence of workplace injury in the ACT and that the new jurisdictional elements may distract the court from its main purpose—that is, to address work health and safety matters.

This bill does have our support, with those comments, and we will watch with interest to see how this plays out in the coming months and years.

MR RATTENBURY (Molonglo) (10.05): I am pleased to give the Greens' support to the Magistrates Court (Industrial Proceedings) Amendment Bill and to support the establishment of the first industrial court for the ACT.

The legislation will establish an industrial jurisdiction in the existing ACT Magistrates Court and empower the Chief Magistrate to declare a magistrate to be the industrial magistrate for a period of up to four years. The industrial magistrates court will have jurisdiction over work safety and industrial relations matters, which arise in the ACT under several acts, such as the Dangerous Substances Act, the Workers Compensation Act and the Work Health and Safety Act 2011.

The matters are limited to claims up to $250,000, which is the current jurisdiction of the Magistrates Court. Claims that are greater than $250,000 can be taken to the Supreme Court.

Limiting the jurisdiction to $250,000 is one of the changes made between exposure draft and the final version of the bill. The exposure draft proposed allowing the new industrial court to hear matters above $250,000. This was a concern of stakeholders such as the Law Society and UnionsACT. I agree that it is appropriate to limit the jurisdiction to $250,000, at least for now. I think it is reasonable to give the new jurisdiction some time to develop before we move new matters into its jurisdiction that would otherwise have proceeded in the Supreme Court. It is also worth noting that the general jurisdiction of the Magistrates Court was only increased from $50,000 to $250,000 in 2012, so I think it is prudent to wait before increasing it further.

The bill differs from the exposure draft in several other ways. The changes reflect concerns of stakeholders, including the Magistrates Court, as well as issues that my office raised in discussions with government officials. I note, for example, that the bill removes a potentially invalid privative clause in section 291W, which purported to limit the options for administrative review of a decision under the act.

The final bill also increases the length of appointment of the industrial magistrate from two to four years. Again I believe this is appropriate, as one of the key merits of this bill is that the industrial magistrate will accumulate knowledge and experience in industrial matters and be able to apply penalties consistently.

I would like to thank the government and JACS officials for their consultative approach on this piece of legislation. I am happy with the changes that have been made between draft and final bill. I note also that the scrutiny of bills committee looked at this bill and had no concerns or comments.

Establishing the specific industrial jurisdiction in the ACT is one part of a suite of initiatives that I hope will see the territory become a safer place to live and work. I would again like to put on record the ACT Greens' strong support for work safety reforms that have been occurring over the last year.

The establishment of an industrial magistrates court responds to a recommendation of the *Getting home safely* report, which resulted from a 2012 inquiry into construction industry safety in the ACT. The report was born of a tragic loss of lives and a period of increasingly common workplace injuries in Canberra.

As the report notes, we have had a very distressing safety record for such a small jurisdiction. I cannot speak to this bill without mentioning the human aspect to this issue and to acknowledge the personal grief of the families who have lost loved ones in building and construction industry accidents in recent times.

The *Getting home safely* report raised some concerns about the quality and timeliness of prosecutions for work health and safety matters. The additional resources that the government is providing to WorkSafe will hopefully bring improvements in this area. The report also considers the outcomes of the matters that do go to court. It says:

> … unlike many other jurisdictions, where an Industrial Court with experience and knowledge of work health and safety and the likely impact of sentences hears matters, in the ACT such matters are considered by the Magistrates Court. An examination of outcomes reveals that ACT courts tend to impose significantly lower penalties than those applied in other jurisdictions.

The report goes on to point out that the ACT courts apply—and I quote:

> … patchy and inconsistent … deterrents, with penalties, low though they might be, usually applying only to those who have 'rolled the dice and lost'—generally with a worker or workers bearing the brunt of the consequences.

The report's authors are blunt about what this means for worker health and safety in the territory. They say:

> The outcome of a predominant focus on reactive work is that businesses which take significant risks without incurring a systems failure can often escape without detection and without penalty. This creates a gross inequity for those businesses which are committed to abiding by the law. In a competitive commercial environment this can be a significant disincentive to compliance with the law.

I agree with the report's recommendation that establishing an industrial jurisdiction in the ACT is an appropriate response to this issue. I commend the government's response to establish this jurisdiction through this bill.

It will be important that the government closely follows the implementation of the new industrial jurisdiction, including the outcomes of cases heard, the severity and consistency of penalties, as well as any workload issues that arise from the reconfigured jurisdiction. I am aware, for example, that workload issues were of particular concern to the Law Society. I would suggest that it would be a good idea for the minister to report back to the Assembly with an update on the industrial court so that all members might be apprised of how it is going and whether those resourcing issues are in fact proving to be a point of concern.

The experience of other states suggests that an industrial court can play an important part in leading industry reform. Over time I expect the experience in the new court will result in more consistent and potentially more serious penalties which, in turn, help reform the work health and safety culture in the ACT. This is an important and ongoing goal as the ACT strives to end injuries and deaths in workplaces and instead become a model of safety and good practice. I am pleased to support this bill.

MR GENTLEMAN (Brindabella) (10.12): I would like to speak in support of this bill today. The creation of the new industrial court in the territory is a great achievement for every worker and employer in the ACT. Leading up to the last election, the Labor government committed to the creation of the new industrial court with an industrial magistrate in the wake of a number of tragic deaths in the ACT construction industry and a high number of other serious safety incidents. The call for an industrial court also came from a recommendation in the *Getting home safely* report.

The new court is an important initiative for ACT workers and will give well-deserved attention to the issue of worker safety, which is a priority for this Labor government. The passage of this legislation will create the new industrial court which is the centrepiece of a number of other important initiatives this government is undertaking to improve the safety of all ACT workers, particularly those people working on high risk ACT building and construction sites. The government has accepted all of the twenty-eight recommendations from the *Getting home safely* report. Work to implement the recommendations is well advanced in areas where the government has direct control.

I would like to spend a little time today talking about the progress made so far by the government with the implementation of these recommendations designed to strengthen work safety arrangements in the territory. In the recent ACT budget the government allocated $5.7 million over four years to strengthen workplace safety by employing 12 new WorkSafe inspectors, including dedicated legal staff. WorkSafe ACT is in the process of engaging up to seven new inspectors, with the remaining inspectors likely to be engaged from 1 March next year.

As of 1 July this year, an additional 10 on-the-spot fines for various work safety offences have been introduced and work is progressing on introducing more. The Office of Regulatory Services recently revised and republished the *ACT Building and construction industry safety handbook* with the assistance of a consultative group comprising key industry stakeholders. The completed web version went live on the WorkSafe ACT website in May this year.

The government is also considering its information campaigns with a view to continuing those campaigns. In April this year WorkSafe ACT launched an ongoing campaign titled "Speak up about safety". It relates to safety in the workplace. The Work Safety Commissioner has been busy putting in place a rolling seminar program that focuses on key safety issues and key employer responsibilities under the new work health and safety laws. The commissioner ran a three-day seminar on safety in the construction industry in early June, which was attended by representatives from all over Australia. It had as its keynote speaker Baroness Rita Donaghy, who authored a similar report to *Getting home safely*, a report titled *One death is too many* in the UK.

Both WorkSafe ACT and the construction services branch of the Environment and Sustainable Development Directorate continue to work together on providing education and advice to the construction industry. They recently held a joint seminar on the supervision of apprentices on construction sites, and more sessions are planned.

WorkSafe ACT and the construction services branch are looking at inspection and investigation activities that will run through to December this year with a plan on implementing joint delegations in 2014. The Commerce and Works Directorate has implemented its active certification model, which applies to select ACT government construction programs with project values at or exceeding $250,000 where pre-qualified contractors are engaged. The industry information session to introduce the model was attended by over 100 participants.

This government is committed to working with industry, unions, employers and employees to do everything possible to ensure that every worker returns home safely. I would like to take this opportunity to call on industry and employee organisations to take the lead and work with the support of government to ensure that the raft of reforms set out in the inquiry's report are implemented. I commend the bill to the Assembly.

MS BERRY (Ginninderra) (10.17): I rise to speak in support of this amendment but before I do I wish to acknowledge the representatives from the ACT union movement who are here in the gallery today and acknowledge the hard work that they and their members have put into seeing this amendment become a reality.

We have seen good reforms pass through this Assembly over the past 12 months that will significantly improve the safety of workers in our city. Investing in more inspectors and giving them increased powers to issue on-the-spot fines for work safety breaches, as well as new provisions to help prevent phoenixing, sends a strong message to our community that this government will not allow people to put profits before safety.

The industrial magistrates court is a significant reform to our work safety regime here in Canberra. As Minister Corbell said when he tabled the exposure draft to this amendment:

> Creating a separate industrial court will foster great experience and specialisation of workplace health and safety laws by the courts. And the allocation of specific magistrates to the new industrial court will further increase specialist expertise in work health and safety matters.

This might sound like a modest reform but there is clear evidence that suggests that when workplace health and safety cases are held before non-specialist courts the decisions, penalties and convictions recorded do not match with the experiences of other jurisdictions. Indeed, Madam Speaker, as the *Getting home safely* report stated on page 67:

> When cases do come to court, unlike many other jurisdictions, where an Industrial Court with experience and knowledge of work health and safety and the likely impact of sentences hears matters, in the ACT such matters are considered by the Magistrates Court.

An examination of outcomes reveals that ACT courts tend to impose significantly lower penalties than those applied in other jurisdictions. It is relatively rare in the ACT to see penalties higher than the low tens of thousands of dollars if a fine or even

a conviction is recorded at all. Penalties in other jurisdictions often run closer to hundreds of thousands of dollars, if not more, for similar offences. For too long in this territory, the penalties and costs for breaching work safety laws have not matched the pain and the costs suffered by those injured or grieving as a result of these breaches.

In my previous work representing low paid and insecure workers, I saw the effects that poor workplace health and safety cultures had on workers and their ability to stay safe in their jobs. Sometimes these were the result of an ill-informed employer, but far too often poor work health and safety practices exist because employers were all too aware that the costs saved from not properly protecting their employees outweighed the chances of being caught and the small fines they had to pay if found guilty.

Too many times I saw cleaners in our town being treated badly and having their work health and safety put at risk. One cleaner, as a result of mixing cleaning products, had ended up with a severe loss to her sense of smell. It had been damaged so much that she is no longer able to smell the food that she eats, no longer able to smell the grass that is cut around our beautiful suburbs and city. We all take having our sense of smell for granted. But due to the instructions from her employer, through laziness or the ability to make a quick buck, her sense of smell, her workplace health and safety, and her life and her future have been sacrificed.

The *Getting home safely* report makes a concise argument about the need for the existence of greater disincentives for employers who breach their workplace health and safety obligations. It is not a disincentive for the fine to match the cost of doing the right thing in the first place. As I have said previously in this place, one of the key findings from the *Getting home safely* report was the need to change the culture on construction sites to bring a greater focus on the importance of safety in our workplaces.

It is very important for workers to know that they have a strong legal framework that protects their safety at work. The creation of the industrial magistrates court sends a strong message to employers that they have the responsibility to ensure that the workplaces they operate are safe and that their workers are not exposed to dangerous practices or conditions.

Passing this amendment today will be another step towards creating a strong culture of safety in our workplaces. I know that there are a lot of people here today who unequivocally think this is a step worth taking. I commend the bill to the Assembly.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education) (10.22): I rise to speak briefly to the Magistrates Court (Industrial Proceedings) Amendment Bill 2013. Madam Speaker, the government starts from the principle that laws should protect the occupational health and safety of all workers, regardless of their occupation. Over the last few years we have amended our occupational health and safety laws, including the adoption of national laws, to ensure that the laws provide the legal framework to prioritise health and safety of people at work.

But laws can only do so much and there are times when workplace accidents occur or workplace injuries occur. Then the laws provide for penalties for the breaches of law where that is found. Where accidents occur, laws need to respond with appropriate fines and penalties. In my time in this place I have met more people than I would have liked who have suffered from a workplace accident or injury. Of course, in the worst examples, I have met people where loved ones have lost their lives at work.

Over the years we have had strong representations, particularly from the union movement, around ensuring that the court can specialise in areas of industrial matters, particularly around workplace safety. They have lobbied for this change, and in the lead-up to the last election, the government committed to the establishment of a new industrial court with an industrial court magistrate. This did respond also to a recommendation from the *Getting home safely* report, which was commissioned by Minister Simon Corbell after a high number of serious safety incidents and tragic deaths in the ACT construction industry.

This was a recommendation of that report. Today with the passage of this bill, with the unanimous support of the Assembly, we will have an industrial court established. I would like to commend the work that the Attorney-General and Minister for Industrial Relations did on this bill. But, more broadly, I commend him for the work that he has led in responding to the *Getting home safely* report. Whilst it all seems fairly straightforward, these matters around how to move forward and reform laws in this area do require careful consultation with employee and employer organisations.

In large part, considering the fraught nature of some of these discussions, I think they have proceeded relatively smoothly with the support of both industry and the employee representative organisations or the unions. So I would like to congratulate Mr Corbell on that and, indeed, the industry groups and the unions for the work that they have done to ensure that, whilst we have laws to protect people at work, where there are matters that need to proceed to court, we will now have a specialised industrial court with a specialised industrial magistrate to hear those matters and to provide expert views on them.

I also thank all the stakeholders that have been involved in the development of this bill for their support, including the Law Society and the Bar Association. Whilst I understand they do hold some reservations about the capacity of the court to manage workloads, they have worked with us in the development of this legislation. I look forward to seeing how the industrial court operates. I look forward to hearing feedback from stakeholders about its success.

I finish off by saying that we would prefer that the industrial court did not have to deal with any matters at all, if we were able to protect people at work under the various occupational health and safety and workers compensation legislation. All the best, and congratulations to everyone who was worked hard on the development of the bill. I look forward to seeing it in operation.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (10.26), in reply: I thank members for

their unanimous support of this bill. This morning I would like to start by reflecting on why we are moving this legislation today and why the government has taken such a range of steps to try and improve workplace safety so that people at work can get home to their family and friends at the end of a working day.

The reason we have done so, of course, is because of, in particular, four very tragic deaths. These four deaths, three of which involved relatively young men at the beginning of their working lives, with their full lives in front of them, have spurred the government to take action to try and improve the culture of workplace safety here in the ACT. It is worth reflecting on the nature of these deaths, not in any morbid way but as a reminder of the seriousness of when safety goes wrong.

We can recall, of course, the death of one young man struck by the boom from a concrete pumping truck. Another young man was crushed through the use of a mechanical arm on a rubbish truck. Another man was run over by a grader on a new work site building a new suburb here in the west of our city. Another man was electrocuted when his truck struck overhead power lines. These are tragic and distressing deaths. They are violent deaths and they are deaths that should not be forgotten. Our obligation is not only to honour their memories but to do everything we humanly can to improve safety on work sites so that others do not face the same fate.

The *Getting home safely* report was designed to respond not just to these deaths but to a broader pattern of serious misses and poor safety culture in so many parts of the civil construction sector across our city. I have been greatly encouraged by the response from all parts of the industry and, importantly, from the union movement, who have been a consistent and strong voice for safety, even when it has often been to their detriment politically. I thank them for their support of the government and of me as the minister as we have sought to pursue these reforms. I acknowledge their presence here today. Their support has been critical.

I also acknowledge the support of others, including industry bodies such as the MBA and the HIA, who have acknowledged that there is work to be done to improve safety and that employers have obligations that must be met.

Today we are talking about the passage of the new industrial court, a court designed to specifically and expertly hear and determine work safety matter applications and workers compensation claims. It is a centrepiece policy of the Labor government promised at the last ACT election and delivered on today.

The Magistrates Court (Industrial Proceedings) Amendment Bill fulfils our election commitments and also addresses a key recommendation of the *Getting home safely* report. The bill will strengthen the capacity of our courts to focus on industrial and workplace health and safety issues. It will establish for the first time an industrial court in this jurisdiction. Whilst industrial courts are not new in almost all other jurisdictions around the country—indeed, some date back nearly a century—it is the first time that there has been a dedicated allocation of a magistrate to promote judicial specialisation and expertise in industrial laws in this jurisdiction.

The new court will become the place where certainty and fairness for all litigants will be delivered, through specialist knowledge and understanding of the particular issues that arise, and their impact on both workers and employers. Over time it is expected that the new court will build up its knowledge and expertise in industrial law so that its decisions will better protect the safety of all ACT workers and deliver fairer outcomes for employers.

The industrial court will hear and determine not only breaches of our work health and safety laws but also statutory workers compensation claims and common law claims up to the value of a quarter of a million dollars, all of which are currently dealt with in the broader jurisdiction of the Magistrates Court. Common law compensation claims above $250,000 will remain in the Supreme Court jurisdiction until such time as the government is able to assess the impact on the Magistrates Court of the remainder of the changes currently being implemented.

Having statutory and common law workers compensation litigation as part of the same jurisdiction as the mechanism to manage disputes, penalties and fines will promote greater consistency in decision making and the imposition of appropriate penalties by the court. In the relatively unusual event that criminal and civil proceedings are initiated in the industrial court out of the same incident, the government has made provision for the chief magistrate to assign another magistrate to hear a matter where she is satisfied that a perception of bias could otherwise arise. The chief magistrate will also be able to assign another magistrate to deal with a matter where she is satisfied that it is in the interests of justice to do so. These flexible assignment provisions complement the way competing matters are already being managed and dealt with in our court system.

The establishment of the ACT industrial court coincides with the introduction of significantly higher penalties for offences under the new harmonised work health and safety laws. Now a company can be fined up to $3 million for a serious work safety breach and a negligent company director can be fined up to $600,000 or be sent to jail for up to five years.

As has been noted in the *Getting home safely* report, ACT courts have tended to impose significantly lower penalties than those applied in other jurisdictions. Those jurisdictions already have industrial courts with expertise and knowledge of work health and safety and the likely impact of sentences. But there is no doubt that low penalties for non-compliance represent little, if any, deterrent for recalcitrant businesses, which is unfair on those businesses which are committed to doing the right thing and providing a safe working environment for their workers.

Therefore, the establishment of the industrial court will assist with the application of appropriate penalties for work safety offences and will send a strong message to non-compliant businesses who think they can cut corners, flout the laws and put workers' safety at risk. The government has now put the courts in a strong position to have a consistent approach in dealing with breaches of work health and safety laws as a result of this bill.

It is worth making the observation too that, when it comes to the application of penalties, the government has recently reformed the law to provide for on-the-spot fines, so that work safety inspectors have greater capacity to issue on-the-spot fines up to the tune of $3,000 or $4,000 for simple work safety breaches that would otherwise have required a full prosecution for any penalty to be applied. These on-the-spot fines are already making a difference in workplaces across the ACT. The extra inspectors that the government has engaged now have the capacity to issue these fines to send a timely and direct monetary penalty to those employers who fail in their work safety obligations.

The government is also, more broadly, clearly focused on the issue of consistency in sentencing. In the most recent budget the government made allocation of $2.2 million over four years for the establishment of an ACT sentencing database. This new system will allow the courts and practitioners to better inform sentencing decisions to improve consistency. ACT courts already have access to the New South Wales system, and I am looking forward to launching the ACT sentencing database later this year. This database will also assist the new industrial court.

The children's court model has been adopted by the government as an appropriate model for the new industrial court. It has the advantage of requiring the chief magistrate, in consultation with other magistrates, to declare a specific magistrate to be the industrial court magistrate for a term of not longer than four years. A four-year term of office will allow the magistrate sufficient time to build up familiarity with the complexities of this area of the law and improve consistency in decision making and the application of penalties.

As is the case with the children's court, the chief magistrate will continue to be responsible for allocating and ensuring the orderly and prompt discharge of the business of the new court. The industrial magistrate will be responsible for dealing with all matters allocated by the chief magistrate for hearing before the new court. The new court will be able to refer civil matters to the Supreme Court where the parties jointly apply to have a matter removed to that court, where one party applies to have a matter removed and the court considers it appropriate to do so, or the court can do so on its own initiative.

The jurisdiction of the industrial court will include most proceedings under legislation falling within my portfolio as Minister for Workplace Safety and Industrial Relations. The Holidays Act, the Standard Time and Summer Time Act and the two long service leave acts have been removed from the jurisdiction of the new court to allow it to focus its attention solely on criminal work safety and civil compensation matters and to assist in the development of its specialisation.

The industrial jurisdiction of the new court will be exactly the same as the current industrial workload of the Magistrates Court. There will not be extra work for this court. The existing work will simply be differently organised. The criminal jurisdiction of the court will also remain the same as it is now in the Magistrates Court, with serious criminal matters such as industrial murder or manslaughter remaining in the Supreme Court, as it has sole jurisdiction to hear criminal matters involving harm to a person where the maximum penalty is greater than 10 years imprisonment.

The industrial court will have jurisdiction, though, to hear and decide a proceeding in relation to bail for an adult charged with an industrial or work safety offence and a proceeding in relation to a breach of a sentence imposed by the Magistrates Court for an industrial or work safety offence. There is also flexibility in the legislation to expand the jurisdiction by allowing other acts to expressly confer further jurisdiction on the industrial court.

I might just conclude by again thanking key stakeholders for the support they have given in the establishment of this new industrial court and for their valuable insights and suggestions made to improve the operation of the new court. The government will be watching the development of the new court closely. We are conscious of the concerns raised by some members of the magistracy and also from other legal stakeholders about management and workload in the new court.

I would again simply reiterate that there is no new business being brought to the Magistrates Court by these arrangements. Instead, there is a focus being given and a dedicated magistrate being allocated to hear those matters. Nevertheless, the government will watch closely the operation of the new court and consider further whether any resourcing questions arise.

I believe that over time the new court will prove its worth as a specialist court building up its own industrial case law and procedures around industrial civil claims and criminal matters. The court will be able to draw on its specialisation and promote greater consistency in decision making and the application of penalties by the court delivering certainty and fairness for all litigants.

The establishment of an ACT industrial court is all about improving the work safety culture in our territory and providing a dedicated focus to administer justice for alleged breaches of the law when it comes to the most serious matter of workplace safety. The establishment of this court is further demonstration of this Labor government's commitment to improving the health and safety of all ACT workers. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Statute Law Amendment Bill 2013 (No 2)

Debate resumed from 19 September 2013, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MR HANSON (Molonglo—Leader of the Opposition) (10.41): The main elements of this bill, the Statute Law Amendment Bill 2013 (No 2), do what they are supposed to

do: they make minor amendments, essentially, to the machinery of government. The opposition supports those elements of this bill. But as you are aware, Madam Speaker, statute law amendment bills are not meant to contain matters that are controversial or have any significant statements of policy and so on. Unfortunately, not for the first time in this place, we find that we have a statute law amendment bill that contains an element—this is in schedule 1, part 1.2, which amends the Health Act 1993 and matters concerning the credentialing of midwives—which reflects a reasonably significant change in policy here in the ACT and is not uncontroversial. I will go through that shortly.

For that reason, the Liberal Party will not be able to support this legislation. There are two ways forward: either adjourn debate until such time as adequate consultation has occurred or bring it back without the elements which are of concern to the opposition so that the other matters can be brought forward. There is nothing that I see in this piece of legislation and there is nothing that I have been advised of in the briefing I had last night that would indicate that this is in any way a piece of legislation that needs to be rushed through.

I turn now to the particular element about which I have concern. The Health Act 1993 already provides for the credentialing of some health professionals other than midwives and specifies several classes of facilities as health facilities. However, in practice these amendments propose that privately practising midwives be credentialed for a certain scope of professional practice at hospital. The purpose of credentialing is to enable an eligible midwife to admit patients under their own name into an ACT health facility and care for them there as per the parameters of practice delineated by the scope of practice committee for that midwife.

This is an issue that we in the opposition have looked at, and we have struggled to see whether this is a non-controversial element or whether there is something more substantive here. We have sought some answers from the government. There was a series of toing and froing between my office and Mr Corbell's office. We forwarded a bunch of questions; we received answers on Thursday afternoon, and I have since forwarded those elements to stakeholders.

I received a brief from the government yesterday evening, and I have received a response from a number of stakeholders. Neither of those activities gives me any sense of comfort that this is without controversy. At the briefing last night, and I thank the minister's officials for that, the official from the Health Directorate did not give me the comfort that this had had sufficient consultation. In fact, when I asked about consultation, I was advised that the consultation would essentially occur after the passage of the legislation. That really is the wrong way around. I was advised that there had been discussions at the federal level, but there was an admission that, although there had been consultation with the College of Midwives, there had been no consultation locally with the college of obstetricians. I find it unusual that that would be the case. Clearly, sufficient consultation has not occurred, and what has occurred has essentially been in house.

I now want to read the response I got when I sent this legislation to the Royal Australian and New Zealand College of Obstetricians and Gynaecologists and to the

National Association of Specialist Obstetricians and Gynaecologists. I received a response from the ACT chairman of RANZCOG and the Australian president of NASOG. I quote:

> Dear Mr Hanson,
>
> Re: Statute Law Amendment Bill 2013 (No 2)
>
> I have concerns about this bill as:
>
> - It is a controversial matter that sees the introduction for the first time of nurses/ midwives being able to admit patients to a hospital without input from a doctor
>
> - there is a potential for reduction in safety as doctors are called in late for obstetrical emergencies
>
> - it has been rushed with no consultation with RANZCOG or NASOG

Based on that email that I have received from the local chair and national president, it is difficult to consider that what is being debated here, which is meant to be a SLAB, is in any way uncontroversial.

Let me go through what we were advised in the tabling speech was the effect of this legislation. I read from the tabling speech by the minister:

> The Statute Law Amendment Bill 2013 (No 2) makes statute law revision amendments to ACT legislation under guidelines for the technical amendments program approved by the government. The program provides for amendments that are minor or technical and non-controversial …

It is difficult to argue that this is non-controversial when I have the local ACT chair of the college and the national president of the national association, who is one and the same person, saying it is controversial. It is difficult for anyone in this place to stand up and then say that this is just something that is technical and minor in its nature.

The minister has said that statute law amendment bills serve an important purpose of improving the overall quality of the ACT statute book so that it is kept up to date and things are easier to find, read and understand. He has also said:

> … the statute book has been created from various jurisdictional sources over a long period, it reflects the various drafting practices, language usage, printing formats and styles used throughout the years.

Anyway, when you read the tabling speech it is pretty clear that there is no sense that anything in it was going to be in any way controversial. It has occurred that this is the case. I accept that this is somewhat late notice. This was legislation that was tabled in the last sitting period. It has taken a bit of toing and froing between my office and the minister's office to identify whether there may be elements that are controversial; then, when we have forwarded it to the various representatives of stakeholder groups, they have come back and said it is.

Perhaps there is a way forward. We might go to the detail stage and, because I am comfortable with the rest of the bill, essentially then have a division on the element that I have concerns with, part 1.2. We could deal with that separately. But if that is not going to be supported, perhaps we will just vote against the whole thing. We will see how others are responding.

What I would say is that perhaps—given that there is no rush for anything in this legislation that we were told was non-controversial and we were told was minor but that appears not to be the case—we could adjourn so that this matter could be resolved and perhaps the controversial elements withdrawn and dealt with separately. That would be my recommendation, so that we can actually get on with doing what a SLAB is meant to do—essentially to amend the statute book with non-controversial and only minor adjustments and policy, and resolve the issue of consultation with all the stakeholder groups locally.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education) (10.50): I rise specifically to address the concerns that Mr Hanson has. The amendment clauses in this SLAB are considered minor policy; I gave approval for them to be included in the SLAB as I do for all SLABs of various types.

This amendment clause responds to the national maternity services plan, which was endorsed by Australian health ministers in November 2010 for the five-year period from 2010 to 2015. The plan's aim is to preserve and expand the availability of model maternity care services to women and their significant others. The maternity services plan committed jurisdictions to develop consistent approaches to the provision of clinical privileges within public maternity services to enable admitting and practice rights for eligible midwives and medical practitioners. All jurisdictions committed to use their best endeavours to facilitate the clinical privileges, admitting and practice rights of eligible midwives.

This amendment enables us, should we choose, to establish processes for credentialing of midwives. It does not require us to establish those processes or credential individual midwives, and any move to do so would need to be done by ensuring that all clinical safety and governance matters are appropriately addressed and are supported by the obstetricians working within our services. It is anticipated that implementation of this credentialing will be considered in the first instance at the Centenary Hospital for Women and Children in full consultation with all relevant staff.

In relation to the national maternity services plan, there was extensive consultation with RANZCOG, so I do not know the situation in relation to the advice that Mr Hanson just provided but there was extensive consultation with the office of the Commonwealth Chief Nurse and Midwifery Officer and with the Royal Australian and New Zealand College of Obstetricians and Gynaecologists to develop and implement the national maternity services plan.

Once this plan was agreed by all health ministers of all jurisdictions after the consultations that had led into the development of the maternity services plan, it was

not seen as necessary for us to then consult locally with a whole range of other stakeholders on whether or not the plan that was agreed through health ministers and all the discussions that were had as part of that were to be re-agitated at a local level. Consultation in developing this has been undertaken with the following: senior clinicians within the Centenary Hospital for Women and Children, and it is believed that if credentialing of midwives is to occur it will occur in that facility: with the clinical director of obstetrics and gynaecology at Canberra Centenary Hospital for Women and Children; with the Acting Director of the Medical and Dental Professional Standards Unit; and with the Principal Medical Adviser. All of these officers indicate their support for the bill and the credentialing for which it provides.

Going back to the comments of Mr Hanson, I think he said that the local chapter of the college of obstetricians and gynaecologists alleges that it gives admitting rights to midwives for the first time. It does not do that. This allows a process to be put in place which could allow for the credentialing of midwives, but that is going to take—Mr Hanson, you raise your eyebrows at me. You read in that this gives midwives admitting rights. It does not. No-one can have admitting rights or credentialing rights until there is agreement with local medical practitioners. It has to be done in cooperation with them.

Some will say that we have got Buckley's of actually delivering that in the ACT because of the views of some of the local obstetricians about whether or not this is the right way to go. But in Queensland, for example, since these changes were put in place, I think there are now 60 credentialed midwives working in public hospitals. So women can choose a midwife and choose to have that midwife support them through their antenatal period and support them during their birth. As our VMOs have admitting rights in hospitals, midwives are able to do that.

In order to be an eligible midwife you have to have registration as a midwife; you have to have three years full-time post-registration experience as a midwife; you have to have evidence of current competence to provide pregnancy, labour, birth and postnatal care through professional practice review; and you have to hold an approved qualification or have completed a program of study substantially equivalent to approved qualification or made a formal undertaking to complete an approved qualification within 18 months to acquire the skills required to provide the scheduled care.

That is what subsection 38(2) of the ACT's Health Practitioner Regulation National Law sets out for an eligible midwife. This will allow eligible midwives who meet those requirements to potentially, if they can reach agreement to work in collaboration with medical practitioners, have the opportunity to provide midwife-led admission. That is what this change does. The concerns of obstetricians will be able to be well heard if an eligible midwife applies for credentialing to a local health facility. And if they do not support it, if there is no medical practitioner that supports that application, there will be no credentialing of that eligible midwife.

My understanding is that in other jurisdictions—and this is particularly useful in rural jurisdictions, where there are no specialist obstetricians and where you may have a general practitioner who has been doing all the obstetric care, and in small rural

hospitals—they have been able to use eligible midwives to provide that very high level of highly qualified care for women in that setting. I think the last figure I saw was for Queensland, and I know that it is available for others; I think WA is another example where midwife-led care is essential for delivering maternity services in such a large jurisdiction. It is not such a huge issue here, but I can give you many examples of women who have approached me wanting their midwife to assist with their birth in a public health facility, and they are not able to do that.

It is about providing choice. It is about establishing a process where midwives might be eligible to be credentialed in a public hospital facility. It does not allow for that to occur at this point, because there is a whole lot of other work that needs to be done, including collaboration with medical practitioners.

I think it probably is only the local chapter of the college of obstetricians and gynaecologists that may have concerns. My understanding is that RANZCOG did not, and they were involved in the national negotiations for the national maternity services plan. I know that the midwife organisations, for example the ANMF, would be very supportive of this—as would, I imagine, the consumer health organisations, who again have been calling for greater opportunity for midwife-led care in maternity services. I think they would also be supportive, as will many women who are wanting to expand their choices when they birth and for their antenatal care. And indeed, it has been supported by the most senior clinical staff at the Centenary Hospital for Women and Children who are also obstetricians and gynaecologists.

I do not doubt that there are concerns raised locally. This is always the way where there is what is seen as essentially a demarcation and a possible moving in in areas where others have not been able to practise. It is not unusual in health. But this simply allows a process to occur; it does not allow a change in practice. It will not have midwives providing this care tomorrow, because there are other steps that need to be taken. But it does implement our nationally agreed commitment to the national maternity services plan as agreed by health ministers in 2010 after extensive consultation with various stakeholders.

MR RATTENBURY (Molonglo) (10.59): I support this bill. It makes several amendments to ACT legislation that are minor, non-technical or non-controversial. In terms of the substantive matter that has been raised today, I appreciate the explanation the Chief Minister has just given. My understanding is that the amendment simply formalises an accrediting process formerly entered into by public hospitals. It is a scheme that applies nationally and was agreed to by all health ministers in 2010. Again, my understanding is that ACT legislation required a minor amendment to implement this. It was not required in all jurisdictions. So in that sense I think that points to the nature of the amendment.

Having listened to the comments from the Chief Minister, and from the information that I have been able to garner in a very short time frame, my understanding is that consultation was undertaken locally with senior clinicians and, of course, through the national bodies—the office of the Commonwealth Chief Nurse and Midwifery Officer.

We seem to have a situation where nationally this is seen as non-contentious, and it has been worked on extensively, and then we have some local concerns that have been expressed. I do not think that invalidates the fact that it is going through in this legislation this morning.

I was surprised to first find out about this on the floor this morning. The nature of this place is such that if Mr Hanson had some concerns he might have flagged those with me in advance so we could have had a serious look at the issue. That is perhaps something that members may want to think about for future reference. I will be supporting the bill today.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development) (11:01), in reply: I thank members for their support of this bill, although I note the comments made by Mr Hanson. What I would say in relation to Mr Hanson's comments is that the bill is designed to provide for the resolution of a range of non-controversial, minor or technical amendments to a range of territory legislation. It is important to stress that the use of the statute law amendment bill allows an efficient mechanism to deal with these amendments rather than portfolio ministers having to bring forward individual amending bills which would be very short and would deal, effectively, with only one amendment often in each relevant act. It is much more efficient, in terms of the use of the government's parliamentary drafting resources, for these amendments to be consolidated into a statute law amendment bill. That is what has occurred on each occasion that a statute law amendment bill has been introduced, including this one.

I think my colleague Ms Gallagher has outlined very clearly the circumstances and the nature of the amendment to which Mr Hanson has taken offence. It is clear that that amendment is minor. It has already been the subject of detailed discussions, both nationally and locally, and is part of broader national reform arrangements. Further, it is not an amendment that establishes a new regime per se in relation to the recognition and role of midwives. It simply facilitates a mechanism that would involve, in and of itself, further consultation.

That said, this SLAB bill is an important mechanism to improve the overall quality of the ACT's statute book. The amendments in it—dealing with everything from the education and care services national law through to the public health regulation under the Public Health Act, the health practitioner regulation national law and, finally, the definitions of Standards Australia—are all designed to improve the overall operation of the territory's statute book. They are an appropriate and effective use of the SLAB legislation, instead of individual directorates having to progress individual portfolio bills through their relevant ministers.

I would like to express my ongoing appreciation for members' continuing support for the technical amendments program. The technical amendments program is a good example of the territory demonstrating how to maintain a modern, high quality, up-to-date and easily accessible statute book. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 5, by leave, taken together and agreed to.

Schedule 1, part 1.1, agreed to.

Schedule 1, part 1.2.

MR HANSON (Molonglo—Leader of the Opposition) (11.05): As I indicated in my in-principle speech, I have concerns with this element of the bill. It appears to me that this is not without controversy when there are presidents and chairs of various colleges and groups saying that it is controversial. That is something that we need to consider. Mr Rattenbury said in his speech that this is not contentious nationally. I am not sure that is true. It has been agreed to nationally, but that does not mean that it was not contentious. My understanding is that there were elements that were quite contentious. I am disappointed that the Chief Minister has said that there was, in her view, no necessity to engage or consult with people locally because, essentially, this has all been stitched up at the national level and she did not want it to be agitated.

I accept that there may be some agitation in this. There may be some controversy. There may be some concern. But it seems to me that something that the minister does not want re-agitated, because she knows it is controversial, is then being snuck through in a SLAB. That is not the way to do it. We will be opposing this section of the bill because we do not think this is the right way to do business. I think the minister has been somewhat disingenuous by saying, essentially, that she just does not want this re-agitated at a local level. I think that people locally who are engaged in the business of delivering babies should be consulted. This is a very important issue when it comes to the care of babies and clinical safety and we want to make sure that everybody's voice is heard. That now will not be the case before these amendments are made. That is not the way to deal with legislation in this place and the Chief Minister and the Attorney-General know that.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education) (11.08): Mr Hanson says that he thinks various groups are concerned with this amendment. I do not think that is correct. It appears that the local branch of the Royal College of Obstetricians and Gynaecologists have raised some concerns, so I do not think it is fair to portray this as "various groups". The government has taken a policy decision that we would like a pathway to be provided for midwives, should they reach agreement with medical practitioners, to be able to be credentialed in health facilities to provide midwifery-led care. This has nothing to do with clinical safety or clinical governance.

This merely establishes a process that an eligible midwife could apply to be credentialed, with the support of a medical practitioner, to provide clinical services at a hospital. It has got nothing to do with clinical governance or safety. Those are

covered by other legislation and the procedures in the health facilities. This establishes a pathway. That is all it does. If there are eligible midwives, they will need to go and find a medical practitioner that they can collaborate with who supports that before they can be credentialed.

This is a step forward for midwifery-led care, a very small step forward, but it does not challenge anything that is currently in operation at our public health facilities. It is now over to the obstetricians and gynaecologists to work with midwives, if they seek credentialing through this pathway that we are providing today, to see if it can work in the ACT—because it is working everywhere else. That is all we are doing today. Let us not pretend we are doing anything more. We are not going to have eligible midwives racing into the hospital tomorrow with all these pregnant women to provide care for them. That is not going to happen. In fact, I will be surprised if we do find an arrangement where an eligible midwife can reach agreement and provide this care because of the concerns of local obstetricians. But I am hopeful that it will happen because many women want this type of care. They do not want their only choice to be an obstetrician or gynaecologist. Thousands of women all over the world only have access to midwifery-led care. In the ACT we do not think this is good enough. This provides a pathway for that to occur, should agreement be reached. That is simply what we are doing today.

Question put:

> That Part 1.2 be agreed to.

The Assembly voted—

Ayes 8		Noes 7	
Mr Barr	Mr Corbell	Mr Coe	Ms Lawder
Ms Berry	Ms Gallagher	Mrs Dunne	Mr Smyth
Dr Bourke	Mr Gentleman	Mr Hanson	Mr Wall
Ms Burch	Mr Rattenbury	Mrs Jones	

Question so resolved in the affirmative.

Remainder of bill, by leave, taken as a whole and agreed to.

Bill agreed to.

Sitting suspended from 11.15 to 2.30 pm.

Questions without notice

Health—breast screening

MR HANSON: My question is to the Minister for Health. Minister, last week the Australian Institute of Health and Welfare released its latest report on the occurrence and treatment of breast cancer in Australia. Only the Northern Territory and New South Wales were shown to have lower participation rates for breast screening than the ACT. Minister why does the ACT have such low participation rates for breast screening?

MS GALLAGHER: It is actually a question that is very difficult to answer. I have asked experts over the years why it is so, and nobody can give me a clear answer. The service is there, the information is there, and campaigns are there to remind people of the need to undertake regular breast screening, particularly for those aged 50 to 69.

In the last figures that I have seen, because there has been work done in the last year to raise awareness of the need to increase our participation rate, in June 2013 the participation rate had increased to 56 per cent and is the highest level of participation for the last five years. So I would say it is an ongoing challenge. There is no simple answer. People would say that the characteristics of the ACT community would mean we would have the highest participation rate in the country, and we simply do not. We are educated; we know that we have high levels of the incidence of breast cancer. The information is there; the service is there. If you ring today, you will have an appointment next week. We have ramped up all of our staffing.

I have certainly been through it in the last year. It is not something that you look forward to, but it is a comfort when you have had it done and you get the all clear. So I think it is probably a matter of talking about it. I note the *Canberra Times* is running a series on it at the moment. Again, that will increase awareness of it. The other thing is that we did see a small increase after Angelina Jolie's public announcement of the operations that she has had to deal with the particular gene she has. So all of that helps. We are working on it and seeing some improvement, but we have to continue raising awareness about it, particularly amongst target women.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Minister, where are the free breast screening services provided in the ACT?

MS GALLAGHER: The breast screening services are provided at Phillip and at Civic.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Minister, is the participation in breast screens through private clinics included in the statistics that are collected by the ACT government?

MS GALLAGHER: Could you repeat that? I am sorry; I missed the middle section.

MRS JONES: Yes. Are these statistics of women who participate in breast screening through private clinics also included in the data that is collected about how many women are participating in breast screening in the ACT?

MS GALLAGHER: BreastScreen ACT is not private. As to the data collected through that, my understanding would be it is all of the breast screens across Australia. I am not sure the private sector would do necessarily the screening program as it is offered by BreastScreen ACT. They would do more specialised work, particularly if a woman has a concern and wants to go private. But I will check that. I do not believe so but I will check to make sure.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: Are the locations where the ACT government breast screening program is delivered easily accessible for the target women?

MS GALLAGHER: I would think so. We cannot have one operating in every district in the ACT, particularly now with some of the improvements we have put through with the mammogram machines, because you just could not afford to run or fragment a service across a number of different campuses. I believe so. Again, if people are having trouble or need arrangements there are organisations that can help with transport to those locations. Again, the BreastScreen staff are wonderful in terms of being flexible and doing everything they can to make sure the appointment is easy and that information is provided back as quickly as possible.

Again, I think in the last year we have had problems in terms of staffing, which has presented challenges with getting people appointments on time. I think we have addressed all of that now. The appointments are there. We are continuing to work with New South Wales around an agreement for some of the New South Wales women who work in the ACT who would like to use BreastScreen ACT's services. I am hopeful that we will have agreement there, using up some of our spare capacity that we have at the moment.

Planning—Giralang shops

MR COE: My question is to the Minister for the Environment and Sustainable Development. Minister, the saga at Giralang shops has dragged on for many years, with the Giralang community, including the primary school, being big losers throughout. Today's *Canberra Times* reports that the government is investigating allegations of different assessments of grocery sales at the proposed site. Minister, what information has come to light and what options are open to the government for intervention in this matter?

MR CORBELL: I thank Mr Coe for the question. It is the case, as is reported in the *Canberra Times* this morning, that I have received a complaint from an individual in relation to allegations of misleading information submitted as part of the development application process that led to the approval of the development at the Giralang shops. I have asked my directorate and the Government Solicitor's Office to consider these issues closely and to provide me with appropriate advice. That assessment is ongoing at this time, and it would be inappropriate to speculate further on those matters until I am in receipt of the advice from the Government Solicitor's Office and have determined whether or not further action is warranted.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, what is the role of the government, given that the issue has already been heard in the Supreme Court?

MR CORBELL: This complaint is separate from, although related to, those matters. It would not be appropriate for me to comment in relation to a matter still before the Supreme Court. As Mr Coe would know, judgement has not been delivered in relation to the court of appeal application in relation to the Giralang shops. I am obliged, nevertheless, to deal with the matters that are put to me and to consider whether or not further action is appropriate, and that is what I am currently doing.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, when can residents of Giralang expect to have a local centre in operation again?

MR CORBELL: Certainly, my view and the government's view is that it would be desirable to see the shops at Giralang redeveloped as soon as possible. That is why I called in and gave development approval for the proposal. As members would know, my decision was taken to the Supreme Court under the AD(JR) Act and the decision of a single judge of the Supreme Court was that my approval be upheld. Subsequent to that, parties have chosen to appeal the decision of that single judge to the Court of Appeal. The Court of Appeal has heard that matter but has not yet delivered judgement on it. Until judgement is delivered in relation to that matter, it would appear to be the case that the developer does not propose to exercise their approval until they have certainty in relation to that matter.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, have you met with proponents or objectors to the Giralang proposal this year?

MR CORBELL: To the best of my knowledge, no, but I will check the record.

Canberra Hospital—fundraising

DR BOURKE: My question is to the Minister for Health. Can the minister update the Assembly on the fundraising activities that have supported the Canberra Hospital over the past year?

MS GALLAGHER: I thank Dr Bourke for the question. Yes, I can update the Assembly on the fundraising efforts at Canberra Hospital over the past year. It is really good news to share with the Assembly today and to be able to acknowledge the efforts of many who have gone into delivering it.

In 2012-13 more than $1.65 million was raised through the Canberra Hospital Foundation, which is the hospital's principal fundraising body. Every dollar of this is going into projects to support patients and families at the hospital. It includes new equipment and research projects to support better patient care right across different areas in the hospital.

The foundation is also funding valuable new facilities and spaces for patients and families to create less clinical environments and support them during their time in hospital. Two weeks ago I joined with the board of the Canberra Hospital Foundation and a number of the major donors to thank them for their contributions to the ongoing success of a foundation which is only in its second year.

The $1.65 million raised last financial year was a doubling of the year before. Thousands of Canberrans have given generously to the hospital through the foundation, particularly through a number of highly successful fundraising events—for example, "give me 5 for kids", which fundraised $108,000, and the Woolworths barbecues which are held weekly at the Canberra Hospital. Once a week you can go out there and see Woolworths on the karaoke machine, singing and selling sausage sandwiches, fruit salad and finger buns. They are there every week of the year rain, hail or shine, winter and summer. They raised $180,000. The brick expo raised $45,000, Richard Luton Properties raised $84,000 and Dry July raised $115,000.

I would also like to acknowledge those who have made large donations, including a pledge of $1 million from Mrs Liangis. Her contribution has enabled the creation of a new reflective garden at the Centenary Hospital for Women and Children—a special place of calm for families. She is very modest about her generous contribution to the hospital, but it is very good that we are able to acknowledge that in the Assembly today. I would also like to acknowledge the work of the board chair, Deb Rolfe, who took over from John de la Torre. She is a human dynamo in the work that she puts into that foundation. I am really pleased to see it becoming so successful.

A real key objective of mine was that, instead of having the Sydney Children's Hospital and all the out of town hospitals fundraising in the ACT and raising a lot of money—all for good causes—we would establish a foundation that would earn the respect of the community and see big donations come and stay in our public health system. We are seeing exactly that happen. It is really because of the staff of the Canberra Hospital Foundation, who have driven it from the beginning, the board and all the volunteers that sit on that board. It is because of all the work that they put in and, of course, all of the organisations who have helped raise such an amazing amount of money to support the work of the hospital.

MADAM SPEAKER: A supplementary question, Dr Bourke.

DR BOURKE: Minister, how is the money raised used to improve the hospital experience for patients and their families?

MS GALLAGHER: The money funds valuable projects in both clinical and non-clinical areas. The foundation works with the hospital staff to identify the projects that will make a real difference right across the hospital.

Some of the new projects include the establishment of a therapeutic harpist, Alison Ware, whose music provides comfort to cancer patients and their families. The Canberra Hospital is leading the way in this type of therapy. I have not seen Alison

play but I have heard very positive reports from patients and staff. The reflective garden in the Centenary Hospital for Women and Children, again, is due to the generosity of Mrs Liangis.

Specialist audiovisual equipment allows teleconferences with hospitals in other states and reduces the need for families and young children to travel interstate to see specialists. Bedside monitors and a gigantic electronic whiteboard allow bed-bound patients to participate in hospital school activities. There are recliner chairs, breastfeeding chairs, baby scales, a new ultrasound system, children's furniture and toys, wheelchairs, refrigerators and warming cabinets, and other educational resources.

Sometimes people say, "Why can't the health budget stretch to these?" and for many pieces of this equipment it does. But this helps us to purchase more than we have been able to in the past and also is focused on improving the amenity of the hospital. The majority of the health budget goes into staff wages and paying for the services the hospital provides. The foundation is also focused on the amenity.

MADAM SPEAKER: A supplementary question, Ms Berry.

MS BERRY: Minister, are there any other key initiatives at the hospital being supported through philanthropic organisations?

MS GALLAGHER: I thank Ms Berry for the question. One of the standout features of the new Centenary Hospital for Women and Children is going to be the George Gregan playground. George and his wife Erica have been raising money for this project since they set up the foundation back in 2005. This playground is coming at a cost, I think, in the order of $700,000. The George Gregan Foundation is funding that playground.

Again, I have not seen it yet. I look forward to seeing it but this is the fourth playground that the George Gregan Foundation has funded. It has been specially designed by architects, therapists, educators, doctors and patients to provide a tactile, interactive and accessible environment for children and an aid for treating young patients as well.

I would like to thank George and Erica Gregan and those who have made contributions. I look forward to seeing the new playground open shortly in the grounds of the new Centenary Hospital for Women and Children.

MADAM SPEAKER: Supplementary question, Mr Gentleman.

MR GENTLEMAN: Minister, how are members of the community able to be involved in these fundraising activities?

MS GALLAGHER: Again I am shamelessly giving the Canberra Hospital Foundation a plug here today. I think in the last two years—its origins were the Wellness Foundation and it did not get the name recognition that we needed for the foundation; so the simple name change, looking at how the board operates, aligning our staff resources and our fundraising efforts across the hospital has allowed that brand recognition. People are aware that there is a foundation at the hospital; they are

aware that their money will go to providing improved equipment and other resources at the hospital that will make it a better place to stay.

It has always surprised me how much the local community is prepared to criticise local health services when it is our hospital. If we get sick, that is where we end up; if our family gets sick, that is where we end up. So we have a vested interest in making sure it is the best it can be. Community support, getting behind the Canberra Hospital Foundation, is one way that we can support the work of our dedicated staff, the excellence that is found across our public health system, and a way of ensuring that the fundraising dollars stay in the ACT.

Budget—savings

MR SMYTH: My question is to the Treasurer. Treasurer, in the current budget over $14 million was identified in general savings. How were these savings achieved within the directorates?

MR BARR: In a variety of different ways. In some instances, particular programs were ceased. Some particular programs reached the end of their funding cycle. Some administrative efficiencies were achieved across agencies. Some programs have been restricted or are being delivered in another way or new technology has been utilised to assist. In some areas, things like advertising budgets and the like have been reduced—travel budgets, administrative budgets et cetera. Cabinet is of course always on the lookout for ways to save public money.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, is the government currently planning to save more or less than the $14 million in general savings identified this year?

MR BARR: The government is always looking to save money.

MADAM SPEAKER: A supplementary question, Dr Bourke.

DR BOURKE: Treasurer, why is it important for the government to look to save money?

MR BARR: To redirect funds to higher priorities.

MADAM SPEAKER: Supplementary question, Mr Coe.

MR COE: Which specific programs have seen savings under this measure to date?

MR BARR: Those programs are outlined in the budget papers.

ACTEW Corporation Ltd—water billing

MR DOSZPOT: My question is to Minister Barr. Minister, ACAT ruled in favour of a Canberra couple who were slugged with a $2,820 water bill after ACTEW failed to inform them, in a timely manner, of a leak. In doing so, ACAT noted the following:

> ...the respondents' management of what was a crisis of water wastage is that it was it was indifferent, bordering on negligent … It was certainly rude and dismissive, because the respondents' initial means of dealing with it was to bill the applicant customers for the lot.

Minister, as a shareholder of ACTEW, what will you and your government be doing to ensure that incidents like this will not happen again?

MR BARR: Yes, I have seen some media reportage of this case. I think it would be fair to say that ACTEW did not cover themselves in glory in this matter, and I am pleased that there has been an appropriate resolution. Management and the board of ACTEW, I am sure, will consider their responses to the issues raised by this issue.

MADAM SPEAKER: A supplementary question, Mr Doszpot.

MR DOSZPOT: Minister, why was ACTEW rude and dismissive in dealing with this couple?

MR BARR: I do not know. It is certainly not the experience for the overwhelming majority of ACTEW customers, but it is disappointing in this instance. I do not have an answer to that, other than human error.

MADAM SPEAKER: Supplementary question, Mr Smyth.

MR SMYTH: Minister, why did ACTEW not take water wastage seriously and why did ACTEW not inform the couple in a timely and responsible manner?

MR BARR: These are matters for ACTEW. I have no role in the day-to-day billing and account details of a householder. I am not in a position to provide details in relation to every single account holder in the ACT. The matter has been extensively canvassed within the ACAT and it is appropriate that it remain in that forum.

MADAM SPEAKER: A supplementary question, Mr Smyth.

MR SMYTH: Minister, how many other cases of overbilling due to leaks are you aware of? If you do not know, will you take this and all the other questions asked today on notice and get back to the Assembly?

MR BARR: From time to time, as a member of the Assembly, I receive representations from constituents in relation to billing matters with ACTEW. They are referred to ACTEW for appropriate resolution and they are resolved.

Alexander Maconochie Centre—capacity

MRS JONES: My question is addressed to the Minister for Corrections. In your answer to a question on notice to Mr Smyth on 7 July 2013 you reported on future capacity at the AMC and referred to a report by Ross Petsas Luksza which included detailed ACT Treasury projections from May 2003. In 2002 did the government have Treasury advice which showed that the capacity of the AMC in 2013 should be between 320 and 351?

Mr Hanson: "Yes" is the answer, Shane, if you need a hint.

MR RATTENBURY: I believe that Mr Hanson has the answer, Madam Speaker.

MADAM SPEAKER: A supplementary question, Mrs Jones.

MRS JONES: With the AMC having 343 prisoners last week, and given the Treasury advice of 2003, why did you say last week that this was an "unpredictable scenario"?

MR RATTENBURY: I am glad Mrs Jones asked that question because it gives me a chance to respond to the preposterous comments that Mr Hanson made last week where he attempted to twist the words that I had provided in my ministerial statement.

Mr Smyth: A point of order, Madam Speaker.

MR RATTENBURY: So tender.

MADAM SPEAKER: On the point of order.

Mr Smyth: It is about the standing orders. He was asked a question; he has flagged that he is going to ignore the question and refer to last week's debate instead of answering the question.

MR RATTENBURY: Far from it; I am coming straight to it.

MADAM SPEAKER: I notice that Mr Rattenbury referred to comments, but he has not yet indicated that he is not going to answer Mrs Jones's question, and I am prepared to give him a little leeway.

MR RATTENBURY: I am coming exactly to it. I was just providing the appropriate frame. The observation I made last week was that the population had grown from 240 to 340ish, depending on the exact timing, and that that was an unprecedented and unexpected increase in the time frame available. To see that from January this year to September-October this year—I do not think anybody would have expected that sort of population increase in that time frame. That is the observation I was making last week.

There is a whole other discussion—and no doubt we are going to prosecute this at some length tomorrow in the debate on Mr Hanson's motion—about the various population projections and the various views that people put on population projections. There are, as we will discuss tomorrow, a range of views on what the populations would be this time. My observation was simply about the change between January this year and September this year.

MADAM SPEAKER: Supplementary question, Mr Gentleman.

MR GENTLEMAN: Minister, how is the management able to roster around the movement in numbers at the AMC?

MR RATTENBURY: The increase in population that has taken place this year has put significant pressure on the management of the Alexander Maconochie Centre. In response to that—

Members interjecting—

MADAM SPEAKER: Order, members! Stop the clock. The Chief Minister has started a ruction here.

Mr Hanson interjecting—

MADAM SPEAKER: Mr Hanson, you do not help matters. I ask you not to interject. I am having trouble hearing Mr Rattenbury. Mr Rattenbury is answering a question.

MR RATTENBURY: Thank you, Madam Speaker. As I was saying, the increase in population has put significant pressure on the AMC. The management has been forced to respond by making a number of changes, which I outlined in my ministerial statement last week. A precis of them would include changing the roster of movements through the centre, or escorts, to ensure the safety of prisoners, particularly those from different classifications. They are the sorts of changes that have needed to be made. But one of the key points has been that the staff have responded with considerable professionalism and taken on board the extra burdens that have been placed upon them.

Mr Hanson interjecting—

MR RATTENBURY: There was another interjection Mr Hanson just made that has escaped my mind, but I will come back to that.

MADAM SPEAKER: I am glad that it has escaped your mind because responding to it would be disorderly. A supplementary question, Mr Hanson.

MR HANSON: I think he is referring to an interjection from last week. He has been hanging on pretty tightly. Minister, why did the government open a jail with a capacity of 300 in 2009 when all advice, including Treasury advice, showed that 300 was far too small?

MR RATTENBURY: As Mr Hanson well knows, I was not privy to the discussions as to why that decision was taken, and I am not able to access them. What I can say is that, at the time the government took the decisions, there were, as is public knowledge and has been provided to Mr Hanson through freedom of information, a number of scenarios that were put together. They had a range of possible projections—

Mr Hanson interjecting—

MADAM SPEAKER: Mr Hanson, please come to order.

MR RATTENBURY: There were a range of projections available to the government of the day, as Mr Hanson is well aware, and the government clearly took a decision based on that range of projections.

Supreme Court—delays

MS LAWDER: My question is to the Attorney-General and follows submissions by the Human Rights Commission relating to offenders' rights in the Supreme Court system. Attorney, the Human Rights Commissioner has called on the government to consider meeting the costs of offenders in the Supreme Court if their case is unduly delayed, and also that social disadvantage be taken into account when considering sentencing. Attorney, what investigation or consultation has the government undertaken comparing the costs of paying offenders versus the costs of appointing a fifth Justice to prevent the problem in the first place?

MR CORBELL: The government is not contemplating any measures such as those suggested by the Human Rights Commission. In my view, the suggestions on the part of the Human Rights Commission are without any merit.

MADAM SPEAKER: A supplementary question, Ms Lawder.

MS LAWDER: Thank you, Attorney. Can you confirm: has there been any investigation or consultation by the government in relation to considering social disadvantage in relation to sentencing for convicted offenders?

MR CORBELL: I thank Ms Lawder for the question. An offender's individual background, including any disadvantage they face or continue to face, is a relevant consideration for a sentencing judge at this time.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Attorney, what consultation have you had with lawyers who are calling for the appointment of a fifth Supreme Court judge?

Dr Bourke: A point of order.

MADAM SPEAKER: A point of order?

Dr Bourke: Relevance, Madam Speaker.

MADAM SPEAKER: The first question was about offenders' rights and whether there had been any investigation to deal with those costs as opposed to the cost of appointing a fifth judge. Is that right, Ms Lawder?

Ms Lawder: Yes.

MADAM SPEAKER: It is perfectly in order.

MR CORBELL: I am sorry; I have actually lost track of the supplementary question. Can I ask that it be repeated?

MADAM SPEAKER: Yes.

MR HANSON: Certainly. The question, Attorney, is: what consultation have you had with lawyers who are calling for a fifth judge?

MR CORBELL: Numerous.

MADAM SPEAKER: A supplementary question, Mr Hanson.

MR HANSON: Minister, is justice delayed justice denied?

MR CORBELL: Justice delayed can be justice denied. However, it will depend on the individual circumstances. I note that the courts are able to take this matter into consideration at this time, and there have been, rarely, circumstances where the courts have accepted an argument that some level of delay has unfairly impacted on the interests of the accused. Courts are able to take these matters into account now, and whilst the arguments are made frequently, the courts have determined otherwise.

We have seen numerous applications made under the Human Rights Act for prosecutions to be stayed or to be effectively cancelled, and they have not been upheld by the courts on this very argument. Whilst it is an argument often made, in practice it is not often agreed to by the courts. I think the number of instances that it has been agreed to has been very small indeed.

The second comment I would make is that the government is confident that the measures that have been put in place to improve timeliness in the Supreme Court are having a very significant effect. We have seen waiting times for hearing dates slashed by over half in the last 12 months alone. We have seen improvements in court process, significant reform through the docket system that has now been implemented. I was encouraged to hear the comments—*(Time expired.)*

Transport—light rail

MR WALL: My question is for the Chief Minister. Chief Minister, why does the head of Capital Metro deserve a higher salary than the head of Health?

MS GALLAGHER: I am not getting drawn into individual comparisons, because I am not sure that that is fair or accurate. What I will say is that the government took—

Mr Coe interjecting—

MS GALLAGHER: What I would say is that the government took advice, as required under the Public Sector Management Standards, around scoping the size for the job. That was sized at 3.7, although the Mercer report did acknowledge that there is justifiable scope for negotiation of a remuneration package up to $420,000. There

were negotiations with the officer who was ranked highly suitable for the job around a remuneration package, and that has been settled upon. I am very confident that the territory is paying what it should, based on the candidate's experience, previous roles in other administrations and what we needed to get the job done.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Chief Minister, why was the head of Capital Metro engaged at a level of 3.12, as opposed to 3.7 as the position was advertised?

MS GALLAGHER: The Mercer report sized the job at the upper end of 3.7, although, if you had listened to my answer just before, it also made comment in the report that it felt a remuneration package up to $420,000 was reasonable for the job that was being asked.

As members would be aware, there is a section in the public sector management standards that allows for a director-general employment benefit to be paid, and we have followed the proper process in relation to that. That is specifically in the area of employment market pressures, particular specialist skills and knowledge of the individual concerned.

Her appointment has been welcomed by many. I look forward to working with her on delivering this very important infrastructure project. The government has very high expectations. As the leader of that agency, we believe that a suitable remuneration package was required to attract the best person to the job, and we have done that.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Chief Minister, do you believe that the risk and responsibility, that of the head of Capital Metro, is comparable to that of the head of Health?

MS GALLAGHER: The director-generals of various agencies have different responsibilities and roles and very different risks associated with the jobs that they have been asked to do. These are not made pitting one director-general against another. These negotiations are done carefully, aware of what the market price is for particular jobs, mindful of specialist skills, and this happens with every director-general, I would say. The act allows for a specialist payment to be made—very transparent, very open—under certain circumstances for my approval, which I have followed with the employment of Ms Thomas.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, do you believe that the head of Capital Metro has the second most difficult job in the ACT public service?

MS GALLAGHER: I think the directors-general of any agency have an extremely difficult job—all of them. And they are all very different. I do not rank anyone above anyone else. There is a head of service; there are directors-general. There are salary pay points that are individually negotiated and there is capacity for specialist

payments to be made when those are appropriate. I do not think the directors-general walk around going, "I'm more important than someone else." Perhaps it is the lack of your understanding of operating at such a high level, any of you over there, about what skills and attributes are required. But I can tell you: directors-general do not sit around going, "I'm more important than you; therefore I should get paid $50,000 more than you," or "I should have an RDO when you don't have one," or "I should only have to work until seven and you work until midnight." It is just not the way the ACT public service operates. At the senior level we are extremely well served.

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

MADAM SPEAKER: A point of order, Mr Hanson.

Mr Hanson: The question that Mr Coe asked was very much about responsibility and risk. I note that the Chief Minister is trying to turn this into a flippant, "We don't compare RDO's," or "I'm more important than the other person." This is a legitimate question about the comparative aspects.

Mr Corbell: She's answering the question.

Mr Hanson: No, she has not mentioned risk and she has not mentioned responsibility. I ask you to ask the minister to be relevant.

MADAM SPEAKER: On the point of order, the question was: is the position at Capital Metro the second most difficult job in the ACT? I would ask the Chief Minister to be directly relevant to the question.

MS GALLAGHER: In that sense, Mr Hanson is wrong; the question was around ranking directors-general above each other: do I think that so-and-so is the second most important person in the ACT public service? As I said, decisions around remuneration for directors-general are negotiated individually within the legal framework that the Assembly supports.

Disability services—grants

MS BERRY: My question is to the Minister for Disability, Children and Young People. Minister, could you please update the Assembly on the success and uptake of the first round of enhanced service offers available through Disability ACT?

MS BURCH: I thank Ms Berry for her question. The first round of the enhanced service offers saw Disability ACT receive a significant number of applications, over 1,300. Of these, more than a thousand were submitted online. This is, indeed, a great uptake and demonstrates the accessibility of the ESO application process and the effectiveness of the individual planners in working with people to assist them in applying for a grant.

Under the enhanced service offer, there were three categories of grant. The first grant could be used for aids, equipment or minor modifications up to the value of $10,000. The second grant, a quality of life grant, had a value of up to $5,000 and was designed

to improve an individual's quality of life. It can be used for aids, equipment and access to training or community access. The third was flexible supports and service grants of up to $12,000.

Of the 1,300-plus applicants in round one, 740 offers have been issued. In addition, 64 school leavers with complex needs who did not need to apply as they were identified as a priority group have also been offered grants to purchase additional supports and services. In total, over 800 have been offered first-round enhanced service offer grants, and in this first round we have allocated over $4 million—indeed, $4.3 million. Each of the applicants has now been advised whether they have been offered a grant or not, and the successful applicants have also had letters that specify the purpose of the grant and the amount offered.

Applicants in round one who have not been offered a grant will be prioritised in round two over people who have received a grant in round one. Before putting in an application for the second round, unsuccessful applicants have been encouraged to refer to the enhanced service offer application guide and to ask someone to review their application and attend one of the information sessions or supported computer workshops at which they can have assistance to complete their application online or to make contact with an individual planner to talk about their request and application.

MADAM SPEAKER: A supplementary question, Ms Berry.

MS BERRY: Minister, could you outline some of the innovative ways users have expressed their desire to utilise their grants in round one?

MS BURCH: Indeed there has been quite a range of grants provided. One of the most significant changes the NDIS brings in is the ability for individuals to plan for and participate in the life they choose. This means that we need to be flexible in our thinking and in our approach. I am confident that the ESOs provide an opportunity for us to work with individuals on meeting their needs and supporting their ambitions.

I have been encouraged to hear some of the innovative ways in which people have applied for an enhanced service offer. Grants have been offered to applicants to take part on a regular basis in all manner of sporting and recreational activities. These include singing, dancing, swimming, horse riding, drumming, netball, scouts, tennis and gymnastics, as well as to attend mainstream school holiday programs.

In looking for opportunities to be independent and build skills there were a number of requests for things which support general living skills, vocational development and employment opportunities—from cooking lessons, courses to build numeracy and literacy, support to undertake driving lessons, support to start a small jewellery-making business and support for employment opportunities, to taking on volunteering roles.

We have received an application from a person with severe hearing loss who is dependent on hearing aids to take part in all aspects of his life. The applicant is extremely passionate about water sports, particularly swimming and sailing. However, without waterproof hearing aids he is not able to take part in these activities without a complete loss of hearing. Now, thanks to the approval of a grant under the ESO, the

applicant will be able to purchase waterproof hearing aids, enabling him to take part with more independence. He will be able to hear the starter's gun, safety warnings and the coach's instructions and will be able communicate fully with the other participants and team members.

MADAM SPEAKER: Supplementary question, Mr Gentleman.

MR GENTLEMAN: Minister, how has Disability ACT supported people with a disability in applying for an enhanced service agreement?

MS BURCH: I thank Mr Gentleman for his question. The second round of the enhanced service offers are now open. As with the first round, we expect a large volume of applicants.

In addition to new applications, applicants who were unsuccessful in round 1 have been encouraged to apply again. Before putting an application in to the second round, we have asked unsuccessful applicants to go back to the application guide, to attend one of the information sessions or supported computer workshops, or to make contact with an individual planner to work through their application.

The grants continue to be comprehensively promoted. Disability ACT will continue to use tailored strategies to ensure that the most vulnerable and hard to reach people in our community have the opportunity to hear about the grants and how to access help with completing their applications.

The ACT NDIS Taskforce and the team of individual planners have attended numerous network meetings, community groups and service provider forums to promote round 1 and to educate individuals and providers on the enhanced service offers. This community promotion and conversation will continue through round 2.

Some 120 workers from government and community services attended sessions targeted at health and disability workers. Five community information sessions were held across Canberra. Eighteen workshops were hosted for people who did not have access to a computer and needed a hand with completing and submitting their application. These services will continue to be provided through round 2. Individual planners continue to be available not only to assist successful applicants with any queries they have but also to assist applicants who may not have been successful in round 1 to apply for a grant in round 2.

MADAM SPEAKER: A supplementary question, Mr Wall.

MR WALL: Minister, of the 740 grants that have been offered, how many of these were awarded to individuals that currently are not receiving any support or assistance from the government?

MS BURCH: It is not surprising that I would not have that level of detail. I think they are going through that. But what has been surprising in this is that they were clearly a priority. We have been very surprised and heartened by the number of applications from those with socio-psych or mental health concerns and those that are not currently receiving a service. I think that is testimony to the promotion of these grants—

Mr Wall: Point of order, Madam Speaker.

MS BURCH: and I look forward—

MADAM SPEAKER: Point of order.

MS BURCH: to those applications in round 2.

MADAM SPEAKER: Point of order!

Mr Wall: I have a point of order on relevance, Madam Speaker. The question was quite simple. It was asking how many have been given to individuals that are currently not receiving grants. If the minister cannot answer the question, would she take it on notice?

Ms Burch: I have answered the question.

MADAM SPEAKER: Actually, Minister Burch, I would like to make the point again that when I call attention to a point of order, the convention and form is that the person speaking ceases speaking immediately and sits down. But if you say you have finished answering the question, you have finished answering the question. But in future, could you sit down when the point of order is taken.

Heritage—grants

MR GENTLEMAN: My question is to the Minister for the Environment and Sustainable Development. Minister, last month a number of heritage grants were announced. Can you tell the Assembly about this program and the successful projects?

MR CORBELL: I thank Mr Gentleman for the question. I was delighted earlier this month to join with successful recipients of the latest round of the ACT heritage grants program. This year 28 applications were received from across our community. This saw 14 projects successful and receiving funding. A total of $329,000 worth of expenditure was allocated to support a broad range of projects.

The event at which I announced the successful funding was held at the Canberra Railway Museum in Kingston, a fantastic local institution operated by the ACT division of the Australian Historical Railway Society. The museum, of course, is home to a range of very important pieces of equipment that depict early and indeed later railway heritage and operations here in the ACT.

The society were successful with three separate projects. They were successful in receiving $2,000 to help restore three original marble benchtops in the washrooms of their Pullman sleeping car, a very important and relatively rare piece of railway heritage. They were also provided with just under $10,000 to provide safe viewing access for the public to the driving cabin of the heritage registered locomotive 1210, first train to arrive in Canberra, in 1914. Just under $12,000 was also allocated to the society to upgrade its photographic and artefact displays at the adjacent museum

building. Here we see a community organisation that are passionate about railway heritage and are being supported to depict some of that heritage in this, our centenary year.

There was also funding provided to a range of other organisations, with $14½ thousand being provided to the Ginninderra Catchment Group, for example, to help them to develop a series of interpretive walks and an audiovisual presentation featuring the Aboriginal cultural heritage of the Ginninderra district.

We also saw $25,000 go to Cultural Heritage Management Australia to continue their archaeological investigations at the Lanyon Homestead precinct. Lanyon is a very significant cultural asset for the territory, one of the oldest sites still extant that depicts the interaction between European settlement and Indigenous settlement of that part of the ACT. These excavations will allow Cultural Heritage Management Australia to continue to look at evidence of contact between Aboriginal people and early Australian settlers.

Also, the Village of Hall and District Progress Association were granted over $6,000 to undertake conservation works to the Hall museum collection and to hold an exhibition next year.

I would like to congratulate all of the recipients, some of whom I have mentioned today, on their outstanding work in highlighting local heritage and the work they are undertaking to preserve their heritage and make it available to current and future generations.

MADAM SPEAKER: Supplementary question, Mr Gentleman.

MR GENTLEMAN: Minister, as well as providing grant funding, how does the government support heritage in the ACT?

MR CORBELL: I thank Mr Gentleman for the supplementary. The most significant steps that we are undertaking here relate to an event which is currently occurring here in the ACT. The International Council on Monuments and Sites, known as ICOMOS, is holding an international conference here in Canberra this week. It is a conference on cultural landscapes and cultural routes. Australia ICOMOS chose Canberra as the location of its annual conference to highlight the centenary year of the national capital. The government has provided a small amount to help sponsor this event.

Our city's cultural heritage and its landscape setting are internationally significant. The visions and designs of Walter Burley Griffin and his wife, Marion Mahoney, dating from the early 1900s, have a very significant historical legacy in landscape architecture terms. This cultural landscape is now recognised through many of the existing entries in the ACT heritage register, including registrations of Canberra's early garden city precincts.

I am delighted that the ACT is hosting the ICOMOS conference this year. It is a privilege to have so many distinguished and internationally recognised experts here in

the national capital for this event—just another example of how the government is continuing to sponsor and support discussion and debate on issues of heritage importance.

MADAM SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, how many of the organisations you listed in answering the first question have you consulted about your proposed changes to the Heritage Act?

MR CORBELL: All of those organisations have had the opportunity to make a submission in relation to the new heritage legislation, and many of them have.

MADAM SPEAKER: A supplementary question, Dr Bourke.

DR BOURKE: Minister, as we enter our second century as a city and continue to grow, how can we ensure that our heritage is not lost?

MR CORBELL: We need to ensure that we continue to strengthen the operation and refine the operation of our heritage legislation. The government is committed to that process. It is currently considering the responses from the community consultation process to finalise the bill and to bring it to the Assembly for detailed debate.

Ms Gallagher: I ask that all further questions be placed on the notice paper.

Supplementary answers to questions without notice

Health—breast screening
Government—executive contracts

MS GALLAGHER: Mrs Jones asked me whether there was private data included in the breast screening report. My answer was correct in that no, there is not, but I did say I would check that. I can confirm there is no private data screening included in that. Because BreastScreen ACT offers a free service, I am not sure that there is a lot of private breast screening that happens just for that screening service, anyway.

Further to the tabling statement I made in the Assembly on Thursday in relation to executive contracts, I advised the Assembly that the tabling of these contracts on that day meant that there were no current executive contracts overdue for tabling. I was advised on Friday afternoon that there is one further contract which will be tabled on Thursday. I will update the Assembly on that on Thursday, but I wanted to make sure that I corrected the record.

Also, previously, prior to the audit of executive contracts, I had been advised that the time frame of non-compliance had dated back to the late 1990s. I think I have made a number of references to that in the Assembly. As of last Thursday, as a result of the audit, the oldest contract tabled was found to be from the year 2000.

Disability services—grants

MS BURCH: I did not take it on notice, but for the Assembly's interest, 101 people who were not receiving services received funding under the ESO grants.

Royal succession—rule changes
Paper and statement by minister

MS GALLAGHER (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education) (3.25): For the information of members I present the following paper:

> Royal Succession—Changes to rules under the United Kingdom's *Succession to the Crown Act 2013*—Request to Commonwealth to enact changes—Copy of letter from the Chief Minister to the Prime Minister.

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

Leave granted.

MS GALLAGHER: The United Kingdom recently made changes to its rules of royal succession to allow for succession regardless of gender, to remove the bar on succession for a person who marries a Catholic, and to limit the requirement for the monarch's consent to the marriage of a descendant of King George II to the first six persons in line to the throne.

In April of this year the Council of Australian Governments agreed to a hybrid model to implement the same changes to the rules of royal succession in Australia nationally and within each jurisdiction. Under the hybrid model states may choose to enact state legislation dealing with the rules of succession but will also request the commonwealth, under section 51(xxxviii) of the constitution, to enact legislation. Being a territory, the ACT does not need to enact its own legislation to pass requesting legislation, so it is a little different there. Any law passed by the commonwealth will apply to the territory under section 122 of the constitution.

However, to formalise the process, and consistent with previous practice, I have written to the Prime Minister requesting that the commonwealth pass legislation in the form of a Succession to the Crown Bill (Commonwealth), noting that the bill's introduction is subject to the states first passing requesting legislation. I have tabled a copy of my letter to the Prime Minister and I commend it to the Assembly.

Mr Hanson: Could you ask that it be noted, please?

MS GALLAGHER: I move:

> That the Assembly takes note of the paper.

MR HANSON (Molonglo—Leader of the Opposition) (3.27): I certainly welcome the view that the government has that things are best done by the commonwealth, rather than having a situation where states would pass individual laws that would then be inconsistent. I certainly note that; I think it might be relevant to other debates that we have had in this place.

Ms Gallagher: Why do you even turn up in the morning, Jeremy? Just leave it all to the commonwealth.

MR HANSON: Well, it does appear ironic, doesn't it, that in this case the minister is writing to the Prime Minister because she thinks things are best dealt with by the commonwealth in this instance, to avoid inconsistencies through the states. It is ironic, Mr Assistant Speaker, I think.

Question resolved in the affirmative.

Election Commitments Costing Act
Papers and statement by minister

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Sport and Recreation, Minister for Tourism and Events and Minister for Community Services): For the information of members I present the following papers:

> Election Commitments Costing Act—
>
> Review, prepared by ANZSOG Institute for Governance at the University of Canberra for the Chief Minister and Treasury Directorate.
>
> Government response.

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

Leave granted.

MR BARR: The Election Commitments Costing Act 2012 required that a review be undertaken of the operation of the act after the costing period for the 2012 ACT election, with the review to be tabled in the Legislative Assembly by the last sitting day in October 2013. In accordance with the requirements of the act, I present today the review of the Election Commitments Costing Act 2012 and supporting guidelines.

To ensure the independence and veracity of the review, it was undertaken by an external reviewer with expertise in governance within a government framework. I would like to acknowledge and thank the Australia and New Zealand School of Government—ANZSOG—Institute for Governance at the University of Canberra for undertaking the review and welcome the findings of the review.

The government's initiative to formalise a robust framework for the costing of election commitments in the territory demonstrated its commitment to the community to an open and transparent process for election commitment costings. We recognise that it is important during an election that the roles and responsibilities of public servants and political parties be clear and unambiguous, and for government directorates to be non-partisan and objective. We consider that the act allowed Treasury and political parties to have a shared understanding of the roles and responsibilities of each body during the 2012 election period.

The review found that overall the act was very successful during the 2012 ACT election and that the act's continuation is seen as a permanent part of the political landscape for future ACT elections. Very important to the government is that the review found that the intended benefits and outcomes of the act for a transparent, non-partisan and objective costing process did occur. The review highlighted that the integrity of the public service was maintained, and political parties and public servants clearly understood their roles and responsibilities, thus confirming our view.

Also pleasing was that all political parties considered that they and other political parties had complied with the intent and requirements of the act. The high level of satisfaction with the act during the 2012 election was attributed by the review to the initial policy formulation providing a broad sense of ownership, sound project management of the costing process by Treasury and effective working relationships between Treasury and political parties.

I am also presenting today the government response to the review of the Election Commitments Costing Act 2012 and supporting guidelines. The review included five possible improvements, related in the main to process issues. They are not recommendations by the reviewers but in part reflect instead suggestions made to the reviewers during interviews. I will not take up the Assembly's time now by working through the government's response to each of the suggestions. These are separately discussed in the document I have tabled today.

The government has generally accepted the majority of the suggestions included in the report. In our response the government has agreed to one suggestion, agreed in part to one, in principle to one, noted one, and not agreed to one. One suggestion related to maintaining and issuing a running tally for each major party during an election. The government has taken the time to assess what is being asked and has decided not to agree with this suggestion. Election commitment costings are voluntary and hence any tally may not be complete. Further, the publication of tallies would diminish Treasury's perceived independence in the costing process.

Another suggestion was to allow costing requests to be submitted for election commitments that have not yet been publicly announced, under certain circumstances. The government has noted this suggestion as it has concerns that this suggestion could result in parties submitting a large number of costing requests which are subsequently withdrawn. The reasons for the departure from the suggestions are detailed in the individual responses.

In closing, the report from ANZSOG on the review of the Election Commitments Costing Act 2012 and supporting guidelines found the act to be very successful and did not raise any significant issues with either the act or the guidelines. This was a very pleasing report card on a significant government reform initiative.

I commend the review of the Election Commitments Costing Act 2012 and supporting guidelines and the government response to the review to the Assembly.

Papers

Mr Corbell presented the following papers:

> Coroners Act, pursuant to subsection 57(4)—Report of Coroner—Inquest into the Diamant Hotel Fire—
>
> Report, dated 21 December 2012.
>
> Executive response.
>
> ACT Criminal Justice—Statistical Profile 2013—September quarter.

Climate Change Council—2012-13 annual report
Paper and statement by minister

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for Workplace Safety and Industrial Relations and Minister for the Environment and Sustainable Development): For the information of members I present the following paper:

> Climate Change and Greenhouse Gas Reduction Act, pursuant to subsection 19(3)—Climate Change Council Annual report 2012-2013, dated 12 September 2012.

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

Leave granted.

MR CORBELL: I am pleased to table the 2012-13 annual report for the government's Climate Change Council. The council was formed in 2011 following the passage of the Climate Change and Greenhouse Gas Reduction Act 2010 with the purpose of providing independent advice to the Minister for the Environment and Sustainable Development on the matters of reducing greenhouse gas emissions and addressing and adapting to climate change. The council had six members in 2012-13. The chair of the council is Professor Barbara Norman of the University of Canberra. The other members are Ms Lynne Harwood from Communities@Work, Dr Frank Jotzo of the Australian National University and Professor Will Steffen of the Australian National University. Mr David Papps, the former Director-General of the Environment and Sustainable Development Directorate, was a member of the council during part of the reporting period and has been replaced by Ms Dorte Ekelund, the current director-general.

During the financial year the council provided advice on a number of issues. Of particular note, the council provided a written submission on the 2012 URS city to Gungahlin transit corridor study. The submission concluded that the proposal is very significant for the future in contributing positively to reducing greenhouse gas emissions related to transport risk and adaptation for our city.

The council met four times during the year, in July, November, February and June. As part of each meeting the council invited representatives of interest groups to discuss climate change adaptation and mitigation issues. The lists of the issues raised in these meetings are in the annual report and also in the minutes of those meetings which are on the council's internet page.

The council hosted a public forum in April this year where interested members of the public were able to ask questions of the council and receive advice from the council, who are relevant experts in their fields. The council did not choose to make any specific recommendations in its annual report. The council has now developed a forward program of themed public fora and meetings for 2013-14, focusing on mainstreaming climate change, details of which will soon be announced by the council.

I commend the report to the Assembly.

Papers

Mr Corbell presented the following papers:

Planning and Development Act—Pursuant to subsection 242(2)—Schedule—Leases granted for the period 1 July to 30 September 2013.

Independent Competition and Regulatory Commission Act, pursuant to section 24—Independent Competition and Regulatory Commission—Report 7 of 2013—ACT Greenhouse Gas Inventory Report 2010-11—Final Report, dated September 2013.

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

ACT Civil and Administrative Tribunal Act—ACT Civil and Administrative Tribunal (Non-Presidential Members) Appointment 2013 (No 1)—Disallowable Instrument DI2013-266 (LR, 24 October 2013).

ACT Teacher Quality Institute Act and Financial Management Act—ACT Teacher Quality Institute Board Appointment 2013 (No 3)—Disallowable Instrument DI2013-243 (LR, 26 September 2013).

Children and Young People Act—Children and Young People (Children and Youth Services Council) Appointment 2013 (No 1)—Disallowable Instrument DI2013-262 (LR, 17 October 2013).

Civil Law (Wrongs) Act—Civil Law (Wrongs) Institute of Chartered Accountants in Australia (ACT) Scheme 2013 (No 1)—Disallowable Instrument DI2013-261 (LR, 8 October 2013).

Education Act—Education (Government Schools Education Council) Appointment 2013 (No 7)—Disallowable Instrument DI2013-233 (LR, 26 September 2013).

Emergencies Act—

Emergencies (Bushfire Council Members) Appointment 2013 (No 2)—Disallowable Instrument DI2013-236 (LR, 30 September 2013).

Emergencies (Bushfire Council Members) Appointment 2013 (No 3)—Disallowable Instrument DI2013-237 (LR, 30 September 2013).

Emergencies (Bushfire Council Members) Appointment 2013 (No 4)—Disallowable Instrument DI2013-238 (LR, 30 September 2013).

Emergencies (Bushfire Council Members) Appointment 2013 (No 5)—Disallowable Instrument DI2013-239 (LR, 30 September 2013).

Emergencies (Bushfire Council Members) Appointment 2013 (No 6)—Disallowable Instrument DI2013-240 (LR, 30 September 2013).

Emergencies (Bushfire Council Members) Appointment 2013 (No 7)—Disallowable Instrument DI2013-241 (LR, 30 September 2013).

Emergencies (Bushfire Council Members) Appointment 2013 (No 8)—Disallowable Instrument DI2013-242 (LR, 30 September 2013).

Energy Efficiency (Cost of Living) Improvement Act—

Energy Efficiency (Cost of Living) Improvement (Eligible Activities) Code of Practice 2013 (No 1)—Disallowable Instrument DI2013-264 (LR, 21 October 2013).

Energy Efficiency (Cost of Living) Improvement (Record Keeping and Reporting) Code of Practice 2013 (No 1)—Disallowable Instrument DI2013-265 (LR, 21 October 2013).

Fisheries Act—Fisheries Prohibition and Declaration 2013 (No 1)—Disallowable Instrument DI2013-248 (LR, 3 October 2013).

Independent Competition and Regulatory Commission Act—Independent Competition and Regulatory Commission (Price Direction for the Supply of Electricity to Franchise Customers) Terms of Reference Determination 2013—Disallowable Instrument DI2013-244 (LR, 1 October 2013).

Justices of the Peace Act—Justices of the Peace (Role) Guideline 2013—Disallowable Instrument DI2013-247 (LR, 3 October 2013).

Land Rent Act—Land Rent (Total income of lessee—post-1 October 2013 leases) Determination 2013 (No 1)—Disallowable Instrument DI2013-246 (LR, 1 October 2013).

Long Service Leave (Portable Schemes) Act and Financial Management Act—Long Service Leave (Portable Schemes) Governing Board Appointment 2013 (No 1)—Disallowable Instrument DI2013-260 (LR, 10 October 2013).

Public Place Names Act—

Public Place Names (Greenway) Determination 2013 (No 1)—Disallowable Instrument DI2013-234 (LR, 26 September 2013).

Public Place Names (Kingston) Determination 2013 (No 1)—Disallowable Instrument DI2013-235 (LR, 26 September 2013).

Public Place Names (Mitchell) Determination 2013 (No 1)—Disallowable Instrument DI2013-263 (LR, 17 October 2013).

Taxation Administration Act—Taxation Administration (Amounts Payable—Land Rent) Determination 2013 (No 2)—Disallowable Instrument DI2013-245 (LR, 1 October 2013).

Work Health and Safety Act—

Work Health and Safety (Work Safety Council Deputy Chair) Appointment 2013 (No 1)—Disallowable Instrument DI2013-259 (LR, 8 October 2013).

Work Health and Safety (Work Safety Council Employee Representative) Appointment 2013 (No 1)—Disallowable Instrument DI2013-249 (LR, 8 October 2013).

Work Health and Safety (Work Safety Council Employee Representative) Appointment 2013 (No 2)—Disallowable Instrument DI2013-250 (LR, 8 October 2013).

Work Health and Safety (Work Safety Council Employee Representative) Appointment 2013 (No 3)—Disallowable Instrument DI2013-251 (LR, 8 October 2013).

Work Health and Safety (Work Safety Council Employer Representative) Appointment 2013 (No 1)—Disallowable Instrument DI2013-252 (LR, 8 October 2013).

Work Health and Safety (Work Safety Council Employer Representative) Appointment 2013 (No 2)—Disallowable Instrument DI2013-253 (LR, 8 October 2013).

Work Health and Safety (Work Safety Council Member and Chair) Appointment 2013 (No 1)—Disallowable Instrument DI2013-254 (LR, 8 October 2013).

Work Health and Safety (Work Safety Council Member) Appointment 2013 (No 1)—Disallowable Instrument DI2013-255 (LR, 8 October 2013).

Work Health and Safety Act and Legislation Act—

Work Health and Safety (Work Safety Council Acting Employee Representative) Appointment 2013 (No 1)—Disallowable Instrument DI2013-256 (LR, 8 October 2013).

Work Health and Safety (Work Safety Council Acting Employee Representative) Appointment 2013 (No 2)—Disallowable Instrument DI2013-257 (LR, 8 October 2013).

Work Health and Safety (Work Safety Council Acting Employer Representative) Appointment 2013 (No 1)—Disallowable Instrument DI2013-258 (LR, 8 October 2013).

Workers Compensation Act—

Workers Compensation (Default Insurance Fund Advisory Committee) Appointment 2013 (No 1)—Disallowable Instrument DI2013-230 (LR, 26 September 2013).

Workers Compensation (Default Insurance Fund Advisory Committee) Appointment 2013 (No 2)—Disallowable Instrument DI2013-231 (LR, 26 September 2013).

Workers Compensation (Default Insurance Fund Advisory Committee) Appointment 2013 (No 3)—Disallowable Instrument DI2013-232 (LR, 26 September 2013).

Ms Burch presented the following papers:

> Aboriginal and Torres Strait Islander Education, pursuant to the resolution of the Assembly of 24 May 2000 concerning Indigenous education, as amended 16 February 2006—Annual report 2012-2013.
>
> Education and Care Services Ombudsman, National Education and Care Services Freedom of Information and Privacy Commissioners—Annual report—1 July 2012 to 30 June 2013.

ACT public service—bullying
Discussion of matter of public importance

MR ASSISTANT SPEAKER (Mr Gentleman): Madam Speaker has received letters from Ms Berry, Dr Bourke, Mr Coe, Mr Doszpot, Mr Gentleman, Mr Hanson, Ms Lawder, Mr Smyth and Mr Wall proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, the Speaker has determined that the matter proposed by Mr Doszpot be submitted to the Assembly, namely:

> Bullying in the ACT Public Service.

MR DOSZPOT (Molonglo) (3.39): I have pleasure in presenting this matter of public importance—namely, bullying in the public service.

> Everybody has the right to be and feel safe at work. Every person deserves to be treated with respect and courtesy. These principles are at the heart of the ACT government's continuing efforts to eliminate bullying at work. The elimination of violence, threats, intimidation and all forms of bullying behaviour requires transparency, leadership and cultural change—in our communities as well as individual workplaces.

These remarks are from the Chief Minister. These are the opening remarks she made to the 2004 House of Representatives inquiry into workplace bullying. The Chief Minister summarised clearly what the ideal workplace should look and feel like: "Every person deserves to be treated with respect and courtesy". They outline what the expectation and aspirations are for our own ACT public service.

I say "aspirations" because, for many in our public service and in the wider workforce, respect and courtesy is not commonplace. The most recent example, of course, is the very long and still ongoing issue at the Canberra Institute of Technology. CIT is quite a unique and seriously worrying issue, and I will make further remarks on this later. But for now it is important to recognise that CIT is by no means an isolated case.

In an article in the *Canberra Times* last year the heading was "Bullying reports up in the public service". The article went on to say that bullying and harassment complaints in the ACT's public service had continued to increase in the previous 12 months, that 12 territory bureaucrats had been sacked from their jobs in the 2011-12 year for serious misbehaviour, another 25 were given a first or final written warning and 29 were counselled and four were demoted.

In this year's state of the service report we see the situation has not improved but, in fact, has got worse. The 2013 report shows that the number of alleged breaches of the Public Sector Management Act has increased. For example, in the "not harass a member of the public or another public employee, whether sexually or otherwise" category, the breaches have jumped from 16 in 2011-12 to 35 in 2012-13.

When we turn to the completed investigations, we see some significant increases. For example, last year 12 people were terminated. This year it is 16. Thirty-five received a first or final warning. Last year it was 25. So the numbers go on and up. The "transfer to other duties" category has jumped from one to nine. I would like to believe that this is not simply pushing the problem to somewhere else because it might be too difficult to prosecute a case for dismissal or penalty.

I know that an issue for victims at CIT was, because of the long delay between the events occurring and the cases being examined, the bully had moved on to other areas or left the public service and moved to private sector employment. I do not know why the transfer option appears to have increased 900 per cent in one year, but I hope it was not to avoid hard decisions by their managers. I would hope that it has not left the complainants feeling their complaints went unheard and that, as victims, they were not believed. Because that is so often the human tragedy behind these statistics—what it does to the recipients of the harassment and bullying.

In the last Assembly the shadow minister for health outlined case after case of bullying and harassment among medical professionals at Canberra Hospital. Today he will tell you that nothing has changed and the bullying continues. If you are to read the Chief Minister's well-argued and detailed submission to the House of Representatives inquiry you would think that the ACT public service was an exemplary employer. As her submission says:

> As one of the Territory's largest employers the ACT Public Service is leading by example fostering a positive workplace culture by exposing unacceptable behaviour and taking fresh steps to drive cultural change where needed. We recognise that a safe workplace is fundamental to our business, our workers and our roles as a leader among employers. Measures to address bullying at work must form part of an integrated strategy that identifies and controls the same behaviour in our families and communities.

Elsewhere the submission talks of zero tolerance coupled with vigilant monitoring of behaviour, that complaints must be handled quickly and transparently. It says that, where grievance policies do not exist, are not clearly understood or issues do not seem to be taken seriously, workers will not trust the process and not report incidents. This all sounds really good, and I do want to believe it, but the best that can be said of the lofty aspirations of this document are that it is a work in progress.

If we go to the issue of non-reporting, in the CIT case that was clearly what was happening. Several lone soldiers had submitted their claims of harassment, of unfair treatment at the hands of their managers and supervisors, and for their trouble had been hounded out of work or ignored. I would like to think that what happened at CIT was unique, a one-off abnormality that would not or could not be replicated anywhere

else in the ACT public service, much less the wider community. But I suspect that it might well be regarded as the canary in the mine, and I believe a reading of the Kefford report would lead to that conclusion also.

We already know from the work that Mr Hanson did last year and the year before that the department of health had and continues to have an equally toxic workplace environment. I know from families coming to me when I was shadow minister for disability that there was and still is harassment and bullying of staff, bullying of carers working in supported accommodation, harassment of residents by carers and harassment of residents' families.

So while CIT is in the public arena, it is sadly not unique among public service departments. What is so appalling about CIT and indeed the however many other examples there might be out there as yet undiscovered is that, were it not for a couple of brave souls speaking out, if they had not been so determined to not be beaten by the system, I doubt anything would have changed.

When the Canberra Liberals tried to raise the anomalies at CIT with the then education minister, Andrew Barr, we were fobbed off. When it was raised with the then CIT chief executive, he denied he knew anything about it and, to the extent he did know anything, the matters had been appropriately dealt with, had been passed to Comcare and there was nothing more to be said or done.

What would have happened had one or two persistent aggrieved employees not kept writing to the opposition and not kept writing to the Chief Minister? Perhaps it was the Chief Minister who finally instructed the WorkSafe commissioner and then the Commissioner for Public Administration to investigate. But if the improvement notice was as far as any reprimand was likely to go, nothing would have changed.

I am advised CIT's response to the initial notice was to display its contents behind a closed door. If that is any indication of a culture change, it is just as well the Commissioner for Public Administration was called in to investigate. If it was the Chief Minister's intervention that finally made it happen, we should all be grateful she did step in, because it was only then that the can of worms started to be opened.

And what a can it was. It started with a handful of cases and grievances, but by the time the matters had accelerated to the Commissioner of Public Administration inquiry, there were 57 cases that required an investigative team of seven to deal with all the issues, some of them going back nearly a decade. I am not sure what happened to 15 of those cases, but by the time the commissioner's report and government response were tabled in the Assembly last week, the number had reduced to 42.

Minister Burch almost casually dismisses this as a small number of cases. Given there are nearly 771 full-time equivalent employees at CIT, I would have thought 57, and even 42, is a significant number in such a relatively small workplace. I understand that within the Education and Training Directorate, which has a teaching staff of around 4,000—or nearly six times the size of CIT—the level of similar complaints is a handful by comparison. So I am alarmed to think on what basis the minister is claiming 42 as "small". Does the minister know of other agencies or directorates with

higher percentages of complaints? Now, whether it is 57 or 42 out of a workplace of several hundred, whether it is nine people transferred to other duties, 16 employment contracts terminated or 35 first or final warnings issued, the untracked and unrecorded number is always the number of people adversely affected by the actions of others.

Commissioner Kefford refers in his report to the courage and candour shown by the current and former CIT staff members who brought their concerns forward for consideration. He says he is sorry that they needed to come to see him but that he is glad they did. He went on to say:

> It is my hope that CIT's response and the response of the wider ACTPS to the issues raised here does justice to their stories, and to their suffering.

As was outlined last week, Commissioner Kefford made nine recommendations. The first was that CIT acknowledge and apologise for past failures in the management of a small number of areas within CIT when dealing with workplace issues. It is important that a distinction be made here, and it is perhaps where Minister Burch was confused. It needs to be remembered that it is only a small number of departments within CIT that have brought such shame on the institution. It was this small number that continued to demonstrate an entrenched culture of nepotism, harassment and poor management.

Recommendation 2 suggests that a single and definitive document be prepared for the ACT public sector that, having regard to relevant national reforms, defines what workplace bullying is and is not, provides advice on how to respond to workplace bullying and provides support to managers and staff seeking to deal with the instances of workplace bullying.

Recommendation 3 suggests that ACT public sector directorates and agencies encourage a workplace culture where workplace bullying is dealt with as the organisation's problem and not an individual problem.

Recommendation 4 talks about appointing additional respect, equity and diversity contact officers.

Recommendation 5 goes to the issue of managing people and suggests that the Head of Service and agency heads continue efforts already underway to standardise processes and enhance guidance material and that the work be finalised as soon as possible.

The recommendations go on to recommendation 9. Recommendation 8 relates to increased transparency and outcomes of workplace issues and recommendation 9 urges a better complaints handling process. Only one of these recommendations is CIT-specific. The remainder go on to improved practices across the ACT public service.

It is critical that these improvements be applied to CIT, but unless there is an improved level of profession standard across the whole public service, nothing will change in the long term. We know that bullying is not unique to the ACT public

service. We also know from the remarks of the Chief Minister to the federal government inquiry where she believes the public service should be. But there is a huge gap between the theory and the reality.

The CIT inquiry is not finished yet. There are still cases to be finalised. There are still executives who remain in senior positions about whom allegations have been made but not yet concluded. The bullies in some cases are still winning. They are still being promoted while the victims wonder if they can still keep going.

I was heartened to receive an email from one of the victims as a response to the comments I made in the Assembly last week. This person said in an email to my office:

> Please tell Steve thanks from the bottom of my heart for speaking the truth of the matter and so publicly. The whole thing has been getting me down terribly but now I have a second wind because of Steve's support.

The commissioner needs to get a second wind and conclude his investigations. This Assembly needs to get a second wind and demand we have the kind and quality of public service that the Chief Minister outlined in her submission—one with a positive workplace culture, a safe workplace environment and a leader amongst employers. We also need to remember that we do have a quality public service in which the overwhelming number deliver quality service on a daily basis. They too would want to see a second wind—a renewed commitment by this government to drive out the cancer in the public service ranks.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Regional Development, Minister for Health and Minister for Higher Education) (3.53): The position of the government in relation to workplace bullying is clear: bullying is not acceptable in any agency or under any circumstance. However, it would also be naive to expect that in an organisation of 22,000 people there will never be interpersonal conflict. In this sense the ACT public service reflects the society from which we are drawn and which we serve.

The test of government and leadership is what you do to prevent bullying and respond when it occurs—to remove its causes and to support affected staff. In these areas the ACT government and the public service have been highly active.

In relation to the CIT report, the Commissioner for Public Administration's investigation into CIT is an appropriate response to the allegations which have been made. There is no evidence to suggest a culture of entrenched and systemic workplace bullying across the CIT. There have been a number of areas of concern in relation to a small number of individuals and areas within CIT, and a small number of matters remain under investigation.

The commissioner's investigations have resulted in the referral of eight individuals for investigation for misconduct under the Public Sector Management Act, not all of which relate to alleged workplace bullying. The significant majority of complaints made have, on closer examination, fallen into the categories of failings in management of workplace issues.

In relation to who was the instigator of that report, it was the minister for education at the time, Dr Chris Bourke, who led the government's response to the issues being raised at CIT.

Mr Doszpot: It was a good response.

MS GALLAGHER: It was a good response, and credit should go where credit is due. As one of the territory's largest employers, the ACT public service is leading by example, fostering a positive workplace culture by exposing unacceptable behaviour and taking fresh steps to drive cultural change where needed.

The public service has developed and implemented a robust framework supported by whole-of-government policies, programs and safe systems of work so that, to the extent possible, it is able to protect its employees from bullying.

The two key statements which guide the framework are the respect, equity and diversity framework and the ACT public service code of conduct. The RED framework was developed through extensive research and consultation with ACT public service agencies to support the principles of respect, equity and diversity, and create a positive work environment. RED provides guidance to all ACT public service staff in meeting their obligations under the Public Sector Management Act and other relevant legislation, policies and guidelines.

Given the importance of leadership in creating positive and respectful workplace culture, the RED framework is championed by senior public service managers. RED contact officers also play an important role, raising awareness by promoting activities in the workplace and acting as points of contact for concerned staff. More than 7½ thousand ACT public servants have now had RED training.

Following the creation of the single ACT public service under the Head of Service in mid-2011, significant effort has been made to foster an ongoing discussion about values and behaviour in the ACT public service. This means not only having policies, procedures and messaging in place to make clear that bullying is not tolerated, but looking more comprehensively to ensure that ACT government has workplaces where exemplary workplace behaviour is encouraged and rewarded.

An increasing focus is being placed on quick and early resolution of workplace issues before they escalate to bullying. Recognising that leadership from the top is vital to the successful implementation of the new code, a series of executive workshops has been conducted, attended by over 95 per cent of executives.

To assist with the implementation of the new performance framework, the Head of Service and the Commissioner for Public Administration have been presenting to directorates, staff forums and other events on the benefits and implementation of the performance framework. A key focus of this framework is on how people behave, not just on what they deliver. It provides a forum and a language in which meaningful conversations about behaviour can be held.

According to reports from the Commissioner for Public Administration, reports of bullying and harassment have totalled 68 cases in 2010-11, 71 in 2011-12, and 118 cases in the financial year that has just passed, 2012-13. Proven cases of bullying have numbered four, eight 11 and 19 respectively. This amounts to complaints being made by 0.5 per cent of staff, and substantiated in relation to 0.08 per cent of staff.

Each of these cases is one too many, and I do not use those figures to diminish the importance of a strong response to bullying where it occurs and the need to urge staff to report concerns around bullying when they think it is occurring. But it is interesting to look at the numbers over the financial year. I would hate a proposition to be put that the ACT public service is a public service with extensive problems around bullying, because it is simply not the case and not supported by the facts.

While the number of reports is increasing, we did expect this given the heightened focus on conduct and on reporting poor conduct since the launch of the RED framework, and indeed since all of those staff have been trained in it. Increased reporting is a vote of confidence in the processes put in place that staff are prepared to speak out about their concerns where there are concerns. That people are coming forward is evidence that the system is working. It is hoped that the number of proven matters will level out and decline over the next few years as initiatives to foster a positive workplace culture start to take effect.

The ACT public service accepts around 25 claims for workers compensation arising from bullying and harassment each year. In 2012-13 bullying and harassment claims accounted for 43 per cent of psychological injury claims and five per cent of all accepted workers compensation claims. Currently there are 11 ACT public sector workers with an ongoing incapacity to work arising from a bullying and harassment injury. The ACT public service tends to experience proportionately fewer workers compensation claims for psychological injury than the commonwealth public service.

I think members can see from that presentation that the government is leading the way in ensuring that public servants are aware that bullying is not acceptable, that people are trained appropriately both in roles as individual workers and as managers of people around the respect, equity and diversity framework, and we will continue to do that. We are continuing to do work around the public service code of conduct and the Public Sector Management Act standards that support that, to make sure they remain relevant, up to date and promote the best public service that the ACT community should be served by.

I will take Mr Doszpot's point; I think we are well served on the whole by a dedicated workforce within the ACT public service, but I am not going to pretend that I have not seen emails, had letters of complaint and reviewed the cases of individual employees which break your heart when you read about how they have been treated at work. I am not going to pretend that I have not read them; I have.

Quite often, when you get down to where some of the problems emerge from, it is not necessarily ill will or anything menacing about particular supervisors, managers or other colleagues that people have trouble with. More often than not it is a lack of

understanding and a lack of training sometimes about appropriate workplace conduct. That can only be rectified as we continue to roll the RED framework out and continue to ensure that the leaders in the ACT public service continue to ensure that middle management and below, in particular, are trained and understand the fact that we have to support employees to do that work, and that at times there will be conflict. Where there is conflict it needs to be dealt with as soon as possible with the most localised response. It cannot just be left to work itself out because invariably what will happen is that the problem will get worse and it will escalate. In the worst-case scenarios you see people on long-term leave with significant injuries caused by a poor experience at work. I do not think anyone for a moment would support that outcome.

Again, we will have to continue to be vigilant. I think that a lot is being done. Where we get reports of bullying and harassment, the government takes them very seriously and will continue to follow them up and ensure that best practice is being implemented at every local workplace level, which is a challenge with a service delivery public service like ours, with workplaces all over Canberra—small, large, busy, operational. In all of the different environments we will continue to do that.

MR HANSON (Molonglo—Leader of the Opposition) (4.03): I thank Mr Doszpot for bringing this important matter before the Assembly today. It is certainly not an issue that is going away in a hurry, it seems; we have had discussions about bullying in the ACT public service before.

I agree with the Chief Minister's statement that issues will arise in any big organisation and that it is how you then respond that matters. Where we diverge, though, is, in my view, based on the evidence that I have seen, that I do not have the confidence that the ministers are responding adequately. In my view, there is more of a culture of cover-up and denial than of responding effectively and openly to matters that are raised.

There are some particular issues. Mr Doszpot has raised the issue about CIT. The number of 57 original cases—I think it was reduced to 42—is hardly inconsequential or a small number. I think we can see from the response of the minister that it has been inadequate. And we have seen in this place before the issues that have arisen in Health around obstetrics: 13 doctors resigned, complaints were made, and the report that was tabled said that the review panel identified an apparent systemic and longstanding reticence by managers to address disruptive or inappropriate behaviour. It basically found that the doctors making the complaints, the staff making complaints, were validated—that essentially the senior management had been ignoring the staff.

But where does the leadership come from? In that case, the comments from the Chief Minister were things like these. On 18 February that year, she said:

> ... stop throwing stones and damaging the unit ....
>
> ... all I've seen is a lot of mud being slung around and no substantiation.

She said that this was a 10-year war in obstetrics. I remember that, with the previous Chief Minister, she then tried to instigate a witch-hunt on those doctors that had made

complaints, through a review of the Medical Board investigations. It was seen by the AMA as a witch-hunt. And we know that the staff member who doctored the information in the emergency department started doing that shortly after all these bullying incidents in that heated environment. Let us have a look at what she said:

> The environment in the executive at Canberra Hospital has increasingly become one where I felt fearful for myself and for other people that I work with …

I have had a litany of complaints across Health. I have had people in my office who are staff members who are fearful of making their complaint public. I recommend to them at all times to go through the due process outlined through the Public Interest Disclosure Act and so on. But these are members who have lost confidence—lost confidence that they will be treated fairly. It is a really sad situation.

The government continues to refuse to release the culture surveys that have been done throughout ACT Health, citing commercial-in-confidence. What a nonsense! Why don't we get the results of those culture surveys?

I know that recently there have been some concerns from constituents who have contacted the opposition as recently as today about Disability Services. I was provided with a letter that had been sent to Mike Welsh. Mike Welsh is a journalist, as you would be aware. He is someone who does have a particular interest in bullying issues within the ACT government, and I commend him for it. I know he has had numerous constituents contact him about their concerns. Based on his radio show the other day, he received a group letter from Disability staff. I would like to read from a redacted version of that:

> Dear Mr Welsh …
>
> We are a group of disaffected Disability ACT employees. We heard your radio show and would like to write to you of our experience.
>
> First off know that we will not give you our names. There are five of us and we are happy to provide initials—

and they do—

> We will not give you our names because we will lose our jobs and because we need to keep working in this small town called Canberra …
>
> Everything you have heard about Disability ACT is true. It is a toxic sinking ship, only the rats are still aboard.
>
> The bullying and waste that has gone on in this Government unit is beyond anything you could imagine. It started with—

I will redact the name, a director—

> who would scream at staff until they cried. You spoke of fund mismanagement last week. We rolled our eyes at that one. Administrative errors have seen Disability ACT fall deep into debt. One Director talks about it quite openly as the

> reason for not replacing staff that leave. You have one person doing three jobs. Staff are taking personal leave for stress. They are stressed. This work environment is hell.
>
> Our latest Executive Director has lasted less than a year in the job. We farewelled her this week. There is nothing more disheartening than seeing your boss cry because she can't cope. Everything is being done under the radar. We were told not to tell carers that Joy Burch MLA was coming to our forum regarding the respite closures. It's all secrets and lies. Protect the Minister is the mantra. But who is protecting the clients, the vulnerable?
>
> Our Director General and Deputy keep sending staff emails telling them not to talk to people. There's a joke now that it's like working in North Korea, only it isn't funny. People's emails are being monitored.
>
> We five are resigned to the fact that we will lose our jobs in the next two years because of the introduction of the National Disability Insurance Scheme. What infuriates us is the fact that mismanagement of funds (and we are speaking of millions here) and bullying of staff will be swept away as Disability ACT is disbanded. Joy Burch will never be held accountable …
>
> So much suffering. So much stress. We wait for the suicides, because that is what will happen. Carers unable to cope. Do you know what it's like Mr Welsh to have an adult autistic child who is so violent you fear being throttled in your sleep? That is what one parent said to me personally.
>
> We can't see a way out, but we want those responsible to say sorry. There is no empathy, only self serving preservation of office.
>
> Thank you for fighting the fight. People are listening.
>
> Yours sincerely

That was dated 27 October 2013. That is a very disturbing letter, Mr Assistant Speaker. And what I would say is that now we have had this matter alerted to us, now we have had constituents contact us, now we have received a letter like that, it is in the minister's interests to take some heed of that.

I cannot vouch for the veracity of that letter and I cannot, until I have spoken to people, vouch for their claims. But, as I said, constituents have started to contact the opposition—people who are, it would seem, based on this letter and the constituents who have contacted us, increasingly concerned about what is happening within Disability ACT.

It does not bode well. What I would say is that the opposition, having had these concerns raised with us, will act responsibly. But we will make sure that, in relation to the people who are working in the ACT government who are obviously under pressure, who feel that they are not being listened to, who feel that there is this culture of cover-up and who have the concerns raised in this letter, we will monitor this. We will see how the government responds. We will deal fairly with people that come. We will not be doing things to raise concerns if they are not considered legitimate by the opposition, because I do understand that sometimes there is an argument, there are two sides to the story.

But what we are seeing emerge is a systemic pattern. We saw it in Health. We have seen it in the CIT. Now we are seeing it in Disability. When we said that there was a concern in Health, that was denied by this government, denied by the minister. The report that was produced proved that what we had said was correct. When the concerns were raised about CIT, again it was somewhat dismissed by the government. But we have seen that reports and concerns that we raised were proved correct. Now we have the same situation emerging in Disability.

What I do not want to see from this government is a repeated pattern of behaviour—when concerns are raised, when these issues emerge, a pattern from this government which is about denial, cover-up and attack on those raising the claims. Let us learn from the mistakes. Let us make sure this government learns from the mistakes they made in Health and the mistakes they made in education about CIT. Let us make sure that these claims have some veracity, that they are dealt with appropriately and not dealt with by denial, cover-up and excuses.

MR RATTENBURY (Molonglo) (4.13): I thank Mr Doszpot for raising the matter of bullying in the ACT public service. Workplace bullying is an important issue for the health and wellbeing of workers. It has a major impact on people's lives and health. Bullied workers can suffer from physiological, psychological and social trauma.

These issues obviously damage a workplace, and lead to economic impacts such as lost productivity. The Australian Human Rights Commission has estimated that the annual financial cost of workplace bullying could be as high as $36 billion every year. The Victorian WorkSafe authority has estimated that bullying costs businesses more than $57 million a year in Victoria alone.

Bullying, of course, is not a matter that is restricted to the ACT public service. It unfortunately occurs across all sectors of the workforce. Research conducted by Australian-based health psychologist Toni Mellington found that as many as 70 per cent of employees were either currently being bullied or had been bullied at some time in the past.

Statistics that were tabled in 2012 in the Assembly show that across the private sector in the ACT from 2008-09 to 2010-11, there were 3,374 reported incidents of assault, bullying and harassment. Some of the sectors with higher incidences of reporting were clerical, educators, health professionals and social workers. In the same period, there were 3,113 reported incidents in the ACT public sector. The Education and Training Directorate and Health Directorate had the most incidents.

These statistics include both bullying and harassment as well as occupational violence and assaults. There is a difference, of course. Bullying involves repeated or systemic behaviour over a period of time, usually conducted by work colleagues. Occupational violence includes one-off instances and can be conducted by work colleagues or by others, including members of the public. Although occupational violence or assaults can be thought of as a physical issue, they are actually closely linked with mental health issues. They are frequently the cause of stress and anxiety and they are a factor that can lead to the onset of major depression.

The main point I would like to emphasise today is that I would like to see this Assembly cooperate to find workable solutions to this problem. I think there are steps we can take. It is one thing to make accusations of the government that it flames a culture of bullying. I think that is unhelpful. It is another thing to put politics aside and actually see what practical solutions we can find for a widespread problem that impacts all areas of the workforce.

As a psychosocial hazard, bullying is quite complicated. It is not as straightforward to address and prevent bullying as it is to address and prevent more traditional workplace hazards—for example a physical danger like exposed electrical wires. Incidents of apparent bullying often involve a considerable degree of subjectivity. What this suggests, and what literature and recent practice suggest, is that we need quite a nuanced response that particularly makes use of accumulated knowledge and expertise in fields like sociology and psychology.

It is for this reason that in 2011 and 2012 the ACT Greens, through my former colleague Amanda Bresnan, progressed legislation that was intended to help address bullying and other psychosocial hazards in ACT workplaces. The Greens' Work Health and Safety (Bullying) Amendment Bill would have required the ACT's Work Health and Safety Authority, WorkSafe, to have at least three of their inspectors with specialised expertise or experience in dealing with bullying in the workplace and other workplace psychosocial issues. It also would have established an ACT expert advisory committee in relation to bullying in the workplace and other workplace psychosocial issues.

The changes were intended to enhance the ACT's ability to respond to bullying issues, take preventative action against bullying and implement best practice and innovative laws and procedures. As Ms Bresnan emphasised at the time, similar measures have been implemented in Queensland and Victoria, and they have been successful in their operation.

Unfortunately, this bill did not pass the ACT Assembly. The government said at the time that it did not think that this was the best way to deal with bullying. That was disappointing. The Liberal Party's position was also disappointing, as well as a little incoherent. Mrs Dunne, for the Liberal Party, argued that changing the legislation would not be enough to stop bullying, that the bill was too prescriptive and also that the government was doing the things proposed in the bill. Instead, this debate was used as an opportunity, as usual, to blame bullying on the culture of the ACT government.

Some positives resulted from that legislation. The Assembly did pass part of the bill to expand the remit of the Work Safety Council so that it included the topic of bullying. It was not all that we wanted to achieve with the bill, but I think it is positive and it gives a clear direction to the council. Since then we have also seen the ACT government progress some work, such as the ACT public service culture and behaviour consultation project, which I understand will lead to a revised code of conduct for the public sector management standards. I am quite keen to hear an update on that project, as I do not believe the standards have been updated since 2006.

In October last year the federal parliament's House of Representatives Standing Committee on Education and Employment also inquired into the issue of workplace bullying. That report made several recommendations that can be implemented at the national level and that I think are important steps in tackling bullying across the country. For example, it recommended the adoption of a national definition of bullying and that a national code of practice on bullying be progressed and implemented in all jurisdictions with urgency. My understanding of that code is that public comment closed earlier this year and that it is nearing finalisation. I hope that the ACT adopts the code shortly after it is finalised.

One of the interesting recommendations from the committee was that all state and territory governments coordinate and collaborate to ensure that their criminal laws are as extensive as Brodie's law. Brodie's law is the law arising from the tragic 2006 case of Brodie Panlock, a 19-year-old waitress in Victoria who committed suicide following persistent and vicious bullying at her workplace. Essentially this law criminalises instances of very serious bullying. I would be interested to talk to Mr Corbell about the ACT approach to this recommendation, as I believe it is worth looking at.

The federal government did make some response to the bullying inquiry quite quickly. Earlier this year it amended the Fair Work Act to allow employees who are being bullied at work to be able to apply to the Fair Work Commission for an order to stop the bullying. Essentially that is a new means of redress. That is only one aspect of many recommendations and actions that can be taken. I do hope that the incoming government will take further steps at the federal level to follow through on the recommendations of that report, to acknowledge that this is an important area of reform and governments should be taking the steps that they can.

I thank Mr Doszpot for bringing forward this matter of public importance today. It is a challenging area. It is one that, as some of the statistics I have touched on indicate, does impact on very many people in the workplace and it is one where we need to be innovative in thinking about ways to break it down. It is a very insidious form of behaviour that is difficult to challenge at times, so it requires a level of innovation and an ongoing level of focus, both in the private sector and in the government sector.

Discussion concluded.

Adjournment

Motion (by **Ms Burch**) proposed:

> That the Assembly do now adjourn.

Glenburn Homestead

MR RATTENBURY (Molonglo) (4.21): On 19 September I joined the Friends of Glenburn group for a tour of the Glenburn Homestead historic site, and took the opportunity to thank the volunteers for their work restoring the historic precinct. The

Glenburn precinct in Kowen Forest contains some of the ACT and region's earliest European settlements, including the Glenburn Homestead which was built in 1897 and was home to John and Agnes Edmonds until 1906. The precinct also includes the ruin of Colliers Homestead, built from local stone in 1880; the site of the Kowen Public School and charcoal kilns; and the Colverwell graves, which are the oldest marked European graves in the ACT.

Since its inception in 2010, the Friends of Glenburn volunteer group has worked in partnership with the ACT government to promote and protect the values of the Glenburn precinct. The friends group have been working to restore Glenburn Homestead by removing dying pine trees, straightening the homestead's walls, installing gutters, removing weeds and replacing fencing. Reclaimed timber from the TAMS urban tree program was used as part of the restoration works.

Last year the volunteers removed blackberry weeds from the Colliers Homestead. The ACT government has also committed to capping the ruin's walls this financial year to slow the process of decay. The Friends of Glenburn and the ACT government have also re-erected the headstones and installed a new fence around the Colverwell graves, which are in memory of two sisters who drowned in Glenburn Creek in 1837.

Little is known about the circumstances surrounding the drowning of Margaret and Elizabeth. But at the official opening of the restoration works on the graveyards on 28 February 2006, Rheuben Colverwell, the great grandson of Luke and Mary and their last surviving descendant, said that one of the girls tried to rescue the other who was in difficulty in the flooded creek. I must say that reflecting on how isolated the site was, and how hard life would have been in the region in the 1830s, one can only imagine the enormity of the tragedy for a family to lose two daughters in this way.

The Glenburn precinct provides fascinating insights into the early European heritage of our region. It contains some valuable heritage assets and captures how life has changed in the 175-odd years since Europeans first occupied this area. I would like to thank the Friends of Glenburn for their hard work, and also the financial contribution of the National Parks Association of the ACT to the restoration works.

Last year Friends of Glenburn volunteers spent some 170 hours removing just blackberry from the site. This shows the commitment and passion the volunteers have for this site. Their achievements demonstrate how important community action groups are in protecting sites of significant cultural value.

Indeed, right across the ACT's parks and reserves there is not much that we could not do without our hardworking volunteers. I acknowledge that there is more work to be done here, yet what has occurred across this historic precinct over the past few years has served to ensure that its unique character and place in our region's history will be preserved.

Thank you to Colin McAlister who, on behalf of the Friends of Glenburn, invited me to come and visit. Thank you to the volunteers, the National Parks Association and the ACT Parks and Conservation Service staff. I hope this partnership continues in the coming year as we look to ensure this site receives the protection it deserves.

Woden Little Athletics Club

MR GENTLEMAN (Brindabella) (4.25): On Saturday 12 October, I was privileged to be able to open the 2013-14 season of Woden little athletics at the Boomanulla Oval in Narrabundah. Woden Little Athletics Club is currently based at Boomanulla due to an exciting upgrade of their usual home at Woden Athletics Park. It was a great event and a great day.

As always, it was heart warming to be able to get involved with the community in events which promote such great outcomes for the participants. The Woden Athletics Park is currently receiving a major upgrade which will be completed in time for the 2014-2015 little athletics season. The upgrade is receiving a $5 million grant from the ACT government in order to facilitate the installation of a synthetic athletics track, lights and improved amenities at the site.

The investment by the government is aimed at giving a boost to involvement in little athletics in the ACT and highlights the importance which the government places on making sure that sporting facilities are of a high standard for use by the community. I would like to acknowledge the Ngunnawal people and the Boomanulla Oval organisers for their continuing contribution to the region and the city, and the land of which they are the traditional custodians.

The oval is a very important meeting place for the local Indigenous community, and the government is very thankful for their support of this initiative. They have been working closely with Woden Little Athletics Club to ensure that this season is fun and enjoyable for everyone. This engagement with Woden little athletics adds to the cultural appreciation services they offer at the site, such as the first Australians' history, native title information and closing the gap sessions. These are great ways for the community to learn about Indigenous history and current issues within the community.

I would like to give special thanks and recognition to Ms Sue Tucker, President of Woden Little Athletics Club, for her work organising the temporary venue for the club for this season, as well as Mr Tony Reilly, Chairman of ACT Little Athletics Association, for their efforts towards the promotion and organisation of Woden little athletics events, and little athletics ACT in general. Mr Clinton Scott-Knight, CEO of the Aboriginal Corporation for Sport and Recreational Activities, is also highly commended for his continuing work with the community at large.

The active contribution of so many groups and individuals in the organisation of little athletics in the ACT is great to see. Not only does it provide for social interaction and cooperation between parents, children and the wider community; it also acts as an outlet for kids to stay fit and healthy while having a lot of fun.

As is always the case, staying physically healthy is of paramount importance for children. The ability to have fun through events such as little athletics while exercising is just fantastic. Involvement in sport also provides a great opportunity for

children to make friends outside the schoolyard, achieve something physically and increase self-esteem. This helps with social development and confidence for later in life.

This is one great organisation which helps to achieve the ACT government's "zero growth" and reduce obesity and sedentary lifestyles across the ACT. Along with our schemes to install water bottle refill stations and supply reusable drink bottles to every primary school in five years, we hope to have phased out sugary drinks from primary schools across the ACT. We are also implementing urban design development to facilitate cycling and walking for all residents of the territory to attempt to achieve this goal. The activities of kids in little athletics supplement the work towards this by providing excellent physical exercise to the children involved.

I am certain that the new upgrades at the Woden athletics track will act as a facilitator for more and more children to develop socially, stay healthy and have fun as the new facilities will provide an improvement in the ability of the location to host larger events with more participants and great outcomes. In the meantime, the Boomanulla Oval is the perfect place to host the club while they are waiting for the Woden site to re-open.

Reclaim the night

MS LAWDER (Brindabella) (4.30): This afternoon I rise to bring attention to "reclaim the night." This is an annual global protest for and by women, backed by men, to demand the fundamental human right to live free from the fear and reality of sexual violence. I attended reclaim the night, along with my Assembly colleague Mr Rattenbury, last Friday evening, 25 October.

The statistics show that around one in five women and one in 20 men have experienced sexual violence since the age of 15. Reclaim the night protests highlight the prevalence of sexual violence in our community and the importance of eliminating it. Sexual assault is a hidden crime and shame can make it difficult to discuss. Far too frequently, the victims are blamed because they were drinking or wearing "provocative" clothing. This delays their recovery and ultimately discourages women from coming forward.

Reclaim the night has been around for about 35 years. It really started gaining momentum in England during a period when the Yorkshire Ripper attacked and murdered 13 women between 1975 and 1980. At that time the police responded by telling women to stay inside after dark, effectively putting them under a curfew. The Leeds Revolutionary Feminist Group called for women to march against rape and for the right to walk without fear at night. Hundreds of women took back their cities on the night of 12 November 1977, marching with flaming torches through city centres and back streets alike. They wanted to make the point that women should be able to walk anywhere and they should not be blamed or restricted because of men's violence. The issue needs to be addressed at its core, rather than women simply hiding from it.

Over the years reclaim the night has evolved to focus on rape and male violence, generally giving women one night when they can feel safe to walk the streets of their towns and cities around the world.

Reclaim the night is held on the last Friday of October and is run by the ACT Women's Services Network. Each year reclaim the night in Canberra has a theme. Past themes have included women with disabilities, healing through storytelling and celebrating history. The theme for 2013 was child sexual assault. The true crime rates for child sexual assault are almost impossible to determine. However, we do know it affects at least one in five girls and more than one in 10 boys.

On average it takes 12 years for women to disclose for the first time that they were sexually assaulted. Men usually take 30 years. These are astounding figures and it is events like reclaim the night that can help make people feel safe and not keep inside of them something that will so strongly impact on the rest of their life. It is the goal of reclaim the night to change community attitudes towards sexual assault through education, prevention and working to improve systems.

I encourage everyone to get involved in these events and, most importantly, to be part of the change in public attitude. Show support for the people in your life who may have faced sexual assault situations. Be a supportive figure that those in your life can come to and feel safe to share their stories with you, without fear or judgement.

Environment—biodiversity

DR BOURKE (Ginninderra) (4.33): I had the pleasure of opening Canberra's first-ever bioblitz at the CSIRO Discovery Centre on Saturday. Bioblitz is a fun outdoor event where scientists and community members work together on a concentrated survey of plants and animals. Our centenary year has been a great opportunity to learn more about our history, our environment, our landscape and what we have created here in the bush capital. But the centenary bioblitz also gives us an opportunity to learn more about the plants and animals that live here in Canberra, and especially on Black Mountain, and to learn more about our bush heritage. Through bioblitz, we also want to make sure that they are still here in 100 years to come.

It is fantastic that the Canberra community could be part of bioblitz. They got to work alongside some of the best scientists in the world, whom we are lucky to have here in Canberra, working at institutions such as the CSIRO, the Australian National University and the University of Canberra, to better understand our natural environment. I would also like to acknowledge the brilliant, dedicated efforts of the Molonglo Catchment Group in bringing the bioblitz together.

The Molonglo Catchment Group are one of Canberra's three catchment groups that help our community to learn more about our natural environment, and they get their hands dirty in the field working on practical environmental projects. I also thank the ACT's Environment and Sustainable Development Directorate and organisations such as Inspiring Australia and the Atlas of Living Australia within CSIRO Canberra for their blitzing work on bioblitz.

I learnt more about the Atlas of Living Australia. It is our contribution to the international open data Global Biodiversity Information Facility funded by governments. Their vision is a world in which biodiversity information is freely and universally available for science, society and a sustainable future.

The Atlas of Living Australia covers all Australia's known species with data collected from museums, herbaria, community groups, government departments, individuals and universities. As it does in bioblitz, the citizen scientist plays an important part in compiling and updating the atlas. Citizen scientists, such as you, Mr Assistant Speaker Doszpot, or me, can download the open source field data software and then collect and manage biodiversity data, adding to existing field studies or starting our own, even in our own backyard.

The ACT government's nature conservation strategy also encourages the involvement of community groups and dedicated individuals that volunteer their time and expertise to nature conservation. Canberra's youth helped to get the bioblitz underway last Friday with a schools day. It is important that they appreciate the wealth of species around us—the frogs, bats, fish, reptiles, mammals, birds and various invertebrates, as well as plants and fungi and even bryophytes—and that our young people help to ensure our native flora and fauna prosper in our city's second century.

Of course, when we talk of Canberra's natural heritage, we must remember that this landscape was created over the last 20,000 to 40,000 years by Aboriginal men and women. It has been shaped by those traditional owners through the use of fire, planting and cultivation to provide food, clothing and medicines. Our environment has been shaped by humans over time. Colonisation in the last 200 years has brought massive environmental change and disrupted the balances shaped over the previous millennia.

An Indigenous perspective also challenges a common view of the bush landscape as natural and untouched. The truth is that there was no wilderness, because the law dictated that all country be cared for, contradicting those colonial perspectives which regarded the landscape as untouched and belonging to no-one.

Mr Michael Linke

MR COE (Ginninderra) (4.37): I rise today to speak about the contribution to Canberra by Michael Linke. As we all know, Michael was the CEO of the RSPCA in the ACT for eight years. During his time as CEO, Michael represented the RSPCA at national and international forums. In 2011 he spoke to the No Kill Conference in Washington DC about RSPCA ACT's successful re-homing strategies. During his time at the RSPCA, Michael used his marketing expertise to develop high profile events which were used to provide significant funds for the RSPCA.

Prior to his appointment as CEO of RSPCA ACT, Michael was a successful regional manager of Vision Australia. Vision Australia is Australia's leading not-for-profit blindness agency, and during his period as regional manager Michael oversaw the delivery of services to thousands of blind and vision-impaired people.

Michael studied tax law at the University of New South Wales and went on to spend 15 years in the public service as an executive at the ATO. Michael is also a trained accountant and has represented Australia in a couple of sports.

Michael and his wife, Mardi, established the Linke Animal Welfare Trust in 2011 with the mission of providing future funding to secure the safety of all animals in need in the Australian Capital Territory. All income from the trust is distributed to the

RSPCA ACT, and Michael and Mardi have also willed their estate to the trust to provide a lasting legacy for animal welfare in the territory. Michael and Mardi live with their dog, Dahlia, and eight cats.

As has been reported, Michael has finished his service at the ACT RSPCA. He has been a regular presenter at Assembly committee hearings and was always a passionate, yet reasonable advocate for the interests of the RSPCA and animals. He brought a professional image to the workings of the society in the territory and grew the strength of the brand and, with it, considerable sponsorship from the private sector. He has also been a tireless advocate for a new facility for the RSPCA.

The smooth running of the ever-growing Million Paws Walk, Cupcake Day, pets' parties and many other initiatives are a credit to him and all the staff at the society. Michael has also had a significant media profile, undertaking hundreds of media interviews here in Canberra and beyond. For a period, Michael was also spending a considerable amount of time in Tasmania, assisting with the management of the society's Tasmanian state operations.

I know many in Canberra regard Michael as being one of the leading CEOs, if not the leading CEO, of an ACT not-for-profit organisation and his departure from the RSPCA will surely leave a vacuum. However, I look forward to hearing of Michael's next challenge. I wish him and his wife all the best and thank them for their service to Canberra to date.

Melba men's shed

MS BERRY (Ginninderra) (4.40): I know I am far from the first member to rise in this place to speak about the men's shed movement, but after attending the Melba shed's fifth anniversary lunch two weeks ago I feel that it is important to reflect again on the value these community organisations bring to our neighbourhoods.

I have heard many people in this place and in the community speak about the important role men's sheds play in helping men connect with and support one another. But having visited the Melba shed several times now, I feel like I have a much better understanding of what that really means.

The fine gentlemen members at the Melba shed tell me that their shed is a talking shed, and whilst there is a lot of talk, there is also a lot of doing going on. Whilst they meet formally on a Friday, the men's shed can be found out enjoying each other's company most days of the week. I am particularly impressed by their riding group, where members of the shed along for the ride will not all just get a good workout and a chat; they will also get some advice on prostate-friendly bike seats.

Recently I have been lucky enough to be invited to be a guest speaker at the men's shed to talk about ways they could report common problems in our community to the ACT government. I cannot imagine a bunch of fellows better placed to do that. The members of the Melba shed are not just connected with one another; it is clear that through their involvement in this fantastic organisation they have discovered new opportunities to contribute in their community.

Wherever I am in west Belconnen, I am always running across members of the Melba shed. They provide positive male role models in primary schools where they visit to build Meccano; they are participants and leaders of community walking groups; they are active members of the Holt Community Parkcarers, of church congregations and community councils; they fundraise at Bunnings and support their Neighbourhood Watch. To put it simply, they are just a bunch of good blokes.

Until you have seen it, I think that it is hard to understand the importance of the shed in tackling serious issues, from men's health to community infrastructure, and also the commitment they show to lifelong learning and their great respect for each other's skills and talents. But I think one of the key strengths that has seen the Melba shed thrive over the past five years is that amongst the seriousness, they also make sure that every meeting has time for a joke and a song.

Whilst some of the jokes that I have heard there might just be a little bit bawdy for this Assembly—I know some of the blokes think they are definitely too bawdy for mixed company—I would like to share their song with you. It was written by Ted Tregillgas from the shed and it is sung with much gusto at the start and end of every men's meeting. I, however, will do us all a favour and not sing it here today. It goes like this. It is really hard not to sing it, actually, because the tune is quite famous and it is a song that everybody will sing on their way home in their cars tonight. Anyway, here it goes:

> There's a place we all know
> And it isn't far to go
> It's called the Melba Shed
>
> Where the wattles are growing
> The Ginninderra's flowing
> And a well worn path we tread
>
> Where my friends and good mates are waiting for me
> Where there's always a welcome and a coffee or tea
>
> It's a place we all go
> And it sets our hearts aglow
> It's our very own Melba Shed.

I think the Melba shed is fantastic and I wish I could spend every Friday morning there. But since I fail on many of the membership criteria, I will just have to look forward to seeing all of its members around the neighbourhood and visit from time to time in the years to come.

Reclaim the night
Education—ACT teaching awards
World Teachers Day

MS BURCH (Brindabella—Minister for Education and Training, Minister for Disability, Children and Young People, Minister for the Arts, Minister for Women, Minister for Multicultural Affairs and Minister for Racing and Gaming) (4.45): Just going to Ms Lawder's comment about reclaim the night, I think it is a fabulous thing

that we do to make sure that that message keeps on getting out. Unfortunately, I was not able to attend because I was at Hall with the school museum celebrating World Teachers Day.

With regard to teachers, the 2013 national excellence in teaching awards inspiring teaching awards were announced last week. Each year school communities nominate inspirational leaders for these awards. In 2013 we had five winners for those national awards. They were Kate Smith from Hughes Primary School, Lisa Garner from Canberra College, Geoff McNamara from Melrose High School, Timothy Guthrie from Canberra Grammar School and Christy Murray from Canberra Grammar Early Learning Centre. On behalf of us all, we congratulate those winners.

Last week we celebrated World Teachers Day. I would just like to read a piece of material from our ACT public schools:

> We believe that every young person can learn,
> And that no two people are the same.
> Every student is at the centre of what we do,
> Their parents are our partners.
> It is reflected in how we teach, how we lead,
> And in the decisions we make.
>
> We know that everything we do,
> Influences and shapes our students' futures.
> We inspire, nurture, challenge and support,
> Every student, every day.
>
> We teach. We create. We collaborate,
> And take pride in our work.
> We collectively share our students' success,
> And ensure that each of them thrives.
> We know that learning is for life.
>
> We don't settle for ok.
> We strive for greatness.
> For ourselves, our students and our schools.
> Failure is not an option.
> Our success is measured in the futures shaped and lives changed.
>
> We are the educators of ACT Public Schools.
>
> Happy World Teachers' Day 2013.

Question resolved in the affirmative.

The Assembly adjourned at 4.47 pm.