



# Debates

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Legislative Assembly for the ACT

**EIGHTH ASSEMBLY**

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**Tuesday, 28 October 2014**

**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.

## **Security Statement by Speaker**

**MADAM SPEAKER:** Members, before we commence today, I would like to take this opportunity to update you on arrangements for the Assembly in the light of last week's events in the Canadian parliament. Members will be aware that, about six weeks ago, the federal government raised Australia's national terrorism public alert level to high, based on advice from security and intelligence agencies. In announcing the increased public alert level, the government stressed that the change was not based on knowledge of a specific attack but rather a body of evidence that points to the increased likelihood of a terrorist attack in Australia.

For the Assembly, the process of assessing security risks is ongoing and, in this period of heightened risk and alert, I have been briefed by the ACT's Acting Chief Police Officer and have agreed to some new arrangements to mitigate risk. I have scheduled further briefings in the near future,

Additional resources have been deployed and we will be exploring enhanced training and awareness for key staff. Access control policies are being reviewed and, while they are largely effective, I cannot rule out some revisions or finetuning of existing arrangements. The continued cooperation of members, their staff and other Assembly staff is vital.

Most importantly, members, you, your staff and other Assembly staff should remain alert and vigilant to anything that is unusual and you should report such matters immediately to the Assembly's principal attendant or to the director of business services—that is, Mr Ian Duckworth.

## **Justice and Community Safety—Standing Committee Scrutiny report 25**

**MR DOSZPOT** (Molonglo): I present the following paper:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 25, dated 27 October 2014, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MR DOSZPOT:** Scrutiny report 25 contains the committee's comments on seven pieces of subordinate legislation and one government response. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

## **Ministerial delegation to Singapore and Japan**

### **Statement by minister**

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Housing and Minister for Tourism and Events), by leave: I would like to report to the Assembly on the outcomes of the delegation I led to Singapore and Tokyo earlier this month, from 1 to 8 October. This follows on from the successful ministerial delegation and trade mission I led to Singapore and Hong Kong in June this year and supports the Chief Minister's recent missions to China.

The key objectives of this latest visit were to complete our program of bond investor meetings; encourage investment in Canberra by Singaporean and Japanese organisations and financial institutions, in particular highlighting the opportunities that will arise around the city to the lake and capital metro projects; support the tourism industry relationship between Canberra and Singapore and the case for direct flights between our two cities; and study relevant infrastructure projects such as Singapore's rail corridor densification. Further progress was made on all of these objectives.

In Tokyo, the focus of the first two days was the completion of a program of bond investor meetings. This program commenced back in June. As Treasurer, I have met with and presented to representatives, both domestic and international, from around 45 bond investor organisations, including asset management firms, insurance companies, banks and money market investors.

The purpose of the bond investor meeting program is to maintain a continuing dialogue and manage investor relations with financial investors who currently, or who may in the future, invest in ACT government bonds that are periodically issued to raise new borrowings. The program is an important aspect of our borrowing program as it serves to better diversify our investor base and funding sources, and indirectly increases awareness of the ACT.

I met with a range of Japanese investors, some of whom have been the largest offshore purchasers of ACT government bonds to date. I met with the Prudential life insurance company, which currently holds \$180 million in ACT bonds, the MassMutual life insurance company, which currently holds \$20 million in ACT bonds, and Daiwa SB Investments, one of the largest investment management companies in Japan, which is considering purchasing ACT bonds as its next investment tool. I also met with Daiwa Asset Management, Japan's second largest asset management company, which has previously purchased all ACT issued benchmark bonds, and Dai-ichi Life Insurance Company, the second largest, by revenue, life insurer in Japan, and a potential new investor.

As part of these meetings, I provided an update on the territory's 2014-15 budget, our capital and infrastructure program, details of the key issues supporting our AAA credit rating and our future borrowing plans.

We received strong positive feedback from the bond investor update, including a sense of increased awareness and improved understanding of the ACT. I am pleased to advise that current and potential investors generally indicated a positive view of the government's borrowing strategy and objectives, including our enhanced debt financial markets presence, with the increasing number of benchmark bonds resulting in improved liquidity and investor diversity.

As part of attracting new international investors to the territory, particularly in relation to our two largest infrastructure projects, city to the lake and capital metro, I met with a number of companies in Singapore and Japan, starting with GIC Private Ltd, formerly known as the Government of Singapore Investment Corporation. GIC is one of two Singaporean wealth funds set up to preserve the value of Singapore's foreign reserves through international investments.

I took the opportunity to reinforce the ACT government's strong interest in Singapore and outlined some of the investment opportunities available in our city such as light rail, tourism, aviation, renewable energy and city to the lake. GIC was particularly keen to note the growing international student market in the ACT and expressed a strong interest in investing in residential student accommodation. I have undertaken to provide a connection with relevant parties at the ANU and the University of Canberra.

SMRT Corporation, Singapore's public transport provider, has expressed an interest in bidding for the capital metro project and representatives attended the recent industry briefing in Canberra. Whilst in Singapore, I met with the CEO and president of SMRT and his broader team. SMRT are considering forming a consortium to bid for the project and we welcome their interest.

We also met with the chairman and chief executive officer of ComfortDelGro, a multinational land transport company headquartered in Singapore, operating over 46,000 vehicles, including bus, rail and taxi, in seven countries. In Australia the company has a presence here in Canberra, Perth, Sydney, Melbourne and across the border in Queanbeyan. I previously met with ComfortDelGro back in June, and this most recent meeting provided an opportunity to reiterate the investment opportunities associated with capital metro and other economic opportunities, including city to the lake.

Capital metro and city to the lake were also the focus of meetings in Tokyo with Marubeni, Mitsubishi Estate and Itochu. Marubeni and Itochu are in the top five Japanese general trading companies. Each has an existing presence in Australia, and both have expressed interest in the capital metro project.

Marubeni was the largest equity investor in the Gold Coast's light rail PPP project and its consortium Northwest Rapid Transit has been selected by the New South Wales government as the preferred operator for the north west rail link project, which will be a PPP to deliver the first stage of Sydney's new rapid transit rail network.

Itochu is part of the consortium delivering Queensland's new generation rollingstock PPP project. The project involves the delivery of new rail rolling stock, the maintenance of trains for 32 years and the construction and maintenance of a purpose-built maintenance centre.

The meetings provided an opportunity to follow up on these companies' interest in capital metro and to offer reassurance of our commitment to deliver the project under a PPP model.

I also met with Mitsubishi Estate, a major real estate developer in Japan, which has established a leading position in diverse sectors related to real estate, retail property, residential property and hotels. The company currently operates out of America, the United Kingdom, China and Singapore. Whilst in Tokyo, I took the time to meet with Mitsubishi Estate to discuss the major investment opportunities currently available in Canberra.

The return trip to Singapore also facilitated a follow-up meeting with Tourism Australia's manager for Singapore and Indonesia, Mr Brent Anderson. VisitCanberra has a strong relationship with Tourism Australia in Singapore, with the latter providing support for the ACT government's trade missions to the region in recent years, in particular in relation to ongoing negotiations around direct flights to Canberra. As part of maintaining this ongoing relationship, VisitCanberra will continue to work with Tourism Australia and key travel and trade partners in Singapore to increase destination awareness and knowledge of what our city has to offer.

Similarly, I also met with the Australian High Commissioner to Singapore, Mr Philip Green, to seek ongoing support and advocacy for ACT business and tourism and was certainly heartened to learn of the growing national focus on business and trade opportunities between Australia and Singapore, which validates the territory government's strong focus on this market.

Further, in an effort to seek ongoing support and advocacy for ACT business and investment opportunities in Japan, I met with the deputy head of mission at the Australian embassy, Mr Tom Connor, and senior trade commissioner Ms Leonie Muldoon whilst in Tokyo. Mr Connor provided me with a detailed briefing on Japan's program for economic revitalisation, based on the three arrows of fiscal, monetary and broad economic reform. He also reinforced the importance and strength of the Australia-Japan relationship at a variety of levels. As with my previous meetings in Singapore, Mr Connor was also bullish regarding educational opportunities for Australian institutions, noting a range of grants that are currently available in this sector.

I also took the opportunity to meet with Global Spectrum, a partner in the Singapore sports hub consortium. The sports hub is one of the world's largest sporting infrastructure PPPs. During our previous visit in June, we viewed the then under construction sports hub facility, which opened shortly thereafter. On this occasion we took the opportunity to discuss year-round activation and commercialisation models

for stadiums, with a view to learning from the experience of the consortium in building and operating the facility, and how this knowledge might be applied to a city stadium in Canberra.

With a view to learning from Singapore's rail corridor densification experience, I met with SMRT Trains, a subsidiary to SMRT, and Singapore's rail operator, and viewed firsthand the city's rail network, including interconnectivity with other modes of public transport, workplace and lifestyle hubs such as sporting stadiums.

Continuing with the theme of public transport, I also met with Singapore's Senior Minister of State, Mrs Josephine Teo, to discuss land transport policy frameworks and integration, and to learn from Singapore's experience in developing an efficient public transport network. My time in Singapore also provided a number of media opportunities to promote the territory to a wider audience across Asia, including a televised interview with CNBC Asia and an interview with the *Business Times*.

I look forward to advising the Assembly of the ongoing benefits to the territory that we expect to arise from these continuing and important relationship building missions.

## **Disability—early intervention programs**

### **Statement by minister**

**MS BURCH** (Brindabella—Minister for Education and Training, Minister for Disability, Minister for Multicultural Affairs, Minister for Racing and Gaming, Minister for Women and Minister for the Arts) (10.15), by leave: Last week in my statement to the Assembly I said that I would provide an update on the results of the early intervention tender process, as it was finalised. Now this has occurred, ensuring certainty for families accessing early intervention services into the future.

In September, the National Disability Insurance Agency began a tender process for the provision of early intervention services from 2015. More than 40 organisations attended an industry briefing and around 50 attended the early intervention and therapy expo held at Exhibition Park on 13 September. The expo was a great success, with more than a thousand people attending, and many said that the range of services was more diverse than they had imagined. A number of the stallholders who attended the expo were already offering early intervention and therapy services in Canberra and more are intending to do so as the NDIS ramps up.

I understand that nine organisations submitted compliant tenders to provide early intervention services through the tender process, and I am pleased to say that there were six successful tenderers. These providers are now in final contract negotiations with the NDIA to provide early intervention services, and they will be there ready to provide services from the beginning of the 2015 school year.

The successful tenderers are Northcott, Noah's Ark from Victoria, the Cerebral Palsy Alliance, Autism Spectrum Australia or ASPECT, EACH, and SDN Children's Services. These organisations have the capacity, experience and interest in providing early intervention services that are evidence based, child focused and family centred. These will ensure that all children with a disability or developmental delay are catered

for. The tender will cover the 300 children who may need the services. They will also take pressure off Therapy ACT's waiting list. Following contract negotiations, services will be block purchased and offered to NDIS participants.

But it is also important to note that contracts with the successful organisation will ultimately be non-exclusive. This means that other early intervention providers can register with the NDIA to provide services in the ACT. This means that families who may want to use a provider that is not on the tender list will be able to do so, and I would encourage any other early intervention and therapy providers to register with the NDIA to deliver services as soon as they can.

There are already over a dozen providers registered—and I listed a number when I spoke in the Assembly last week—and the NDIA website contains a more complete listing. The services that have been tendered represent around \$2 million in funding. This was previously invested in education and training programs and will now be provided to families through the NDIA and through at least the six successful tenderers.

Children eligible for the NDIS may also get access to services and supports, apart from these early intervention services. The beauty of the NDIS is that people are assessed individually. They get the support they need as individuals to help them meet their full potential. Children can get a package that is a combination of supports and services, and families are able to choose who delivers them. They will be able to choose from these successful organisation or, indeed, any other registered organisation that meets their needs.

The NDIA and the Education and Training Directorate are now contacting families using or intending to use early intervention services to inform them of the tender outcomes. The letter informs families of the successful tenderers, explains the next steps in the process and asks families who have not yet met with the NDIA to do so as soon as possible. The letter also invites families to attend an open day to meet the successful early intervention providers, and this will be held on 17 November at the Hedley Beare Centre between the hours of 1 pm and 6 pm.

Madam Speaker, as you know, in the ACT we are phasing people into the NDIS according to their age or their life stage. Currently children aged zero to four years old and not starting school next year are phasing in. This means that they can get an NDIS plan and start to access funding. I do urge any families using early intervention and therapy services, who have not yet made a plan with the NDIA, to make contact with them as soon as possible.

In this regard I am also pleased to report that the ACT government is establishing a new child development service. This service will be an amalgamation of existing health and therapy services and will assist any child up to six years of age at risk of developmental delay. This service, consistent with the human services blueprint, will prioritise families who cannot access other services, including the NDIS. It will also prioritise children who have particular vulnerabilities, including cultural, social and financial. We know that many children in the ACT are considered developmentally vulnerable, and this service will seek to address those issues as soon as possible.



Any ACT family with a child at risk of developmental delay will be able to contact the service for advice and assessment. Points of referral can come from a range of sources, from parents themselves to our child and family centres, the family doctor, early childhood education and care centres, teachers and Care and Protection Services. The first stage of the child development service will be up and running in 2015 and will ensure that children not eligible for the NDIS will get ongoing support through group program and parent supports. The service will be co-located at Holder with Therapy ACT. This site was chosen, has been purpose fitted for paediatric assessments and intervention and is suitable as a hub for a range of services that reach out across the ACT.

I do not underestimate the impact the transition can have on families using the services. I appreciate the views of those who took the time to sign the e-petition to the Assembly seeking reversal of the decision or who expressed a desire to government in other ways. Their concerns are legitimate and understandable, given the size of the change that will come with the NDIS.

This is why we asked KPMG to undertake significant market soundings and focus groups with families and providers during July. KPMG met extensively with families that use these services and they carried out 14 family focus groups with 64 participants. Overall, parents and carers reported having good experiences with the current early intervention services but the transition was seen as an opportunity to address a number of things that could be improved. Parents said that they wanted the new providers to continue to offer small teacher-to-child ratios, a variety of services, small group education services, information provision, facilitation of connections between parents and communities, and support in transitioning to schooling. Through the tender process we have been able to ensure the voices of families have been heard and that all these elements have been taken into consideration when evaluating the potential new providers.

We have been working extensively with our schools and the NDIA to secure the right facilities for these programs. We understand the importance of co-design for these services and are seeking to ensure the services on offer from next year are services that families will be using. Though the emphasis has been on what is changing there are also many things that are staying the same.

Therapy ACT will continue to accept clients, run programs and provide services until the end of 2016. Therapy ACT's intake, referral and assessment services will be available into the future under the new child development services, and Therapy ACT will continue to operate the popular speech and physio drop-in clinics at Belconnen, Holder and the child and family centres. All programs for school-age children will continue. This includes programs for four-year-olds which will continue as preschool programs at Cranleigh and Malkara schools. And programs and units for school-age children that are run in our public schools will continue as they are now.

When concerns were raised on this issue I said that we would make sure that no-one was left behind and what I have announced today, I think, delivers on that commitment. There have certainly been legitimate concerns and uncertainties.

If I may just briefly depart from the notes and say it has been disappointing to see Mr Wall trying to beat up these concerns and to frighten people rather than to help them. To use his own words:

If loaded, misinformed commentary is the only way to get answers ... I will continue to do so.

And loaded and misinformed commentary is usually the cause of the problems and not the solution. This is a significant and complex reform process that we are going through but as the *Canberra Times* said on 9 October:

... uncertainty must be confronted and sorted, not used as an excuse for delay.

What I have announced today shows that by putting in place the right arrangements, focusing on what people need and keeping them informed every step of the way, we can confront these issues and they can be sorted.

In closing, I welcome the six successful tenderers as providers of early intervention services ready for school year, term 1, 2015. I present the following paper:

Early intervention services in the ACT—28 October 2014.

I move:

That the Assembly takes note of the paper.

**MR WALL** (Brindabella) (10.26): This announcement from the minister today does hopefully bring some relief to the many hundreds of families in Canberra that are relying on these services both this year and into the future. It is, though, sad that this is information that I and other members of the opposition have been calling for since June of this year. But, as they say, better late than never. I think it is fair that we now give those families an opportunity to digest what options they do have available for them next year, talk with the service providers that have been selected through the tender process and work out what is going to be the best suit for them. I will note, though, that a number of organisations that have been held up over the last four months as beacons of what options will be available here for families, such as AEIOU, House with No Steps or Aspire, seem to be absent from the list of service providers announced by the minister today.

I think one thing that will still be of concern to many families is the location of where these service providers will be operating from. In a geographic sense, if they are all based on one side of town it is going to be prohibitive for some families to travel large distances on a daily basis, but that is an issue that we will keep a watching brief on as the time progresses and will raise it where appropriate if needed.

I would also like to raise the point that hopefully the minister and the government have learnt some valuable lessons in the changes to the early intervention space and as they embark on ceasing to provide other services in the disability sector, as they are closed down over the next couple of years towards the end of 2016, better

consultation is had with and more information is provided to families and any individuals that are going to be affected and we do not have a situation where families are left waiting until the last four or five weeks of the term year to find out what other alternatives might be available for them in a month or two.

I will leave it short. We will keep a watching brief on how this evolves over the next couple of weeks and how families find dealing with the new service providers through this new mechanism. Fingers crossed, the minister is correct in saying that what she has delivered today does not create any gaps. But the proof will be at the commencement of the 2015 school year whether or not there are children struggling to enrol, struggling to access services. Simply announcing some service providers does not necessarily mean that those children will not be left behind.

Question resolved in the affirmative.

### **Ministerial delegation to Timor-Leste Statement by minister**

**MR GENTLEMAN** (Brindabella—Minister for Planning, Minister for Community Services, Minister for Workplace Safety and Industrial Relations, Minister for Children and Young People and Minister for Ageing) (10.29), by leave: I rise today to speak about a recent trip I took to Dili, Timor-Leste to represent the Chief Minister and to officiate at the opening of the national activity centre for scouting for the children of Timor-Leste on behalf of all Canberrans.

The scouts activity centre was one of two projects which have now been completed in Dili and are a direct result of the generosity of Canberrans as part of our centenary celebrations under the dollars for Dili program. I will go into detail about this and other programs shortly. First, by way of background, I would like to provide the Assembly with a brief history of the Canberra-Dili friendship city relationship.

The ACT first entered into the Canberra-Dili friendship agreement on 7 June 2004 when former Chief Minister Jon Stanhope and Mr Ruben Braz de Carvalho, Dili District Administrator, signed the agreement on behalf of the two cities. The agreement aims to build friendship and mutual respect between Canberra and Dili and was recently re-signed by Chief Minister Katy Gallagher and Mr Tomas do Rosario Cabral, Secretary of State for Administrative Decentralisation, on 13 September last year.

The primary goal of the relationship is friendship and mutual respect between the two communities. The initiatives created under the friendship relationship provide educational, cultural, economic, humanitarian and sporting links. These goals are supported by practical exchanges designed to deepen friendship and promote goodwill between the people of Canberra and Dili.

The friendship relationship benefits both individuals and their communities, and furthers environmental, social and cultural goals. The friendship relationship specifically includes young people, to ensure the lasting future of the agreement.

The relationship provides a forum for links and exchanges between Canberra and Dili. Through local government and community partnership, the friendship relationship supports the transfer of knowledge, skills and resources. These exchanges lead to greater understanding between both communities and will shape rewarding and warm long-term relationships between the residents of the two cities.

It is under the principles of this agreement that the ACT government has provided humanitarian support to Timor-Leste since the signing of the agreement, as well as providing a temporary embassy in Canberra while the current embassy was under construction.

In the initial years of the agreement, close ties were established between the two cities, with ACT government agencies providing advice to their Timor-Leste counterparts in the areas of vocational training, domestic violence and water policy.

In recent years the ACT has supported child and maternal health in Timor-Leste through direct funding for programs operated by the Alola Foundation and is currently supporting the mother tongue pilot project to improve indigenous skills for preschool students. During my brief visit, I was lucky enough to see the Alola Foundation's work, which I will talk more about shortly.

The government has also assisted Connect East Timor to establish a radio transmitter network to improve telecommunications in rural areas. These funds were committed by the then Chief Minister, Jon Stanhope, from the community support fund.

The ACT actively participates in a working group of commonwealth, state and territory officials chaired by AusAID to exchange information on development activities by all jurisdictions in Timor-Leste.

To further strengthen this connection to Dili, it was decided that in the lead-up to our centenary year celebrations, the dollars for Dili fundraising initiative would be established, aimed at building the capacity of youth in Canberra's friendship city of Dili in Timor-Leste. Dollars for Dili was officially launched on Canberra's 98th birthday, 12 March 2011, as a partnership between the centenary of Canberra, Scouts Australia and the Rotary Club of Dubbo South. This project was launched in the spirit that in Canberra's birthday year it was better to give than to receive, and that is just what has been achieved.

The goals of dollars for Dili were to deliver two key projects: a schools project to improve sanitation and health facilities to encourage more girls to attend school, and a community project to design and construct a scout activity centre for Timor-Leste scouting. The dollars for Dili project has directly helped thousands of young people in Dili, Canberra's friendship city, by providing the funding for much-needed infrastructure projects, including the new national activities centre for the Timor-Leste Scout Association and the construction of improved sanitation and health facilities at two nominated Dili primary schools.

The dollars for Dili appeal raised over \$230,000, and the ACT government donated \$47,000. Although the original target of \$358,000 was not met, the initiative has been

successful in achieving its aim of building the sanitation blocks and the activities centre. Fundraising efforts in the centenary year ended up also supporting the boundless playground.

The dollars for Dili project highlights that upgrades to basic facilities like toilets at school, which can often be taken for granted, make a huge difference in the standard of living of local communities, and in Dili will encourage more girls to attend school and gain access to education. The previous lack of sanitation facilities in the schools of Timor-Leste were resulting in lower attendances, especially among girls and young women. Anecdotally, the improved facilities have already led to increased number of girls attending school.

Scouting is the world's largest youth development organisation and is widely recognised for its programs. The new national activities centre for scouting in Timor-Leste will build confidence, self-esteem and resilience among Dili's young people, and also develop their leadership and teamwork capabilities. The opening of the national activities centre was the culmination of months of hard work by International Scouting, the scout association of Timor-Leste and members of the centenary of Canberra team in the ACT. I want to take this opportunity to thank everyone involved in delivering the dollars for Dili project.

A number of ACT schools contributed significantly to dollars for Dili. In particular, Narrabundah College and Hughes Primary School raised in excess of \$5,000 each. Cockington Green held a special fundraising day where all profits were donated to dollars for Dili. This raised more than \$5,000.

It was with great pleasure that I was able to visit Dili and to see Canberra dollars for Dili at work at the end of September this year. The brief trip included a visit to and official opening of the activities centre with the President of the national parliament of Timor-Leste in Metinaro, just outside the capital, Dili.

The scouts activities centre was built through a partnership between the Canberra community and Scouts Australia. The activities centre has already become a central hub of the community and will provide thousands of children with a place to come together and learn. It will be a base for all scouting activity and leadership training in Timor-Leste and a useful resource for kindred organisations.

As a member of the first Canberra scout group at St John's church, Reid, I recalled to the crowd there how I had earned several merit badges and still remember how to tie a clove hitch, and that map reading and navigation training have been well utilised in my more recent years as a rally navigator. So I was very proud, on 26 September, to be made an honorary scout and to open the centre on behalf of Canberrans.

I was also really grateful to be able to see the difference that the donations made by the Canberra community have made on the lives of girls attending Aimutin and Fatuhada schools, with the construction of health and sanitation blocks. We visited Aimutin Primary School with the scouts and saw the sanitation block which serves a school of 1,119 students and 25 teachers. Prior to the block being built, the school operated with three toilets for children and one for teachers.

The sanitation and health block, including the handwashing facilities and educational signs, all in Tetun, were met by the dollars for Dili project. In addition, the school was painted, the cooking area was insulated and painted, existing toilets were repaired and much-needed educational supplies were purchased for the school with support through the program.

Madam Speaker, I cannot tell you how grateful the students, teachers and parents are for these projects which have been supported by dollars for Dili in partnership with scouts and Rotary. It is very pleasing to be able to say that the dollars for Dili project has been a great success. The project will have long-felt effects and work towards the development of our neighbour and friend Timor-Leste.

Not only was I able to see the work that had been undertaken through the project, but I was able to have a look at some of the work that the NGO Alola Foundation were doing in the area, as I mentioned earlier. Alola is a not-for-profit non-government organisation operating in Timor-Leste to improve the lives of women and children. Founded in 2001 by the first lady, Ms Kirsty Sword Gusmao, the organisation seeks to nurture women leaders and advocate for the rights of women.

The work done by the Alola Foundation was wonderful to see firsthand, and we got to meet many young children benefiting from the mobile library, which is funded to deliver library books and programs to all government schools.

The ACT government has been a strong supporter of the Alola Foundation since former Chief Minister Jon Stanhope began support for their work to support the upgrade of the maternal health services at Bacau and the upgrade to the Alola Foundation's offices in Bacau.

Since this contribution in 2008 and 2009, the ACT government has also contributed to the funding of the mother-tongue-based multilingual initiative, run by the Alola Foundation, which is aimed at providing the children of Timor-Leste with the opportunity to learn in their mother tongue, which could be any of the 16 languages and 30 dialects which make up the linguistic diversity of what is quite a small country.

The Alola Foundation continues to provide various services to women and children in Timor-Leste. The work ranges from working to improve maternal health to working to create employment, promote human rights, strengthen community development and improve the status of women.

One thing that struck me during the short visit was how, despite the many years of conflict and hardship which have been experienced by the people of Timor-Leste, they show such solid resilience. This is a country which has seen much conflict in its fight for independence since the 1970s. During these times of conflict, much of the infrastructure in Timor-Leste was damaged or destroyed. Territorial disputes have seen Timor-Leste unable to benefit from some of the natural resources which surround it. This has hampered the redevelopment of the country along with the improvement of the standard of living of its people.

Despite this, progress is being made. No matter where we drove in Dili and the surrounding areas, smiling interested faces never ceased to appear and greet us. The trip on behalf of the Chief Minister provided many wonderful examples of the positive work going on every day between the people of Canberra and Dili.

In closing, I would like to thank His Excellency Mr Peter Doyle, Australian Ambassador to Timor-Leste; His Excellency Mr Miguel Manetelu, Secretary of State for Youth and Sports of Timor-Leste; Mrs Idelta Rodrigues, the Timor-Leste scouts association; Mr Reg Williams RFD, Chief Commissioner of Scouts Australia; Mr David Jones AM FCA, national chairman, Scouts Australia; Dr Chao Shou-Po, chair, Asia Pacific region of world scouting; Mr Jose Rizal Pangilinan, regional director, Asia Pacific region of world scouting; and, of course, Mr Neville Tomkins OAM JP, International Commissioner, Scouts Australia, who I know has dedicated countless time, energy and commitment to the delivery of the projects on the ground.

I congratulate all of these people and the many more people who have supported them in their organisations over the last few years in delivering for the children of Timor-Leste and ensuring that the lasting friendship between our two capital cities continues to produce such wonderful outcomes for both our countries. The Canberra community can be proud of the legacy of these projects, the story they leave and the difference they are already making to the lives of young people and future leaders of Timor-Leste.

I present the following paper:

Delegation to Dili, Timor-Leste—Ministerial statement.

I move:

That the Assembly takes note of the paper.

Question resolved in the affirmative.

## **Justice and Community Safety Legislation Amendment Bill 2014 (No 2)**

Debate resumed from 18 September 2014, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

**MR HANSON** (Molonglo—Leader of the Opposition) (10.44): The opposition will be supporting the bill. It is a bill that makes minor and non-controversial amendments to six acts administered by the JACS Directorate. I am satisfied that these amendments do not amount to policy changes.

There are two amendments to the Administration and Probate Act 1929. The first would require an executor or administrator of a deceased estate to use a prescribed form for giving notice of distribution of assets of the estate. This simple change provides more clarity and certainty to the administration process.

The second amendment gives a defined “interested party” access, as a matter of process and at their cost, to a copy of a deceased person’s will. This saves everyone the trouble of going through an application process in the Supreme Court.

Two amendments are also made to the Agents Act 2003. The first makes it an offence if certain salespeople are, or pretend to be, employed by an agent but are not registered, except if they are licensed. Previously the provision only applied to unregistered salespeople who pretend to be so employed. I note that this is a strict liability offence.

The second removes a sliver of red tape that requires an agent to make a statutory declaration in relation to trust money. The licence renewal process covers the requirement, as does the requirement to report new trust accounts within two days of them being opened.

The Family Provision Act 1969 is amended to reduce the time from 12 months to six months after administration being granted in which a family provision claim may be made against a deceased estate.

The bill proposes two amendments to the Human Rights Commission Act 2005. The first would allow a commissioner, in defined circumstances, to release a report to a third party even if the party is not subject to a recommendation. In the main, this would apply in circumstances where the commissioner finds the third party has not behaved in a way that it ought, or the issue involves a matter of public policy, or that the third party has a particular interest in the matters being reported, or that the commissioner thinks it is in the public interest to give the report to the third party. This would make the work of the commission more open and, more importantly, effective in changing the way things are done in and for our community.

The second amendment would require that notices about the rights of consumers of services to complain to the commission must be displayed prominently by service providers. This is to overcome a systemic problem that notices are available but not made prominent by some service providers.

An amendment to the Powers of Attorney Act 2006 would clarify that a principal may not appoint a person under 18 as an attorney. A provision is already in place to this effect, but this amendment mainly clarifies the situation in which the attorney might be the principal’s child.

Finally, the Public Trustee Act 1985 is amended to clarify that the Public Trustee can, in the exercise of its powers, require an entity, but not an individual, to provide relevant information or documents.

You will recall, Madam Speaker, that the new Information Privacy Act 2014, which the opposition supported, commenced on 1 September 2014. Following that commencement, this bill also makes technical, minor and non-controversial consequential amendments to 24 other acts and regulations. Those amendments mainly involve changed terminology, but also clarify that some agencies, such as



ACTEW, are subject to the Australian privacy principles under the commonwealth's Privacy Act as if the act applied to them.

This bill performs the role it should. It does not go to matters of policy, but makes laws administrated by the JACS Directorate more consistent and efficient and provides clarity and reduced red tape for the people of Canberra, I commend the JACS Directorate for its work.

**MR RATTENBURY** (Molonglo) (10.49): The Greens will be supporting this bill today. It makes a number of minor policy changes in the Justice and Community Safety portfolio. The changes are not controversial and I will briefly comment on each of them.

The bill amends the Administration and Probate Act 1929 in relation to the notice that must be given by an executor or administrator prior to distributing assets. The amendment will require a prescribed form to be used for notice, if one is prescribed by the rule-making committee under the Court Procedures Act 2004.

The bill also inserts a new section which provides a statutory right for interested parties to access copies of current and revoked wills, including codicils and informal wills.

The bill amends the Agents Act 2003, clarifying that it is an offence for real estate salespeople, stock and station salespeople and business salespeople not to be registered and to be employed by a licensed agent when providing a service. It makes a further minor amendment to remove some red tape in relation to agents' licensing, which is consistent with the requirements in New South Wales.

The bill amends the Human Rights Commission Act so that the commission may provide a report of the commission to a third party when satisfied with certain considerations, such as that the report is about matters that the third party has an appropriate interest in, and that it is in the public interest to give the report.

The bill makes a further minor amendment to ensure that service providers provide clear information to consumers about how to make complaints under the Human Rights Commission Act.

The bill amends the Powers of Attorney Act 2006, clarifying that powers of attorney may not be given to those under 18.

The bill also amends the Public Trustee Act 1985 to authorise the Public Trustee to require an entity to provide information relevant to the exercise of his powers. This information is often required by the Public Trustee to fulfil his duties.

Lastly, the bill makes a series of consequential amendments relating to the commencement of the Information Privacy Act 2014. These are mainly reference changes; for example, references to the Privacy Act are changed to the Information Privacy Act, and references to the Privacy Commissioner are changed to the Information Privacy Commissioner.

The amendments in this bill are all minor and mainly clarify legislation to improve the practicality of their operation. On that basis I am pleased to support the bill.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro) (10.51), in reply: I thank members for their support of this bill today. As members have indicated, the purpose of the bill is to improve the operation of a number of existing acts through a series of small, but nevertheless important, legislative changes. The amendments are minor and uncontroversial in nature and they do not make any major policy changes.

As members have highlighted, the bill makes amendments to approximately six acts, and also makes consequential amendments to legislation resulting from the introduction and commencement of the Information Privacy Act and from amendments to the commonwealth's Privacy Act. All amendments result in practical improvements for the community and to administrative processes within the government.

In relation to the amendment to the Administration and Probate Act, this amendment inserts a note into the act that, if an approved form is issued under the Court Procedures Act, the form must be used to give notice about the distribution of assets. This use of an approved form will assist with certainty for legal personal representatives and provide increased certainty about the validity of a notice.

There is also an important change, with the insertion of new section 126 into the Administration and Probate Act, to allow interested people to access copies of a deceased person's will. This is an important change that provides an open and transparent process for beneficiaries, guardians or managers of the deceased person, and family members of the deceased person, to ensure the estate is being distributed in accordance with the testator's wishes.

The time following a person's death can be very stressful and difficult for family members and the distribution of an estate can be the source of conflict within a family, even in the most harmonious of families. The amendment therefore helps reduce uncertainty and conflict by providing a statutory right to access the source of truth—that is, the testator's wishes.

It will also make it administratively easier for affected parties, who will no longer need to apply to the Supreme Court to access these documents. The person who has possession or control is obliged to provide the person with access to the documents and the interested person requesting access will bear the cost of such a request. This is a statutory right which already exists in New South Wales, but it will facilitate the administration of justice for people here in the territory who have a legitimate interest in the distribution of an estate, and it provides a practical way to improve the operational effectiveness of this critically important process.

The changes being made through the bill to sections 45 to 47 of the Agents Act clarify that it is an offence for a real estate salesperson, a stock and station salesperson or a business salesperson to not be registered and be employed by a licensed agent when

providing a service. This means that salespeople who are not registered and are, or pretend to be, employed by a licensed agent when providing the service will now be caught by the offence. It is not an offence if the person is licensed, of course, to provide the service. The amendment ensures that these categories of salespeople are appropriately qualified and are suitable to provide these services to the community.

There is also an important change in relation to section 116 to update and simplify the process for an agent to indicate whether they have held money on trust while registered. Currently, a licensed agent is required to provide a statutory declaration to the Commissioner for Fair Trading to declare that they have not held money on trust during an audit period. The renewal process for registration of an agent is every one to three years. Other than to lodge a statutory declaration, there is no need for an agent to make yearly contact with the commissioner, unless they have a one-year licence.

There are, however, some agents who have never and will never hold money on trust; for example, those who are employed by a principal agent. The current provision means that these agents are also required to lodge an annual statutory declaration that they have held no money on trust in the audit period. This is, of course, highly inefficient of both the agent's and the commissioner's time, and the amendment means that an agent is now only required to indicate on their licence renewal form whether they have held money on trust for the period of registration.

This amendment will not diminish consumer protection as the agent is still required to declare whether they have held trust money in that period. In addition, a licensed agent must still give the Commissioner for Fair Trading details about any new trust accounts that are opened. The amendment does not remove their requirement to do so.

Finally, we see amendments being made in relation to the Family Provision Act 1969. This will reduce the time in which the Supreme Court can direct an order for provision following the distribution of property forming part of an estate from 12 months to six months. This is consistent with the time that a family provision claim can be made against a deceased estate. As a result of this amendment, delays that have been associated with the finalisation of an estate will be reduced for family members and beneficiaries, therefore minimising the period of uncertainty for beneficiaries.

As members have indicated, the bill makes a range of amendments to other acts, which I will not reiterate in my closing comments. I simply state that this bill is another excellent example of how the updating of the statute book works to the benefit of citizens and the processes of government. I thank members for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Emergencies Amendment Bill 2014**

Debate resumed from 25 September 2014, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

**MR SMYTH** (Brindabella) (10.58): The Canberra Liberals will be supporting the majority of this bill. Much of the bill seems to be sensible and clarifies the work that is undertaken to make the ACT secure in the case of an emergency, but there is a lot of contention and concern, particularly within volunteers in the bush fire brigades and members of the Fire & Rescue service, about clause 9, which amends section 8A of the existing act and is largely concerned with directions given by the commissioner in relation to emergencies.

There are a large number of dilemmas with this issue. Currently 8A has three subsections. Subsection (1) says:

This section applies to an emergency other than one for which an emergency controller is appointed.

Subsection (2) says:

The commissioner may direct a chief officer to undertake response or recovery operations in relation to the emergency.

Subsection (3) says:

The commissioner may not direct the chief officer to undertake an operation in a particular way.

Of course what is happening is that parts 2 and 3 are being removed and are being substituted with the words that, for the effective coordination of the emergency, the commissioner may direct a chief officer to undertake response or recovery operations.

What is being removed, of course, is the clause that prohibits the commissioner from directing operations in a certain way. And there is a very valid reason for that. It goes to the nature of the service. ESA has four services under its umbrella: the Fire & Rescue Service, the Ambulance Service, the Rural Fire Service and the State Emergency Service. An officer who would have qualifications across all four of those emergency arms to enable him to undertake and direct operations would be a very rare individual. That person would need to have those qualifications, have them current, keep them current and be able to do it across the four services. In a way section 8A(3) is a protection for the commissioner. But it also protects the integrity of the services and allows them to get on with their jobs, without having somebody look over their shoulder. And that is what is being removed today.

We had the incident of the Sydney Building fire earlier this year where, indeed, the commissioner, depending on whom you speak to, did attempt to direct operations. It has been put to me that he was on the fire ground. You would have to say, in the case

of an emergency, the officer in charge needs to be concentrating on the emergency, not looking over his or her shoulder to work out what the commissioner is up to. Yes, the commissioner has a role and the commissioner has a right to observe. The point was made that he was just asking questions. The way you phrase a question—and euphemistically a question can be a direction, and we all know that—does not lead to a safer fire ground or emergency scene.

From talking to the UFU, they have great concerns about this. From talking to the VBA, the Volunteer Brigades Association, they have concerns about this as well. And the concern of the VBA is that safety will be put at risk because what you may have then is conflicting orders that will lead to confusion. We all know that in emergencies the last thing you need is conflicting orders and/or confusion. The way that the act is, it works reasonably well.

In the briefing I was told that the suggested change came out of a practice exercise. Indeed, I understand that it was in a paper exercise—it was not actually in the field—that there was some conflict. This is the government's heavy-handed approach to rectifying that, which is probably not a problem at all.

Again, I go back to the incident of the Sydney Building fire where it appears, depending on whom you speak to, the commissioner either asked a question about the location of the Bronto or ordered the Bronto moved. I have heard from people who tell me one story. The story in the paper and from the minister is a different story. The problem here is that once you get to that level it will take a very strong officer to stand up to the commissioner and tell him or her to go away.

It is interesting that when we first asked questions about this Mr Corbell was able to immediately answer, "No, the commissioner didn't direct anybody to do anything." He came back the next day and said again, "In response to Mr Smyth's question, the ESA commissioner did not direct the Sydney fire officer onsite at the Sydney Building fire." That is not what I am being told and there needs to be, first and foremost, some clarification of what actually happened.

Until we get some clarification we will oppose the existing clause 8A(3). It should be opposed and there is actually no reason to take the clause out. If you want to add in the other clause, the amending clause which is No 9 in the bill, a new (2) for the effective coordination of the emergency that the commissioner may direct a chief officer to undertake response or recovery operations, there is no reason to take out three, which would read, "The commissioner may not direct the chief officer to undertake an operation in a particular way." It is explicit in the current act. It will not be explicit when it is amended.

The questions I asked during the briefing went to: what does coordination mean? I understand the government is going to move an amendment, a new clause 9, to section 8A(3) that will say:

coordination of an emergency means the bringing together of the emergency services and other agencies and resources to support the response to the emergency.

I am not sure that adds any clarity at all. The commissioner can rightly now say that according to 8A(3), if it gets up, he was simply coordinating by directing units to do certain things. I think that is a reasonable interpretation of the amendment.

I think what we are doing is putting in place less certainty about how operations will actually work. If there is uncertainty about how operations will work that will lead to, I believe, confusion. The potential is there. Of course that will put safety at risk on the emergency ground, whatever sort of emergency it is.

We are yet to really hear the case why this is required. That something went wrong at a desk exercise and suddenly led to these changes seems to me to be an overreaction to something that has functioned reasonably well and something that I believe should be left alone. And when you have got key organisations like the United Firefighters Union saying they have concerns, when you have got key organisations like the Volunteer Brigades Association saying they have concerns, then this amendment should not be passed today. That is the problem that we are facing here today.

I think it also behoves the minister to explain what really happened. It is interesting that the minister already had an answer, when we asked the first question about whether or not there were directions, that no, there were not. Obviously there is some concern from people I speak to, insiders, who say there are serious concerns about this amendment.

What it really does is concentrate more power in the commissioner's hands. I would be interested in the minister's explanation how it does not, because it is taking something that is explicit and doing away with it. Indeed, in the existing clause 8A(3) some people have said to me that the "may" should be amended to a "shall" to make it even stronger so that we do have that delineation between the role of the commissioner who is running the entire emergency services and the role of the chief officer to undertake the job that they are tasked with under the act, to run the particular service, whether it is Fire & Rescue, the Rural Fire Service, the State Emergency Service or the ACT Ambulance Service.

It will be interesting to hear the minister's explanation how this makes it better, how it makes it far clearer and what protections are there for the officers on the ground to be able to get on with their job, without interference. That is the nub of what I would like answered today.

I am reasonably happy with 8A(3) as it stands. I think it is clear. If the whole clause disappears then of course that clarity goes. Then I think you could easily interpret the replacement clause that the minister is proposing, which will become 8A(2), in this way: "For the effective coordination of the emergency the commissioner may direct a chief officer to undertake response or recovery." It does not say in this clause that he cannot tell them how to do that.

When 8A(3) disappears, that limit on the commissioner disappears also. If that is the intention of the minister, then that is fine; just stand up and say that is the intention, the commissioner should be able to go down to a lower level and direct the chiefs how

to respond. But if it is not, then I do not understand the logic for the existing 8A(3) disappearing. There is no logical reason for it to disappear. It stands quite neatly with the amendment and it would stand quite neatly still with the proposed amendment that I understand is to be circulated, as notice was given.

All four could effectively stand. The existing 8A(1) would stand. The proposed 8A(2) would come in. The existing 8A(3) would stand. The new definition of what coordination means could come in as well. But as soon as you remove the existing 8A(3) what will happen is exactly what I am told happened at the Sydney Building fire, that the commissioner was on the fire ground.

The excuse in the paper this morning was that he was getting information so that he could brief the government. I understand that has never happened before, that what they normally do is complete the fire and then they brief the government, because it is very hard to brief somebody when you are halfway through an emergency and you are trying to get a handle on it or you are conducting operations.

To actually have to stop and tell the commissioner so that the commissioner can run away and tell the government that this is what is happening is ridiculous. I do not know why anyone would put an officer on the ground through that dilemma: “Do I keep my eye on the fire or do I talk to my superior so that he can go and talk to his superior and he can brief the government?” That is an unrealistic and unfair expectation to be placed on any officer.

We all know that emergencies can take a twist and turn at the drop of a hat. A gust of a wind, and they can get out of control. And you only have to look at last night. There was a control burn; a gust of wind and it jumped the containment lines. Other units had to respond. If the phone is going to ring or the commissioner is going to turn up and seek information for the government then and there on the spot I think that is just plain unfair and shows you have no understanding of what goes on, on the fire ground or on emergency ground, if you think that is a reasonable thing to happen.

If you think it is a reasonable excuse that the commissioner go onto an emergency ground, as was done at the Sydney Building, and seek information for the government—the number one priority is the safety of lives and the protection of property and making sure that the emergency is addressed immediately—the government can wait its turn to find out what is going on. If there is a need for the government to be told of an impending danger or a greater danger I am sure the officer on the ground in charge of the emergency will say, “We need to expand operations.”

I think we have to trust the officers that we have in our emergency services. They are well trained and they do a good job. We have to give them our faith and our belief that they are doing a good job without them having to look over their shoulder all the time as to whether the commissioner may or may not turn up and may or may not, according to the amendment, direct the chief officer to undertake response or recovery operations.

I think the line which simply says that the commissioner may direct the chief officer to undertake response without the caveat of not how to undertake that response is a very dangerous thing we do. If we pass this particular clause today I think we set back the cause of emergency management in the ACT for a long time and I suspect that we will be back to amend it again when something goes wrong.

**MR RATTENBURY** (Molonglo) (11.11): The Greens will be supporting this bill today. I agree that there is a need to have clear and coordinated governance policies and practices in place in order to ensure that emergency services are managed as efficiently and effectively as possible.

As we have discussed and debated many times in this place, there are many different arms of government responsible for various aspects of emergencies, and in particular fire management and coordination has been a key aspect of interest to the Assembly.

Fire prevention and management is a complex area. In the ACT we have a multitude of agencies and organisations responsible for various areas and tasks both within and outside the Emergency Services Agency, including ACT Fire & Rescue, the parks and conservation service, ACTPLA, the Environment and Planning Directorate, the ACT Rural Fire Service, the volunteer fire brigade and so on. And this is on top of our other emergency services—the Ambulance Service and the State Emergency Service.

Over the past 10 years, since the 2003 bushfires, the ACT has matured significantly when it comes to fire planning and management. The subsequent creation of the ACT Bushfire Council and the strategic bushfire management plans, in my view, have been extremely helpful both for the creation of opportunities for frank, open and productive discussion and relationship building and for the very important resulting plans.

We now have our third strategic bushfire management plan for the territory, and it has been produced each time through considerable discussion and consultation between a good representation of stakeholders. I believe that the plan has struck a fairly good and responsible balance between addressing the need to ensure we are minimising fire risks to people, property and the environment and working to protect as much of our biodiversity as possible. Of importance, over the past decade or so, bushfire prevention or reduction activities such as mowing, slashing and grazing have been added to the repertoire, reducing both the risks of built-up fuels in wooded areas and the impacts of repeated fuel reduction burns on our delicate ecology.

Madam Assistant Speaker, this may seem like a long introduction but it is key to the bill that is before us today. I understand that this bill is largely a by-product of the discussions around the development of the third strategic bushfire management plan, as well as putting into place some of the recommendations from the Auditor-General's 2013 report on bushfire preparedness.

Key amendments in the bill include better alignment of various plans such as bushfire operational plans, land management plans and land management agreements with the strategic bushfire management plan—although I will come back to this, as it has the potential to be a double-edged sword.



The second of the key amendments is clarifying that the act, the ESA and the commissioner are also responsible for operational and administrative issues, not just emergency management. The bill introduces a power for a chief officer to be able to close any premises. This was noticed in the Mitchell fire incident in 2012 as the ESA did not have the power to close schools and other businesses that were in the direction of the toxic plume.

The bill introduces a power to obtain information or documents that are reasonably needed. It introduces the power for an emergency controller to control or coordinate services. It increases the penalty for people who throw lit cigarettes out of their car windows.

Let me focus on coordination issues. In 2012, following lessons from the Victorian bushfires and floods, the ACT introduced powers into this legislation to clarify the powers and functions of the Emergency Services Commissioner to ensure that there was, in short, only one head. This was not to say that the commissioner needs to manage each and every emergency, but to clarify that if there were multiple agencies working on the same emergency the commissioner had the power to align their activities to ensure the best coordination.

The United Firefighters Union approached us with their concerns soon after this bill was tabled last month, as a seemingly key clause in section 8A is to be removed by this bill today—that is, that the commissioner may not direct the chief officer to undertake an operation in a particular way. The proposal to remove the clause was seen to be asserting the commissioner’s powers unnecessarily by removing the autonomy of other agencies and giving him the power to direct individual operations, which has not been the case to date.

I understand that the minister will be moving an amendment today in relation to the definition of “coordination” to be applied to section 8A. This may look like a small amendment, but as members may infer from the five pages of explanatory text to accompany the single-sentence definition of “coordination”, a lot rests on a definition and a context.

The explanatory statement to the amendment clarifies that there are no express provisions for the commissioner to give directions to chief officers during an emergency event. It also states that this section only applies to an emergency as defined in the act under certain situations where the scale and complexity may be likely to exceed the traditional scope of one or more emergency services.

The amendment outlines why section 8A was introduced in 2012, to ensure that the commissioner has sufficient power to play a direct role in coordinating an emergency response. It also outlines the key differences between coordination, command and control.

I understand that the proposed text for section 8A is uniform terminology used for incident management across Australia under the Australasian inter-service incident management system framework, as well as the Australian emergency management

multi-agency incident manual. Thus the use of this terminology will mean that emergency services officers will be able to easily understand processes when they travel interstate for emergency support as well as when interstate officers help with our emergency management.

My office and I have had direct discussions with the United Firefighters Union and we know that they have worked with the government to achieve agreement that this new definition and explanatory material clarifies the commissioner's powers and responsibilities and that this is acceptable to all parties involved. That is an assurance that is important to me because it is critical that there is clarity across all of the key stakeholders in this sort of discussion.

I would now like to turn to issues around the aligning of various plans in this space. In terms of the issues around the alignment of plans, the bill introduces a requirement for the commissioner to consult with the Conservator of Flora and Fauna on the strategic bushfire management plan and also to consider its impacts on any plans of management under the Planning and Development Act. This includes land management plans and agreements.

The commissioner's response to the conservator's comments is required for a report that must now be given to the minister as well as tabled in the Assembly, along with the draft strategic bushfire management plan. Of most interest to conservationists and leaseholders is clause 16, which reverses the current legislated priority where in the case of inconsistency a plan of management under the Planning and Development Act overrides the strategic bushfire management plan. However, new section 77A instead gives the strategic bushfire management plan precedence over other plans of management. I will come back to this issue as it is causing some consternation.

Also of interest in the bill is that government land management agencies must continue to update their bushfire operational plans every two years. But private leaseholders will now be required to prepare a bushfire operational plan even if they already have a land management agreement, but will only need to review their BOPs every five years. This aligns with the requirement to update land management agreements every five years.

In relation to the issue of the strategic bushfire management plan overriding other plans of management, there is a concern that this means that plans that have been worked through collaboratively between land managers and the communities may not be given effect. Given that the strategic bushfire management plan lasts for five years until it is reviewed and replaced, there is a question of the longevity of the plans of management and how it may work operationally.

I have sought advice from TAMS about this issue. I understand that although in theory this could be an issue, practically, any conflicts between plans are worked through collaboratively between the ESA and the land manager to ensure that key biodiversity values are protected as far as practicable.

However, to further clarify this in the legislation, I think it would be of considerable use to add some further explanatory text into the explanatory statement in relation to

section 72(2), that states something along the lines of: “In the case of any inconsistency, the commissioner and land manager must work together to ensure that environmental values and protection of life and property are balanced as important priorities and activities are complementary to achieve this balance. This must be done through collaboration and coordination across government agencies and land managers.”

Unfortunately, this issue was only raised with us fairly late in the piece. So the minister responsible and I have not had sufficient time to work through relevant processes to investigate the issue further, especially given the interactions with other legislation. If we look further into the issue we may also want to consider whether a further clause could be written which ensures that the commissioner must consider the conservator’s advice if an action proposed in the strategic bushfire management plan conflicts with other plans of management on ecological matters and that this advice must be made publicly available.

I intend to take up this matter and expect that we will discuss it again in this place once we work through the detailed issues. I think that, for today, there is not sufficient time to resolve this matter to an acceptable level of clarity. Apart from the issue of conflicting plans, this bill creates significant clarification of emergency management protocols, and the Greens will be supporting the bill today.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro) (11.22), in reply: We all share responsibility in being prepared as a community to face the challenges that we will inevitably have to address as a consequence of natural disasters and other emergencies. The ACT ESA is continually scanning for innovation and improvements to the way we manage emergencies. The current practice in emergency management has highlighted that there are mutual obligations on both governments and the community to build community resilience in meeting the challenges posed by future disasters and emergencies.

From the government’s perspective, it is critical that our emergency services and all government agencies have a shared understanding of the emergency management arrangements. Having this shared understanding is critical to delivering effective and coordinated emergency response and recovery operations.

From a community perspective, it is critical that our residents understand they share responsibility in taking action to prevent and to prepare for an emergency. Having a shared understanding of how we work together to face the challenges of an emergency and recognising a shared responsibility to work cooperatively and collaboratively ensures we deliver the most effective response and that recovery operations are the best they can be when an emergency or disaster occurs. I am pleased that this amendment bill will build our community’s resilience through these principles of shared understanding and responsibility.

Let me turn to the amendments and explain how they support these goals. There are a number of minor but important amendments to the act. The objects of the act and the commissioner’s functions have been amended to be more inclusive of those persons

that provide operational and administrative support to the commissioner and our emergency services. Another minor amendment refocuses the commissioner's current function of participating in strategic and operational planning for emergencies to being responsible for overseeing and coordinating these activities.

One of the most considered amendments relates to the authority afforded to the commissioner in providing direction to chief officers in times of an emergency. Section 8A was introduced two years ago to provide the commissioner with the powers to direct a chief officer to undertake response and recovery operations in relation to an emergency. The power was limited in that the commissioner was not able to direct the chief officer to undertake an operation in a particular way.

Over the past two years it has become apparent that there is ambiguity around the interpretation of section 8A and that this has the potential to diminish the commissioner's broad monitoring and oversight role in emergency operations. Section 8A was included within the act following the royal commission into the 2009 Victorian bushfires. The Victorian royal commission report stated at page 70:

On 7 February 2009 state-level emergency management arrangements faltered as a result of confusion about responsibilities and accountability.

The Victorian royal commission report further stated at page 74:

It appears to the Commission that the concept of coordination became rather distorted ... with senior fire agency personnel describing their role as 'coordinating' the response to the fires rather than actively exercising control or command.

The royal commission explained that in the emergency management context "coordination" describes a specific role which necessitated active monitoring of an emergency situation and ensuring that specific outcomes were being achieved. I reiterate that, particularly given Mr Smyth's comments earlier in the debate: "coordination" describes a specific role which necessitated active monitoring of an emergency situation and ensuring that specific outcomes were being achieved.

What we have learned from the Victorian royal commission was (1), the need to clearly articulate the different roles involving command, control and coordination and (2), the need for a clear and shared understanding that responsibility and accountability for emergency operations cannot be delegated.

In 2012 section 8A was introduced to ensure the commissioner has sufficient power to coordinate our emergency response. This bill therefore further clarifies that power by including the words:

For the effective coordination of the emergency, the commissioner may direct a chief officer to undertake response or recovery operations.

Through these amendments to section 8A we are seeking to deliver a shared understanding that command is the responsibility of chief officers and delegated to

incident controllers. That control is the responsibility of an incident controller and occurs across services and agencies. Coordination is the responsibility of the Emergency Services Commissioner, unless an emergency controller is appointed. To further clarify this intent, I will be moving a government amendment which defines the concept of coordination for section 8A and which I will further elaborate on when that amendment is introduced.

Victoria, Queensland and Western Australia have all reviewed or are changing the structure of their emergency services agencies and their legislative frameworks to achieve better coordination of their emergency services when responding to a major emergency. South Australia is considering similar changes. It is important that we make these changes today.

In addition to clarifying the commissioner's power, it is also proposed that the power provided to chief officers to respond to emergencies be extended in a number of areas. Chief officers of the ambulance service, fire and rescue, rural fire service and state emergency services are provided with general powers in section 34 of the act for the protection or preservation of life, property or the environment. Exercises and planning activities over the past two years have highlighted the need for powers to be clarified in relation to chief officers' ability to close premises and to obtain information.

Currently, the closure of any premise in an emergency is achieved by de facto using the following powers: the power to give directions to regulate or prohibit the movement of people, animals or vehicles; and the power to evacuate people or animals from an area to another place.

The proposed amendment provides the power for chief officers to close any premise. The definition of "premises" in the act includes "any land, structure or vehicle and any part of an area of land, a structure or vehicle". An additional power has been provided to chief officers for the purposes of obtaining information from a person which further clarifies and supports the power in section 34 requiring a person to give reasonable assistance to a member of an emergency service. A new power has been included requiring a person to give information, answer questions or produce documents or anything else reasonably needed for the purposes of preserving or protecting life, property or the environment.

Clarifying the ability for all chief officers to close any premise and provide information supports the management of our emergencies. The bill also expands the powers of an emergency controller if one is appointed by the Chief Minister under part 7.3 of the act. An emergency controller appointed by the Chief Minister under part 7.3 is provided with certain powers to manage emergencies that, because of their scale or nature, present a significant risk to the health and safety of people, animals or property in the ACT, or to the environment of the ACT, or the disruption of essential services in the ACT.

Currently, an emergency controller has the power to maintain, restore or prevent disruption of essential services. The amendments in this bill provide the emergency controller with powers to not only maintain, restore or prevent disruption of essential services but also control and coordinate the distribution of essential services in times

of an emergency. These additional powers ensure that if we have a shortage of electricity, fuel or gas, or any other essential service, the emergency controller can make suitable arrangements for their equitable distribution in times of an emergency.

An additional power has also been included for an emergency controller requiring a person to give information, answer questions or produce documents or anything else reasonably needed for the management of an emergency. This additional power will be critical when requiring information from a range of bodies in relation to determining such things as the level of essential services available, hazardous materials kept on site, passenger details for major transport accidents, and architectural plans and drawings.

These powers are subject to offence provisions provided for in section 164 for those that fail to comply with a direction given under the emergency powers. It is worth highlighting also that these powers will be welcomed by those who would be required to give such information, as it makes it clear they are under a legally binding duty to do so and that any other considerations such as privacy are no longer relevant.

Let me now turn to those amendments in the bill which improve our preparedness for bushfire. As members would be aware, the government tabled the third edition of the strategic bushfire management plan on 22 September this year. The extensive work to prepare the strategic bushfire management plan, or SBMP, has identified a number of amendments to the Emergencies Act which will improve our bushfire prevention activities.

As outlined in the explanatory statement, this bill makes three amendments relating to strategic bushfire management planning. The first strengthens the consultation requirements for the development of the SBMP. The bill adds the ACT Conservator of Flora and Fauna, an appointment under the Nature Conservation Act, as a party that must be consulted when preparing the draft plan. The commissioner will also be required, when developing the SBMP, to consider the impact of the plan on plans of management in force under the Planning and Development Act. Advice from the conservator will be an important part of that process.

A second amendment is the matter that Mr Rattenbury referred to in his comments, and which seeks to resolve any inconsistency with other plans of management applying to an area of unleased territory land, or land occupied by the territory. In the event that any inconsistency arises, the act provides clarity to all landowners or managers that they must ensure that the land is managed in accordance with the SBMP, which acknowledges the SBMP is the most comprehensive plan for bushfire prevention and mitigation in the ACT. The bill also requires the commissioner to consider the impact of any plan of management under the Planning and Development Act in developing the draft SBMP.

I note that comments have been made in very recent days about how this amendment will operate in effect. I would place on the record that it is my strong view that protection of life and property must be the first consideration for the SBMP. That inconsistency between the SBMP and other documents such as plans of management should always be resolved in favour of protecting life and property.

In practical terms, however, the development of the SBMP must also have close regard to the importance of protecting and preserving biodiversity values, and it is my expectation that those matters can be resolved through the development of the SBMP process.

I note that there are comments about the desirability of further amendments in this area, and I certainly indicate I am open to considering and discussing those matters, recognising of course that, at the end of the day, protection of life and property is critical, particularly in an emergency.

The third amendment gives effect to recommendations by the ACT Auditor-General. The Auditor-General published a performance audit in July 2013 on bushfire preparedness and recommended that the JACS Directorate, in managing future amendments to the ACT Emergencies Act, should propose amendments which require the Emergency Services Agency to maintain information on privately owned assets of public interest that are vulnerable to bushfire without the need to include this information in the SBMP.

The ESA does not currently publish this list, given the publication of the data could compromise commercial and security sensitivities. The bill gives effect to the Auditor-General's recommendation by removing the requirement for the SBMP to publish a list of privately owned assets of public interest vulnerable to bushfire, and instead simply requires the ESA to maintain such a list.

These are important changes to our emergency legislation. I should briefly highlight that the bill is also increasing the infringement penalty for discarding lit cigarettes, cigarette butts, matches or other items that are lit or not fully extinguished. This type of activity is reckless and potentially very dangerous, particularly during days of very high, extreme or catastrophic fire danger. Increasing the penalty from \$200 to \$300 recognises the seriousness of the offence and is a proportional response to that activity, recognising, of course, that people can be charged with more serious offences should their actions result in a fire that causes death or serious injury to people or damage to property.

These changes to our Emergencies Act are critical for maintaining up-to-date and contemporary emergency management legislation. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Clauses 1 to 8, by leave, taken together and agreed to.

Clause 9.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro) (11.38): Pursuant to standing order 182A(b), I seek leave to move an amendment to this bill as it is minor and technical in nature.

Leave granted.

**MR CORBELL:** I move amendment No 1 that has been circulated in my name [*see schedule 1 at page 3708*]. I table a supplementary explanatory statement to the amendment.

This government amendment is in response to issues raised by the United Firefighters Union and the Volunteer Brigades Association concerning the power of the Emergency Services Commissioner to direct a chief officer to undertake response or recovery operations. The amendment addresses those concerns.

Clause 9 of the bill provides that, for the effective coordination of an emergency, the commissioner may direct a chief officer to undertake response or recovery operations. The amendment defines the coordination of an emergency as the “bringing together of the emergency services and other agencies and resources to support the response to the emergency”. This term is derived directly from the Australasian Inter-Service Incident Management System, or AIIMS, as it is known, which is a common incident management system that supports all ACT emergency services in managing emergencies.

To further explain the meaning, an emergency might start out under the command of an incident controller from one emergency service, referred to as a level 1 incident. The emergency may then escalate to a level 2 or level 3 incident, requiring all of the emergency services and government agencies to work together in delivering an effective response. The lead agency, as determined by the Emergencies Act, will nominate the incident controller to control the appropriate response to the emergency by multiple services and agencies. Above this level of command and control sits the Emergency Services Commissioner, along with chief officers and directors-general across the ACT government, who collectively support the emergency response and recovery operations and provide advice to the emergency management committee of the cabinet. In the words of the Victorian royal commission:

It is at this higher overarching level that the emergency services commissioner needs to monitor the emergency response and ensure the effective coordination of response and recovery activities to achieve the overall outcomes in managing the emergency.

This power achieves that aim. Let me elaborate on that a little further. Under our act we give the responsibility for ensuring a coordinated emergency response to the ESA commissioner. If something goes wrong, if something fails during an emergency, the ESA commissioner will be the statutory officer held accountable for the failure to deliver a coordinated emergency response, and that is as it should be. But the act does not currently give the commissioner the power to compel or ensure a coordinated



emergency response. We cannot give the commissioner the responsibility to be accountable but then not give the commissioner the powers to ensure he can enact his responsibilities, and that is what this amendment is all about.

Let me give members an example. We see, as I outlined earlier, an incident escalate from a relatively minor one at level 1, to level 2 or level 3, a more major emergency. It requires the coordination across our emergency agencies. It requires the support of different agencies, as well as the lead agency. But there is a disagreement between services about who should be responsible for incident management. This is a classic example of the need for leadership in coordination of the emergency response.

Currently, under our legislation, if two chief officers cannot agree on who the incident controller should be and who the lead agency should be, the commissioner does not have the power to settle that dispute. This is an unacceptable situation. It is a scenario that we know has the potential to arise, particularly as, for example, fires move from the rural area towards the urban area of the ACT.

We must make sure that the commissioner can ensure a coordinated response. In the scenario I have outlined we must make sure the commissioner has the power to make it clear which agency is the lead agency and which agencies will act in support of that lead agency.

This is the example I like to use when it comes to addressing the issue we are trying to address today. We cannot give the commissioner the responsibility to be accountable for the coordination of emergencies and then fail to give the commissioner the powers they need to ensure they can act in accordance with their responsibilities and accountabilities.

I heard the comments from the opposition in this debate, saying that the government can wait. This is not about the government getting involved in the on-the-ground response and management of an emergency. But it is about making sure the government is kept informed because the public now have a very strong and real expectation that the government will keep them informed as to what is occurring in relation to an emergency.

It does not even have to be a large emergency. A large building fire in the city centre has the potential to cause alarm, distress and concern to a very large number of people in our community. They expect the government to be informed, up to date and to keep them informed. We must make sure that our emergency services leaders have the capacity to be up to date and to keep the government informed so that the government can keep the community informed.

These are not considerations for after an incident. These are the real-time expectations of the community when it comes to emergency management today. We have seen it around the country. We have seen it with large and small emergencies in other states and territories. And it is critical that our legislative arrangements reflect these real-time, practical and immediate expectations of our community.

I remind the Assembly that the Victorian royal commission report highlighted the confusion that arose when fire agency personnel in Victoria distorted the concept of coordination. These amendments ensure that any distortion of the concepts of command, which remains the responsibility of chief officers, control, which remains the responsibility of the incident controller, and coordination, which is already a statutory responsibility of the ESA commissioner, are clearly set out in our law. They are to the benefit of the management of our emergencies. These amendments are critical in that context.

I would like particularly to thank the UFU, the United Firefighters Union, for the opportunity to speak with them and talk through these issues. I acknowledge their recognition that there is a need to address the scenario I outlined earlier, and also their willingness to consider and be supportive of a further explanation of what coordination means, so as to remove ambiguity and confusion, so that coordination means what it means in the AIIMS system, and that command and control mean what they mean in the AIIMS system, and clearly continue to rest with the chief officers of the relevant services and the incident controllers appointed by those chief officers. This is an important amendment, and I commend it to the Assembly.

**MR SMYTH** (Brindabella) (11.48): Mr Corbell has just confirmed that I am 100 per cent correct in my stance in opposing the amendment. What Mr Corbell has just done is conflate all emergencies in the ACT into the sort of emergency that occurred in Victoria through the royal commission document that he speaks of. The minister knows, or the minister should know, that the scale of the fire in Victoria, were it to occur in the ACT, would mean different sections of the Emergencies Act would be used because an emergency controller would be appointed, and it is entirely appropriate then for the coordination to take effect.

But you cannot conflate coordination in a massive emergency—a level 2 or level 3 emergency—with command and control in a level 1 emergency, as the minister has just done. He has shown his ignorance of the act—a startling ignorance, and he should be across it better.

To claim that the circumstances of the Victorian 2009 fire would apply here in the ACT and, therefore, to remove section 8A(3), is just comparing apples and oranges. They are different sorts of events. Such a massive event here would immediately launch the emergency control arrangements, and that overrides section 8A. The minister should know that. If he does not, it is a serious concern. The Chief Minister should assure herself that he is in control of his portfolio.

What he has done is to cover his lack of knowledge. I note that throughout almost 40 minutes of speaking the minister has not mentioned the Sydney fire and the circumstances of the Sydney fire. He has not clarified anything there—and he should have, and he needs to.

Yes, as Mr Rattenbury said, the definition is acceptable. Yes, the definition—through you, Madam Assistant Speaker—is acceptable as it applies to coordination, not to command and control on the fire ground itself. They are different issues, and you

should go back to the UFU and ask whether their concerns still stand, because I am told that they do.

The problem with this is that what will happen now is greater confusion, and the same sorts of concerns that the VBA have raised with me have been raised with me by the United Firefighters Union—that if you give the commissioner the power to go onto the fire ground, he will be on the fire ground. And let us face it: it is not a big jump from suggestion to direction, from question to direction. If there is order and counter-order, young officers were always taught in the Australian Army, “Order, counter-order, disorder.” Disorder on the fire ground or on emergency ground gets people killed. And that is why we have clear lines. We are taught in basic training as young volunteer firefighters in the ACT that protection of life is number one, and what you do not want is disorder on the fire ground, because disorder on the fire ground leads to catastrophe.

The amendment today does not make it any clearer. If you want to clarify the coordination section of the bill, that is great. If you want to clarify how it is incorporated into the act, that is a good thing. But a case for the removal of the existing 8A(3) has not been made. So let us leave it there. We will accept your amendment. We will accept the amendment to your amendment. But there is no reason to get rid of 8A(3), which says:

The commissioner may not direct the chief officer to undertake an operation in a particular way.

Really, the problem here—and it is quite clear from Mr Corbell’s inability to defend the commissioner regarding what happened on the fire ground at the Sydney Building fire—is that I am correct.

Mr Corbell raises the need for the government to be informed. Yes, the government should be informed, and there are processes in place to make that happen. It does not require the commissioner to be on the fire ground, at the emergency scene, collecting information so that he can come back and brief the officials. That is not the way it is done and it is not the way it should be done. The individual in control of the fire ground should be directing his or her attention to that incident, not looking over their shoulder.

What will happen now is that these amendments will go through, courtesy of Mr Rattenbury, and it will lead to less certainty on the fire ground. If his aim is to make it clearer in regard to coordination, the logical thing to do would have been to have a section on coordination and then have a different section on command and control. But it is interesting that the ability to direct, to overtake command and control the fire on the ground or the emergency on the ground is about to disappear from this act. And that is most unfortunate.

The minister is either disingenuous or unknowing in what he is attempting to do. If you want better coordination, fantastic. That does not explain the need to remove 8A(3), and on that ground we will be opposing this.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 9

Noes 8

Mr Barr  
Ms Berry  
Dr Bourke  
Ms Burch  
Mr Corbell

Ms Gallagher  
Mr Gentleman  
Ms Porter  
Mr Rattenbury

Mr Coe  
Mr Doszpot  
Mrs Dunne  
Mr Hanson  
Mrs Jones

Ms Lawder  
Mr Smyth  
Mr Wall

Question so resolved in the affirmative.

Question put:

That clause 9, as amended, be agreed to.

The Assembly voted—

Ayes 9

Noes 8

Mr Barr  
Ms Berry  
Dr Bourke  
Ms Burch  
Mr Corbell

Ms Gallagher  
Mr Gentleman  
Ms Porter  
Mr Rattenbury

Mr Coe  
Mr Doszpot  
Mrs Dunne  
Mr Hanson  
Mrs Jones

Ms Lawder  
Mr Smyth  
Mr Wall

Question so resolved in the affirmative.

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

Bill, as amended, agreed to.

## **Mental Health (Treatment and Care) Amendment Bill 2014**

Debate resumed from 15 May 2014, on motion by **Ms Gallagher**:

That this bill be agreed to in principle.

**MRS JONES** (Molonglo) (12.01): I rise today to speak to the Mental Health (Treatment and Care) Amendment Bill 2014 as shadow minister for mental health. I am pleased that this bill is being debated today. We will be supporting the bill. That is not to say that it has nothing that it could improve on. However, after the sector has experienced an extraordinarily long consultation process of seven years to get us to today, it being a significant piece of legislation and the aim being to update and modernise original legislation, we support this on the whole. Although many in the

community are pleased that we are finally here debating this legislation, including the public servants in the chamber today who spent so much time on what must now seem like their magnum opus—and it is good that we are here debating it today—the question remains: why has it taken so long?

Despite the length of the consultation, the bill as we see it today is not without its flaws. Seven years of consultation has not yet remedied the lack of information carers receive. Seven years of consultation did not save the government the embarrassment of a complete backflip on the engagement of ambulance paramedics as law enforcement staff. Seven years consultation has not changed the lack of staff in the mental health area, particularly at the adult mental health unit. Despite all these years of consultation there are still significant cultural problems in the field in ways which are not as stark as in the mainstream health system.

Why have the needs of carers and families not been taken fully into account in these very significant legislative changes? The answer I have received is that the Privacy Act and the Human Rights Act impede change, whereas, in fact, the explanatory statement to the bill says that the service a person receives can only be safe and of high quality if they are appropriately shaped by the person's relevant attributes. I wonder how the system is meant to understand and fully interplay with a person's relevant attributes if carers are not intricately involved in the information going to and fro about the client. It is interesting that clients in other areas of health seem to get more information about their loved ones. There is slow and careful planning for release into the community from other sectors of government where the needs of the client, upon re-entry into the community, are taken fully into account.

But when a mother in her 70s wants to make sure that her daughter is not fed broccoli in the adult mental health unit because she is allergic to it and she is waved away from the AMHU and when a mother of three schizophrenic sons tries to tell emergency staff that her son is agitated but in no way violent, the police are called in to arrest him and take him the 20 metres from the roundabout outside the emergency to the back entrance to the emergency department so that later that night it can say, on the paperwork, that he was arrested and brought in by the police, in order to trip the medical system's ability to issue a three-day order to incarcerate him or to involuntarily detain him in the AMHU, this government hides behind a twisted view of human rights in these situations, keeping carers out of the information loop. After these clients have left the system carers have to pick up the pieces at home.

This is in stark contrast to our mainstream medical system which treats family and carers as the bedrock of future care. An example of this was a young man who was suffering mental health issues whose family was denied information regarding his treatment plan, including medication requirements, causing no end of frustration for the family as they were not able to be actively involved in the healing process completely. However, when the same young man was diagnosed with cancer the medical system was very open and collaborative. Medical staff were happy to share what treatment plans would be, what the medication would be and how the family could help the young man in what he was facing.

Just because carers and people associated with people with mental illness can be, at times, difficult to communicate with, it does not make it any less important. Because a mum is experiencing her own form of anxiety or breakdown while trying to keep the show on the road for a very ill son, because people may not have perfect social skills, does not mean that they do not deserve respect. I hate to think of the cost to government if carers stopped doing what they were doing, providing financial, social and other care for their loved ones sometimes well into their later years.

These people have often been very distressed themselves by the relatives they care for. They have sat on the couch at night wondering if their 40 year-old-son will ever go to sleep. They have spent years wondering what will happen to their loved one when they die. They deserve our utmost respect. They deserve a medal and a red carpet. Instead, what they tend to get is a cold shoulder in our system. This bill does not address the gaping hole which is maximising information to them.

I look forward to a time when the principles included in the bill of including carers, which is mentioned briefly, are fully utilised and incorporated in the way legislation is applied and when the policies and practices in the system are addressed and culture is considerably adapted, because we neglect the questions and information that carers have need for at our own peril.

Despite the extraordinarily long time this bill has taken to come before us, the consultation process was deep but also not without its flaws. In an earlier draft form of the bill the government were trying to push ambulance paramedics to arrest and to have the capacity to frisk mental health clients, from my understanding. They did not feel their safety should be compromised and it is a credit to the Transport Workers Union for having the courage to fight the government on this issue.

The government has done a complete backflip pretty much and the current position in the bill giving some senior ambulance officers the power to state that they have the legal right to require that a patient come with them to the hospital as a verbal measure is much more sensible. They are not police. Ambulance paramedics are not trained to deal with arresting people and should not be expected to do this on the job. They join as a paramedic to be in a therapeutic and caring role, not a policing role. The ambos were initially expected to act like justice officers when dealing with clients out in the community, yet a similar issue is brewing with regard to staff at the yet to be constructed secure mental health unit.

I will go into more detail on this shortly. However, I need only say that, while the ambulance employees have the assistance of the Transport Workers Union in fighting off this government's over-the-top ideas, the as-yet, not-engaged staff of the secure mental health unit have no such lobby group yet and I am sure we will deal with the concerns facing them once the new facility opens if, indeed, it opens in time in 2016.

Despite the differing views of various elements across the mental health sector there is one matter on which there seems to be unanimous agreement. That is quite rare but it has happened. Everyone agrees that a seven-year consultation process is baffling. The preparation of this bill has been glacially slow. The Eiffel Tower only took two years

to build. In the time it took to prepare the numerous amendments, we have doubled the size of the dam, built and rebuilt the Gungahlin Drive extension, planned and built the adult mental health unit, and the arboretum. They say that Rome was not built in a day. Seven years is a long time for consulting on the update of a bill.

The question now is how it will be implemented and how it will be different to what we have. It is an adaption, a modernisation, and many of its tenets are very good. How will the management of ACT Mental Health implement the changes to this legislation? The main elements are, in my view, changes to allow ACAT to clarify the role of guardians in decision making, to create binding, advanced care directives, advanced agreements to assist mostly in second and subsequent episodes of illness, to clarify the aims of the bill, to enable meeting, in the bill's words, "the necessity for timely, evidence-based treatment of people's mental illness", to allow ambulance officers to have a few key phrases they are permitted to use to try to convince patients to come with them to hospital when they believe that safety would not be compromised by phrases such as, "I have the authority to tell you that you are required to come with us to the hospital."

There is a requirement in the bill to consult with the patient and to record that the patient was consulted when the determination of their care is made; that ACAT's involuntary detention orders will be made, under the act initially being as long as 11 days after an initial three-day emergency order that authorised mental health personnel are allowed to initiate under certain circumstances; making the period of a primary initial detention up to two weeks, somewhat less than some other jurisdictions which allow up to 28 days.

The bill prepares the system for the opening of the secure mental health facility and the transfer of inmates from the Alexander Maconochie Centre to be put 100 per cent in the custody of the health system, a concept which, no doubt, will experience some trial and error at the very least initially; increased measures for ACAT to use forensic mental health orders in the case of people who have been considered unfit for trial and for ACAT to use these orders in determining how they will be monitored and treated outside the criminal justice system or, indeed, inside it, in essence, giving ACAT the opportunity to create a set of rules and a system for managing a person who is unfit for trial and who otherwise may have been imprisoned, including in these options detention in a correctional facility or serving a community-based sentence; and for information on their release into the community to be available as per the Victims of Crime Act, which would allow, in the case of someone who had been normally convicted and imprisoned, some victims to be notified when the client is released from a facility.

This bill's most significant element by far is the transfer of the hosting of people who may have previously displayed criminal behaviours from the justice system to the health system. It is an area that many want to see an improvement in. I do not think many in the community think that it is a good thing that people suffering severe mental health disorders are housed in our prisons. However, in making this change, we change a purely therapeutic nature of the health system into a partially custodial system as well. My concerns are for how the new secure mental health facility will be staffed and how safety will be maintained for staff and other clients of the service.

Every day in our lives we face risks. That is normal. However, we do not, as humans, cope with regular and extended periods of stress and anxiety, and I am sure all here know that it is a recipe for post-traumatic stress conditions and unsafe working environments if it goes on. So I hold grave concerns for staff of facilities operating as quasi correctional centres where the corrections staff are living in close quarters with non-corrections clients. I am sure we will have to see how that goes. This bill paves the way for that in the new secure mental health facility when it is finally built over the next couple of years.

In conclusion, I would like to say that the bill is welcomed. The bill has many improvements for the community. The bill is built around a recovery concept, which is a modern mental health concept which is very good. I think it gives people the benefit of the opportunity to be considered able to recover, which, in many instances, is the case. I think it lacks any significant improvement for carers who in our society are some of the most valuable members of our community that we have, dealing with some of the most difficult to assist people that we have. I find that very disappointing but, overall, the bill is an improvement and we will be supporting it.

**DR BOURKE** (Ginninderra) (12.15): I understand from Mrs Jones's speech that she believes that medical staff, health practitioners, should divulge to family the nature of the circumstances of people's health issues, particularly in this regard, mental health. This is a significant problem, because it is effectively an attack upon the confidentiality principle which is at the core of patient care. Confidentiality is important because it creates trust between the practitioner and the patient. It encourages patients to be honest and open about their condition and what is happening with them and also increases the willingness of patients to attend for medical treatment.

The situations which she described are indeed difficult for health practitioners to work in, but at the core of that principle of confidentiality is something that I do not believe should be discarded in such a cavalier fashion. Personal consent is a key human right. Our consent to the divulging of our medical information should be sought from us before it is shared with others.

**MR RATTENBURY** (Molonglo) (12.17): I rise today in support of the bill before us. This is a bill of great importance to many vulnerable people, their carers and families and the broader community. Its implementation will also affect the work of thousands of professionals—from police to courts, counsellors, advocates, nurses, psychologists and more. It is no exaggeration to say that this is an important bill that deserves the attention of the Assembly and the community as it navigates the complex balance of rights and responsibilities of people with often very intensive support needs.

It has received a lot of attention. I am pleased to note that this bill has been the most widely consulted and discussed bill that I have seen in my time in the Assembly. I note Mrs Jones's chuckles and her, I guess, rather different comments on the length of the gestation of the bill. But certainly the ACT Greens and the staff in my office have been seeking briefings and engaging with the relevant stakeholders on this piece of legislation since 2006 until very recently.



I would like to acknowledge the government's openness and willingness to discuss these important issues with the community in the extensive preparation of the bill. I think it is easy to sit here at this point and say, "Actually it's simply taken too long," but certainly, through the discussions both my predecessors and I have been involved in, the inherent complexity of this issue and the willingness to actually take on board feedback from the community has actually been a positive. I would rather be sitting here today having taken that length of time and knowing that stakeholders have actually been deeply involved than having a debate about whether, in fact, this had been rushed through, given the complexity and the breadth of stakeholders in the area.

The bill changes many things, both structurally and symbolically. This bill proposes changes to language that we as a government and, through us, the community use to describe presentations of mental health concerns, which may appear small in the grand scheme of the legislation but reflect our maturity as a society in talking to people about other people experiencing mental health. I am pleased that we are moving towards more positive, less discriminatory and stigmatising language, which I believe represents our maturity as a community seeking to address this complex issue.

This more positive approach to support the voice of the affected people and their carers and advocates is also strongly reflected in the objects and principles of the bill. These seek to place the decision making and care planning into the hands of the health consumer wherever possible and suitable while also enhancing safeguards for those people who are incapable, but only during the period of incapacity.

I do not believe I can possibly talk to the full range and scope of the amendments contained in this bill in the time that I have allotted; nor would I. This is a large piece of legislation that I believe has been under the scrutiny and consideration of every relevant player in the ACT and, I am fairly certain, has also been considered by experts in other jurisdictions as well.

That is not to say that there are not some areas in the bill that may be contentious, nor that it does not have its imperfections. But in an area that has this many sensitivities and intricacies and that touches on so many human rights and understandings of personal liberty and self-determination, I am assured by those in the community who understand these issues more deeply than I that it is the most solid foundation we can lay to provide frameworks for responding to mental health.

The explanatory statement, which I appreciate the health minister has updated in line with feedback received from the scrutiny committee, easily outlines the major issues that have been addressed in the bill and again the inherent complexity in seeking to offer legislative boundaries to what is ultimately a deeply personal, individual and ever-evolving range of illnesses.

Judgements about a person's decision-making capacity are always fraught with concerns regarding bias, cultural differences and a range of other considerations that relate to informed choice, comprehension and understanding. Whenever a decision-making capacity can be used as the key factor in deciding on a course of action that may involve involuntary treatment, we are right to be cautious. This is a very complex

and potentially divisive issue and is subject to considerations regarding a number of human rights and principles of justice and due process.

Yet in many meetings with stakeholders that my office and I have had over the past few months, and indeed years, I have not heard anything that would indicate that those with expertise in their fields have any significant concerns with this bill that have not been answered or at least explained to them by ACT Health in a way that addresses their questions and concerns.

An area of importance that I would specifically like to comment on is advance consent and agreement making. The Greens are very supportive of the clear descriptions of advance statements in this bill. They are an important way for people to provide clear instructions as to their future care should they become unwell and, I believe, are reflective of recent similar legislative changes in Victoria.

The bill before us here in the ACT will allow for a person with a mental disorder or mental illness who has decision-making capacity to enter into an advance agreement with the person's treating team that sets out information the person considers relevant to their treatment, care or support for the mental disorder or mental illness, but not information more appropriate to include in an advance consent direction, and any preferences the person has in relation to practical help the person may need as a result of the mental disorder or mental illness.

As Minister for Corrective Services, I would also like to mention that ACT Corrective Services have been extensively consulted concerning the development of the new legislation and have appreciated the collaborative approach. The detainee population experiences disproportionate levels of mental health problems, as well as issues with cognitive impairment. This almost certainly contributes to individuals being incarcerated.

One of the findings of a 2010 ACT inmate health survey was that 70 per cent of detainees who participated in the survey claimed to have had a formal psychiatric assessment at some point in their lives. ACT Corrective Services considers there are likely benefits for both corrections and ACT Health, as well as for detainee clients, in the proposed legislation clarifying issues of custodial responsibility for detainees who become patients of ACT Health for mandated mental health treatment. In particular, when a detainee is transferred to ACT Health facilities for mandatory treatment, this will be done formally under the new act and will provide certainty that the detainee is a health patient in the legal custody of ACT Health. This legal provision regarding the transfer of custody, while an inherent part of the proposed changes, also addresses concerns raised by the Health Services Commissioner in the investigation she finalised earlier this year.

The bill includes a number of mechanisms to improve the way the mental health system and Corrective Services can work together in the interests of people living with a mental illness or mental disorder and who are also incarcerated. These mechanisms include improved information-sharing arrangements across the justice and health systems and improved oversight by the ACT administrative tribunal for people on forensic mental health orders.

There are many more changes, improvements and clarifications contained in this bill, many more than I can talk to in the allotted time, as I mentioned earlier. I would like to close by saying that the ACT Greens have long been advocates for better services to people experiencing mental health problems and that we believe that overall this bill will do exactly that.

We have seen many changes in the mental health sector, in particular the community-based mental health sector, over the years that this bill has been in development. I would like to acknowledge my former colleague Amanda Bresnan's commitment to the issues in the previous Assembly. It saw a major increase in investment for the NGO mental health system as part of the previous parliamentary agreement.

This legislation will provide clarity, informed decision making and transparency for healthcare professionals working in this complex area and, just as importantly, it will enhance the rights of people experiencing mental health issues, support their rights to determine treatment whenever possible, and lead to better life outcomes. We will all, of course, be watching with interest the implementation of these new legislative instruments over the next few years and will be listening to the various stakeholders and advocates to ensure that it is meeting its goals. This new bill heralds a new era of clarity, transparency and self-determination for people experiencing mental health issues, and on that basis the ACT Greens are pleased to support it.

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

**Sitting suspended from 12.26 to 2.30 pm.**

### **Supplementary answer to question without notice Transport—light rail**

**MR RATTENBURY:** Madam Speaker, I seek leave to make a brief statement to clarify a matter from question time last week.

Leave granted.

**MR RATTENBURY:** On Thursday, 23 October, I answered a question in relation to the installation of lights in the median section of Northbourne Avenue. Mr Coe has subsequently asked me a further question, and I would like to provide further clarification to the Assembly.

The question last week related to the figure of \$114,478. This figure is only for the civil works necessary to install the street light poles. In addition to this, there are costs for design, superintendence and the supply of light columns and light fittings. The cost of these further elements is \$116,983. All figures include 10 per cent GST, which is recoverable by the ACT government.

The confusion arose because there are four separate contracts for this project, and the initial response incorrectly focused on the main contract, which is for civil construction and does not give a complete picture.

I was asked last week whether any of the \$114,000 was recoverable. In my reply, I indicated that the 19 light poles and fittings can be recovered and reused in another suitable location. This remains the case. However, those poles and fittings were not part of the \$114,000 figure. Of the \$114,000, the electrical cable and conduits will be recoverable when the street lights are relocated. The estimated value of this material is \$10,000. A further \$86,481.89 will be recoverable from the entire project cost for the reuse of the light poles and light fittings.

A program was introduced over 10 years ago by Roads ACT to replace armoured electrical cables which had reached the end of their useful life in the inner north and south of Canberra. These old armoured electrical cables from this particular location in the city need to be replaced. This forms the basis of the current project. The armoured cable replacement program commenced in 2001-02 and has continued to be funded annually through the TAMS capital upgrade program.

### **Questions without notice**

#### **Canberra Hospital—bed occupancy rates**

**MR HANSON:** My question is to the Minister for Health, concerning ACT hospital bed occupancy rates. Minister, in an article headed “Canberra Hospital bursting at the seams”, an ACT Health spokesperson was quoted in the *Canberra Times* today as saying that “Canberra public hospitals were at 83 per cent occupancy in October”. By contrast, the *Canberra Times* quotes emergency department specialist Dr Drew Richardson saying the hospital was “very full”, with occupancy rates as high as 120 per cent. Minister, from 1 October to 27 October, and just for TCH, what was the average bed occupancy rate?

**MS GALLAGHER:** I am seeking clarification on that exact issue today. I understand the doctor in question, Professor Richardson, is disputing that he said that figure. I understand a request has been made for the audio from the *Canberra Times*. I have not been briefed on whether that has been provided. But the advice from Professor Richardson is that that is not a figure he gave, nor is it a figure he understood across the hospital, as his work is entirely within the emergency department. Indeed, as I understand it, from the transcript, the audio that ACT Health does, he made a point of saying that in the interview.

It is not a figure I have ever seen before—120 per cent. I have seen it at 100 per cent, but I have never seen any document which would indicate a figure that high, and I am seeking clarification on it. So in the interests of making sure that what I say is accurate in the record, I will come back to the Assembly with that.

**MADAM SPEAKER:** A supplementary question, Mr Hanson.

**MR HANSON:** Minister, regardless of the confusion, can you clarify also the bed occupancy for Calvary during the same period?

**MS GALLAGHER:** Yes, I can. My own view is that that is the figure that is relevant, because that is all the public beds that are available for the system in Canberra. We

have traditionally used bed occupancy as an annual figure throughout the year as a measure of performance. It is not a performance measure that is used in any other performance reporting either to the commonwealth or in our own reporting, but because of the interest in it I think that the accurate figure is a system-wide figure. My understanding is Calvary's bed occupancy has been lower than Canberra Hospital's so that brings the system-wide figure below what is being experienced at the Canberra Hospital on a day-to-day basis. I would also say in October there are school holidays, which is traditionally a quieter time for the hospital because the elective surgery list is shorter.

**MADAM SPEAKER:** A supplementary question, Mrs Jones.

**MRS JONES:** Minister, for which hospitals, over which period and by what method was the reported 83 per cent bed occupancy rate calculated?

**MS GALLAGHER:** I am sorry, I did not hear the beginning of the question.

**MADAM SPEAKER:** I did not hear most of that, Mrs Jones. Could you do that again?

**MRS JONES:** Oh, dear! Normally I am very clear. Minister, for which hospitals, over what period and by what method was the reported 83 per cent bed occupancy rate calculated?

**MS GALLAGHER:** I think, in the interests of making sure the answers are accurate—and there is some speculation about some of the figures in the paper today—I will take that on notice and come back to the Assembly.

**MADAM SPEAKER:** A supplementary question, Mrs Jones.

**MRS JONES:** Minister, is the Canberra Hospital bursting at the seams?

**MS GALLAGHER:** The Canberra Hospital is certainly very busy. It has been reporting hospital bed occupancy at 90 per cent and above for the last few months. Hopefully, it has peaked, but we are expecting that certainly it will peak over the next month, in our traditional busy period. I have to say that the opening of the extra beds in the hospital has assisted greatly in ensuring people are being seen promptly in the emergency department and being admitted to hospital in a timely way.

As members would know, on Sunday the emergency department saw 254 patients in a 24-hour period. Yesterday it was 238. Those are very high levels. Of that, about 24 per cent are being admitted to Canberra Hospital, which is equivalent to requiring about a 60-bed turnover during the day. So it is certainly busy. It is not bursting at the seams. There are available beds. I get a report in the morning that shows me that. But certainly staff are working incredibly hard there. There will be some additional beds that open this month as well, and again that will go to supporting the work of staff at the hospital.

**Asbestos—loose-fill insulation**

**DR BOURKE:** My question is to the Chief Minister. Chief Minister, there were reports in the morning's media that the commonwealth has responded to your request for financial support and assistance to deal with the legacy of the Mr Fluffy homes. Can you please update the Assembly?

**MS GALLAGHER:** I thank Dr Bourke for the question and also the opportunity to update the Assembly quickly after the announcement of agreement being reached in principle with the commonwealth. I have had the opportunity to discuss the commonwealth's offer with Mr Hanson and Mr Rattenbury today in line with the approach we have taken to look after the Mr Fluffy home owners first and foremost.

We have reached in-principle agreement for the commonwealth to provide a \$1 billion loan to the ACT government. They will do this and charge interest at the commonwealth bond rate, which is about 0.06 per cent cheaper than we would have been able to borrow the capital at. It will have a saving to the ACT over the life of the program.

I think the important news today, though, is that we have a way forward for the 1,000 home owners who have been waiting for the governments to reach agreement on the way forward. There will be a buyback and demolition program. We will look to start that as soon as the funds become available around 1 January 2015. There is a lot of work that we need to do in the meantime to support home owners to get all the information to them and to put in place the systems that we need to run the program efficiently.

I would say that it is not what we had asked for from the commonwealth. We had asked that they share some of the net costs of the scheme once the houses have been bought and demolished and blocks cleaned and land sold, that the net costs be shared and that they be shared in line with the MOU. The commonwealth's very strong response to that was that their legal advice indicated that the MOU did not have any legal standing, that there was no legal liability from the commonwealth for the legacy issues of Mr Fluffy and that those had been extinguished at the point of self-government.

It is not a position we agreed with, but in the end we had to work out a way forward. The commonwealth's offer was not going to change. They have agreed with us in terms of the payback time being over 10 years. We will look to maximise the opportunities there to ensure that we are minimising the costs both on the ACT budget and for taxpayers at the end of this scheme.

It is not the outcome that we had hoped for. We did feel that the commonwealth should assist with some of the costs—not all of them: we did not ask for all of them; we asked for it to be in line with the MOU. The commonwealth's response has been to offer essentially what has been offered to New South Wales through the James Hardie trust, which is similar to the arrangements that have been outlined in Minister Abetz's letter to me today.

Importantly, whilst we go through the detail of finalising an agreement which we will then agree on as to the detail of administering that and accessing that loan, the important thing for home owners today is that there will be a process to buy back their homes, to recognise the investment they have made and to allow them to get on with their lives. There will be bumps ahead, I have no doubt. There are going to be some very tricky issues for us to deal with and for home owners individually to reconcile. At the end of the day, we will try and be fair and compassionate to home owners, but at the same time we have to be reasonable on the budget and ACT taxpayers who are going to have to share some of these costs.

**MADAM SPEAKER:** A supplementary question, Dr Bourke.

**DR BOURKE:** Chief Minister, what arrangements need to be put in place with the commonwealth government and how quickly do you think this could happen?

**MS GALLAGHER:** I understand that the asbestos response task force, and Mr Kefford in particular, will be meeting with the commonwealth on Thursday morning. The position put to me by Minister Abetz is that the agreement should allow great flexibility for the ACT government to take responsibility for the scheme and that the detail of that agreement should not be onerous on the ACT government in terms of reporting and acquitting money that has been used against the loan. We have both agreed that this should be done as soon as possible to allow for the relevant pieces of legislation to pass both the federal parliament and the ACT Assembly to allow the cash to be appropriated to support a buy-back scheme to operate from 1 January 2015.

**MADAM SPEAKER:** A supplementary question, Ms Porter.

**MS PORTER:** My question is: what immediate action can Mr Fluffy home owners expect now?

**MS GALLAGHER:** The negotiations have taken some time, which I know has been hard on many home owners. The emergency assistance continues to be made available to affected home owners. The task force is emailing those that are registered today with information. We also sought to provide information this morning when it became clear that this matter was well and truly alive within the media on radio this morning and then following on from that, because it is very distressing for home owners to hear stories like that, as it is for chief ministers, and I imagine other members of the Assembly, to hear it on the six o'clock news as well.

We are trying to keep communication between the task force and home owners as good as we can, to make sure that people have that information. There is a whole range of documents which will be available on that site this afternoon, including the task force's report and some simple frequently asked questions.

I also want to hold—and I hope with other members, of course the Leader of the Opposition and Minister Rattenbury—some community forums where we can hear back from people what they are thinking and feeling when they see some of the draft proposals and the guidelines about how a scheme like this should run. We will be

wanting their feedback before we finalise it. The community and expert reference group is also ramping up its activities to engage with the community, particularly in light of this new information.

I would like to take this opportunity to thank very much Mr Kefford and his officials, and also the commonwealth officials, particularly the office of Minister Abetz, for working with us on this. The ACT officials have really responded very quickly to the government's request to prioritise this; they have done an exceptional job, and I would like to thank them very much today.

**MADAM SPEAKER:** Ms Berry, a supplementary question.

**MS BERRY:** Chief Minister, do you have an early estimate of the impact this agreement will have on the ACT budget?

**MS GALLAGHER:** I thank Ms Berry for the question. We have known that a permanent solution to the Mr Fluffy legacy would bring with it a major cost, a cost that we would have to incur if we were to do the right thing. The task force report clearly states, underpinned by very rigorous evidence and the latest knowledge available to the experts in Australia and indeed internationally today, that there is no safe way of ignoring this problem; that there is no safe way of remediating these homes—we have tried that; it did not work—and that we needed a permanent and lasting solution.

With that decision came an acknowledgement that there would be significant costs. At the moment, our best estimate is that these costs will be in the order of \$300 million, but that is also based on a lot of assumptions and variables that can change. We are, under the guidance of the Treasurer, Treasury and officials from the commonwealth, looking to minimise the net cost to taxpayers at the end of the day. But in saying that, and I have said it today in answers to questions, there are going to be some very difficult issues that we are going to have to deal with. That is going to be about rezoning some of the land. It is going to be about trying to recoup the maximum amount available through the sale of land in highly valuable blocks. And it is, I think, going to cause quite a lot of concern up-front. We need to acknowledge that, but we also have to be very mindful that, whilst we are working very hard to support the Mr Fluffy home owners, we also have a broader responsibility to ACT taxpayers to make sure that we are minimising the costs, particularly in light of the fact that the commonwealth are not going to accept or take on any responsibility for any of the net costs of the program.

### **Transport—light rail**

**MR COE:** My question is for the Chief Minister. Chief Minister, I refer to your comments reported on 20 October regarding the ACT falling to second lowest in Commsec's state of the states report. You stated:

If there is anything that will create jobs at this time it's projects like ... the light rail project.



Respected economic bodies such as the Productivity Commission, Infrastructure Australia, the Centre for International Economics and individuals such as Dr David Hughes have cast doubt on the economic benefits of the light rail project. Why do you claim that the light rail project will have strong net benefits for the ACT when experts like the Productivity Commission, Infrastructure Australia and the Centre for International Economics have serious reservations?

**MS GALLAGHER:** Part of the answer is going to refer the member to the fact that the business case will be released in full on Friday, and that will have very detailed documentary evidence to support the cost-benefit ratio that will be released as part of that and the benefits that would flow from an infrastructure project like this. In terms of my comments, the ACT economy is showing signs of the effects of Prime Minister Abbott's job cuts, without a doubt. In the last 12 months those job cuts and the speed with which they have occurred have been under this federal government that is in place now. There are signs that the economy, in terms of our unemployment rate and some of the other economic data that is flowing through, the economy is responding to these.

My point in that interview that I did was that, when the commonwealth is not investing and when there are other big projects that have been finalised, people will look to the ACT government to provide some stability and confidence in an infrastructure program going forward. That was my point. There is a \$2½ billion infrastructure program outlined in this year's budget. The point I was making was there has never been a more critical time for infrastructure projects, of which light rail is one, to continue to provide confidence and investment opportunities in this city.

**MADAM SPEAKER:** A supplementary question, Mr Coe.

**MR COE:** Chief Minister, what is the government doing to mitigate concerns articulated by Deloitte that the economic returns that can be delivered through light rail investment alone are likely to be economically marginal and the net economic outcome for light rail under even minor adverse circumstances is likely to result in negative economic returns?

**MS GALLAGHER:** This government has taken a decision that there are four priority areas to invest in over the next term—the remainder of this term and the short to medium-term beyond it; that is, health, education, transport and asbestos. They are the four priorities. We believe capital metro is not just a public transport system but that it will bring a lot of other opportunities and investment to this town and bring a lot of other benefits to the city. It is a project worthy of the national capital, and it will change the city for the better.

There are four priorities that we have outlined. We need to deal with public transport and we need to deal with transport across the city. Capital metro is one component of that, just as roads are, just as bike and rides are, just as park and rides are, just as walking and cycling infrastructure are. It is building the transport network for the city, just as ACTION is, and working out how ACTION integrates with a whole range of other transport initiatives. All of that is part of the short to medium-term plan for the

city. It is a good one. The business case makes that very clear. We are very proud of the work that has been done to date, and Mr Coe will have the opportunity to critique that at his leisure come Friday.

**MADAM SPEAKER:** A supplementary question, Mr Wall.

**MR WALL:** Chief Minister, why hasn't the government focused on capital works projects that will increase productivity, such as the Australia forum, rather than expensive white elephants like light rail?

**MS GALLAGHER:** I presume that is coming from your own cost-benefit analysis of the Australia forum having a productive impact on the economy. I have not seen that eminent piece of work, but I will look for it.

We have never accepted funding responsibility for the Australia forum—ever. We have said we will bring land. That is our continued commitment. We have never taken that on, because we have hospitals, schools, public transport and municipal services to run. That is what we have to invest in—and today quite a large bill from the Mr Fluffy homes. They are the priorities that we have clearly stated to the ACT community. They are the priorities that will bring the biggest benefit to this city.

We will facilitate other investment opportunities. Indeed, I do not think you could find stronger advocates for this city than you find on this bench—people who, indeed, in the last month, have travelled parts of Asia spruiking this city and talking up opportunities for this town. We do not take the approach that you have taken. We want to see investment come.

*Opposition members interjecting—*

**MS GALLAGHER:** We want to see investment come to this city. We want people to understand that there are opportunities for—

*Opposition members interjecting—*

**MADAM SPEAKER:** Order! The opposition will come to order.

**MS GALLAGHER:** convention centres, for other private investment in other city infrastructure. But we will prioritise the public infrastructure that the city needs, at the same time making sure that those who want to invest in this town are welcomed and given the opportunity to do so.

**MADAM SPEAKER:** A supplementary question, Ms Berry.

**MS BERRY:** Chief Minister, what are the other benefits of capital metro for the city of Canberra?

**MS GALLAGHER:** I thank Ms Berry for her supplementary. This is much more than a public transport initiative. It will change public transport in the city, that is for sure. We are not landing a new way of transporting people. Those opposite seem to

think that we are dreaming up an entirely new foreign way of moving people around the city. There are many cities across the world that have light rail systems. We believe it will improve public transport patronage across that corridor. We also believe that it will encourage and activate one of the fastest growing areas of our city.

*Mr Hanson and Mr Coe interjecting—*

**MADAM SPEAKER:** Order, Mr Hanson and Mr Coe!

**Dr Bourke:** On a point of order—

**MADAM SPEAKER:** A point of order. Could you stop the clocks, please?

**Dr Bourke:** Madam Speaker, Mr Hanson just used the word ‘hypocrisy’ to describe the Chief Minister’s answer and that is unparliamentary.

**MADAM SPEAKER:** I did not hear it, and hypocrisy is one of those words that are in and out of vogue as to whether it is unparliamentary. Various Speakers have ruled that it depends on the context. I did not hear it. If Mr Hanson—

**Mr Hanson:** Just on the point of order, I did not say it, Madam Speaker.

**MADAM SPEAKER:** I will review the tape and decide whether or not it was said. I will have to take Mr Hanson’s word for it at this stage. I am quite willing to do that, but, if it is contested, I will review the tape. If it was said, and I think it is unparliamentary, I will ask the member to withdraw.

**MS GALLAGHER:** Thank you, Madam Speaker. I am mindful of the comment you made last week where you said you could not hear yourself think. That is a little bit like I am experiencing on this side of the chamber in terms of the—

*Opposition members interjecting—*

**MS GALLAGHER:** I am quoting Madam Speaker from last week, who had a similar issue to the one I am experiencing now. However, I am sure that everyone will give me the opportunity to speak more generally.

*Opposition members interjecting—*

**MADAM SPEAKER:** Order, Mr Hanson, Mr Coe!

**MS GALLAGHER:** Anyone who understands my fear of flying, Mr Hanson, knows that any travel overseas for me is by far and away not something that I enjoy.

In terms of the other opportunities, this is about a project that is encouraging a more sustainable city by not only improving transport options but also changing the way the city develops, allowing more urban redevelopment along that corridor. Could I just say that, whilst there is scepticism and cynicism across the chamber, there are a lot of people coming to us and talking with us about the opportunities of this project. More and more are joining that as the project continues. *(Time expired.)*

**Schools—children with disabilities**

**MR WALL:** My question is to the Minister for Education and Training and relates to health care in schools for children with a disability. Minister, recently families of children with a disability were told that changes will be made to the administration of healthcare needs of students at schools for children with a disability. Would you advise what consultation took place with the Cranleigh and Turner school communities about these changes?

**MS BURCH:** I thank Mr Wall for his question. I think Mr Wall is referring to the healthcare access at school, or the HAAS, program, which is a program where we have consulted on and looked at the care provision by nurses in schools for young students, students with a disability. This has been going for a very long time; I think there has been a 12-month pilot program under the guidance of the Health Directorate. This looked at what are the requirements to support children with a disability in school. It is very clear that Health has a position, and Education and Training is supportive of it, that those clinical decisions are best made by a clinician, are best made by a nurse. That could mean that the resources of the clinical nurses that currently sit in the schools will support a broader cohort of children with a disability, recognising that students with a disability are at special schools and mainstream schools, and they have different support needs at different times. That is all under clinical supervision under the HAAS model.

**MADAM SPEAKER:** A supplementary question, Mr Wall.

**MR WALL:** Again I ask the minister: what consultation took place with the school communities and also what consultation took place between ACT Health and the department of education and training prior to consulting with those school communities?

**MS BURCH:** The program was developed through the health and education and training directorates. It is my understanding that consultation began in 2012. The program was not known as HAAS then, but this was the start of the discussions with parents and schools about improving options for access and participation at schools for students with complex healthcare needs.

**MADAM SPEAKER:** A supplementary question, Mr Doszpot.

**MR DOSZPOT:** Minister, how many hours of healthcare-related training will be provided to the DET staff responsible for this additional responsibility?

**MS BURCH:** That would be on a case-by-case basis.

**MADAM SPEAKER:** A supplementary question, Mr Doszpot.

**MR DOSZPOT:** Minister, will an additional salary loading apply for teaching staff to reflect this additional responsibility?

**MS BURCH:** That would be a matter for the Education and Training Directorate to negotiate with the support teachers. But let us be clear that this was a pilot program that was piloted in a number of schools last year. It is certainly a change of support arrangements, but this has been a long time coming, and I think it is the sensible and appropriate way forward.

### **Health—budget**

**MRS JONES:** My question is to the Minister for Health concerning unsustainable growth of the health budget. In April 2014, you warned that “the high level of growth was unsustainable”. On 21 October 2014, ACT Medicare Local released its submission to the ACT 2015-16 budget consultation. The submission is subtitled “Different, not more”. It said:

It’s time for whole of system strategic leadership to address the critical issues facing the ACT health system ...

And:

Making hospital spending more efficient should be a high priority.

It said that the current expenditure on health is 31 per cent of the ACT budget and growing and that this is not sustainable.

Minister, what are you doing to ensure that the health budget is sustainable?

**MS GALLAGHER:** We continue to drive efficiencies and target our investment in the hospital. We are also changing the provision we make for growth as an incentive to minimise the growth envelope into the outyears. It sounds easy to say that, but minimising growth in health care is not doing things when you really want to find the big savings. The big savings in a place like Canberra are to not offer the level of service we do—like not offer cardiothoracic surgery.

*Mr Coe interjecting—*

**MADAM SPEAKER:** Order, Mr Coe! It is not a conversation.

**MS GALLAGHER:** They are some of the issues, as one example. I am not saying we are going to do that, but it is a very high-level specialised area of health care, and because of the volume we get, it is expensive to run that service. These are the choices we have made.

In terms of ACT Medicare Local’s submission, I do not have much disagreement with the submission. It calls for whole-of-system strategic leadership, which involves the private health system, GPs, primary care providers and the public system working together to deliver that. But I would also say that a lot of their submission related to “you stop doing things and provide us with the money”. This is at a time when the Medicare locals are being defunded and established into primary healthcare networks and we do not know the form that they are going to take.

So there is some uncertainty. I do not disagree with the need to shift more money into early intervention and prevention, but that is very hard when you have got bed occupancies and people flooding to your emergency departments. It is very hard to start saying. "We won't put any more investment into that because it is expensive; we will put it into encouraging people to look at diversions, eating more healthily or doing more exercise." Those are the areas that the Medicare Local submission went to.

**MADAM SPEAKER:** A supplementary question, Mrs Jones.

**MRS JONES:** Minister, is it time for a whole-of-system strategic leadership change to address the critical issues facing the ACT health system?

**MS GALLAGHER:** The whole-of-system strategic leadership is exactly pulling those different segments of the health system together. It is not talking about beating up the public system necessarily, but I would agree that there is more we can do with Calvary. With the Canberra Hospital and Calvary, again we are going to have to have some very difficult discussions there. To run them as a one-system hospital rather than two operators running two mini systems, there will need to be some pretty difficult conversations.

One of the issues that we have to pick through more in terms of the emergency department presentation—and we heard a bit on talkback last week, when people rang in—is the concern with paying so much to go and see your GP, and that genuinely drives people to the public system, for people who cannot afford it. That is a real issue in Canberra. So, yes, there is a lot more that needs to be done. Once the primary healthcare network is resolved—there is this uncertainty with the Medicare Local, as its funding ends. There is no certainty that it will continue in the same form, and if it does it is definitely not going to be a service provider, which is different to the role it plays now. We need to make sure that, as much as we can, we are pulling together in the same way. That means the private hospitals, the public hospitals, the GP community and the primary healthcare system all pulling together.

**MADAM SPEAKER:** A supplementary question, Mr Hanson.

**MR HANSON:** Minister, why is TCH 25 per cent more expensive to run than other like hospitals across Australia?

**MS GALLAGHER:** There are issues in terms of the incomes that we pay to staff to work at the hospital, traditionally our medical staff. Also our superannuation arrangements contribute millions of dollars every year or higher than other state jurisdictions. Then there is the level of care provided in terms of the scope of services. When you are running a lot of services with very low volume your costs are greater. You cannot do the volume that you need to run it in an efficient way. That is a decision we have taken.

I have answered questions in this place about people being sent to Sydney when they feel that they should not be sent to Sydney. We have taken a decision to offer a very

high level of care here that is not necessarily supported by a community of our size, 385,000, but we have taken that decision and it costs more. If we want to reduce those costs we have, as a community, to talk about whether it is cheaper to send and do some of that work interstate.

**MADAM SPEAKER:** A supplementary question, Dr Bourke.

**DR BOURKE:** Minister, is there a particular area of growth in patient demand which is putting the greatest level of cost pressure on the hospital system?

**MS GALLAGHER:** Yes, there is a range of areas. Public outpatients is certainly growing rapidly. I think, again, that goes to the issue of cost for people who cannot afford to see specialists in their private rooms or be maintained through general practice. The elective surgery program, when there were 7,600 operations done a year, usually had 7,800 additions to the list. It is now doing 11,700 and having about 12,000 additions to the list. So there is rapid growth across a number of areas. Areas like elective surgery, which have had very significant investment in the last five years to deliver very good results, have come at a cost to the community. But my understanding, and the feedback I get from the community, is that it is a cost the community is prepared to bear as long as the level of service remains as high quality as it is and that people are getting their procedures done quickly.

### **Tourism—events**

**MS BERRY:** My question is to the Minister for Tourism and Events. Minister, could you please outline all of the events that will make up Canberra's biggest ever summer of sport.

**MR BARR:** I thank Ms Berry for the question. It will be the biggest summer of sport that this city has seen. This includes six major cricket events at Manuka Oval, with the Carlton one-day international match between Australia and South Africa next month, on 19 November and the Prime Minister's XI match between the PM's team and England on 14 January. Canberra is hosting the Big Bash League final on 28 January 2015, and of course there are three matches in the Cricket World Cup between 18 February and 3 March. In this same period, the city is also hosting seven matches at GIO Stadium as part of the Asian Cup football.

So it is fantastic news for sports fans in this region, and particularly good news for our tourism and hospitality sector, as each of these events has the capacity to bring many thousands of people to the city in what is traditionally a quieter period for our tourism sector. It demonstrates the benefits of our centenary year investments in infrastructure and also in bringing major events to the city, demonstrating our capability to a number of major sports to be able to successfully host events of this kind.

The government takes a long-term and strategic approach to boosting our city's infrastructure, particularly its capability to host major events. The successful hosting of so many events in the centenary year is certainly flowing on and allowing us to bid successfully for events in the 2014-15 summer and beyond.

**MADAM SPEAKER:** A supplementary question, Ms Berry.

**MS BERRY:** Minister, why is it important for the government to attract these events to Canberra?

**MR BARR:** They bring a range of economic, social and cultural benefits to the city. Whether it is a sporting event or a cultural festival or, indeed, a business event, this brings people to the city, provides attractions for residents. A great advantage, obviously for government investment in events, is that Canberra taxpayer dollars bring people to the city but also allow Canberrans to enjoy the benefits of having these major events. The bulk, obviously, of attendees at these events will be local residents. So they will see some benefit from their local government's investment.

The problem, of course, when we are spending great amounts of ACT taxpayers' money advertising interstate or overseas is, of course, that that economic benefit is flowing into those particular communities or into businesses in those particular areas, and it is only offset by the capacity to attract tourists to the city. Events provide a very useful way to not only generate economic activity for the city and provide a reason for tourists to visit but they do provide a significant return in terms of a social and cultural benefit for local residents. And that is why I think there is very strong local community support—and this is seen through all of the surveys that we undertake in relation to major events—for major events and for this city's capacity to deliver them.

**MADAM SPEAKER:** A supplementary question, Dr Bourke.

**DR BOURKE:** Minister, how will these events help to promote the ACT as a tourism destination?

**MR BARR:** Through VisitCanberra the ACT government will invest in a marketing campaign to support these events, particularly in our key regional markets in New South Wales and Sydney. This will support the efforts of the organising bodies. Both the Asian Cup and the Cricket World Cup have local organising committees and resources available to promote the tournaments more broadly nationally and internationally.

Our campaign will use online press, radio and social media activities and will include the targeting of multicultural media in Sydney, particularly to raise awareness about the Asian Cup amongst the Chinese and Korean communities. A strong events calendar provides a much-needed boost to our city in the traditionally quieter summer months.

**MADAM SPEAKER:** A supplementary question, Ms Porter.

**MS PORTER:** Minister, what work has been undertaken at our venues where these events will be held to enhance the experience of players, spectators and visitors in Canberra?



**MR BARR:** Since 2012, the government has invested nearly \$15 million to improve the match day experience for spectators and players at Manuka Oval. This investment has obviously led to the ACT winning the right to host a range of national and international cricket and AFL matches.

The major improvements to Manuka, most specifically, include the best, brightest and best-looking sports lights in the country, an upgrade to the playing surface, new food and drink outlets and public toilets, more seats at the venue, upgrades to media, coaches and officials game day facilities, and at the moment work is underway to enhance the entry gates and pedestrian facilities to access Manuka Oval.

At GIO Stadium, upgrades include new ticket booths, with upgraded ticketing and turnstile technology, improvements to the food and drink outlets and new turf on the playing surface.

### **Gaming—co-location of racing codes**

**MS LAWDER:** My question is to the Minister for Racing and Gaming. Minister, recommendation 138 from the estimates committee report this year said that should the availability of the feasibility study into the co-administration and co-location of the three racing codes be delayed beyond the last sitting day of August 2014 the minister should make a statement to the Legislative Assembly. The three codes include thoroughbred racing at Thoroughbred Park, greyhound racing at greyhound park and harness racing at EPIC. Minister, when can we expect either the draft report or a statement?

**MS BURCH:** When the government has considered the draft report and made decisions.

**MADAM SPEAKER:** A supplementary question, Ms Lawder.

**MS LAWDER:** Minister, when does the government intend to make an announcement on this issue, and when will the relevant codes be notified?

**MS BURCH:** We will make it at an appropriate time, and the codes will be notified accordingly.

**MADAM SPEAKER:** A supplementary question, Mr Smyth.

**MR SMYTH:** Minister, why is the draft report being delayed?

**MS BURCH:** It is not being delayed. It is in the process of being considered.

**MADAM SPEAKER:** A supplementary question, Mr Smyth.

**MR SMYTH:** Minister, are any alternative plans being considered for equestrian users of EPIC in the event the codes are not to be relocated, given that some of the stables have been identified as containing asbestos?

**MS BURCH:** You mumbled most of that. Can you repeat it?

**MADAM SPEAKER:** Could you repeat that, Mr Smyth? I did not hear it all.

**MR SMYTH:** I am terribly sorry. Minister, are there any alternative plans being considered for equestrian users of EPIC, given that some of the stables have been identified as containing asbestos?

**MADAM SPEAKER:** It does sort of relate but it also probably relates to EPIC. Does somebody else want to answer it or is Minister Burch able to answer it?

**MS BURCH:** I am quite happy to answer it. The co-location study is considering work, and when that report is finalised we will come back and inform the Assembly and the codes of that report.

### **Education—teaching hours**

**MR DOSZPOT:** My question is to the minister for education. Minister, in response to a question asked last Tuesday about teaching hours, you said:

That is not the only work that teachers do; they do other bits and pieces that they refer to in the survey as school-related activity.

Minister, what do you regard as “bits and pieces”, given you only ever refer to face-to-face teaching hours as those that count?

**MS BURCH:** I thank Mr Doszpot for his question. I think he is referring to a survey that was put out last week. If you go to table 5.3, under “Teachers average hours per week on school-related activities by full-time staff”, the survey report had teaching students in schools, either in whole classroom groups or working as an individual, planning or work to prepare lessons, administrative duties in schools and out-of-school care, working collaboratively with colleagues, for example, engaging professionally with parents, carers and the community, and total hours spent on school-related work in a typical week. That is some of the activity that that survey refers to.

**Mr Doszpot:** Madam Speaker, according to standing order 118, I am asking for relevance to the way the minister answered that question.

**MADAM SPEAKER:** I think Minister Burch has finished answering the question, so it is too late to—

**Mr Doszpot:** My question was not answered.

**MADAM SPEAKER:** I cannot direct the minister to answer it in the way that you want it answered. Minister Burch has answered the question and sat down. You have a supplementary question, Mr Doszpot.

**MR DOSZPOT:** Minister, are the additional attendance record-keeping procedures that you introduced for all teachers part of the “bits and pieces” of teacher workload?

**MS BURCH:** Attendance records are part of being employed by the public service. It is around maintaining accountability and records of when you are at work and when are not.

**MADAM SPEAKER:** A supplementary question, Mr Wall.

**MR WALL:** Minister, what are the benefits of teacher professional development and do they constitute the “bits and pieces” of a teacher’s workload?

**MS BURCH:** Professional development is critically important to teachers, whether they attend mentoring sessions within the school environment with their colleagues or whether they attend external professional development activities. It is all linked to the professional standards of teachers that were introduced into the ACT a number of years ago.

**MADAM SPEAKER:** A supplementary question, Dr Bourke.

**DR BOURKE:** Could the minister tell us more about the work of the TQI in relation to continuing professional development for teachers?

**MS BURCH:** The TQI, or Teacher Quality Institute, has certainly been established here not only as a regulator for registering teachers but also to support teachers in maintaining their professional standards. That includes ongoing professional development. There is a requirement of teacher registration to have a number of hours of professional development, 20 hours a year, and the TQI is certainly at the forefront of coordinating and maintaining those opportunities. I would encourage all teachers, and indeed members here that have an interest in professional development, to go to TQI’s website and look at the depth and breadth of opportunities for our teachers.

### **Housing—finance**

**MR SMYTH:** My question is for the Treasurer. Treasurer, CommSec’s recent *State of the states* economic report noted that the ACT ranks fourth in the nation for housing finance on decade-average measures, and construction is down. Treasurer, what impact has the government’s massive increase to lease variation charges had on these figures, and what are the projections for the future impact of the LVC on housing finance and construction in the territory?

**Dr Bourke:** Point of order.

**MADAM SPEAKER:** Point of order, Dr Bourke?

**DR BOURKE:** Yes, Madam Speaker. My point of order is that the standing orders refer to “a question”, not two questions. Mr Smyth has asked two questions.

**MADAM SPEAKER:** There is no point of order.

**MR BARR:** Lease variation charges have absolutely no impact in relation to those particular figures. In fact, the ACT has performed very well against its long run average in recent times. Mr Smyth continues to make this assertion; he continues to be wrong.

**MADAM SPEAKER:** A supplementary question, Mr Smyth.

**MR SMYTH:** Treasurer, what impact has the government's land tax changes had on these figures and what are the projections for the future impact on housing finance and construction in the territory?

**MR BARR:** The government's land tax changes had no impact on those figures because the period that Commsec would be referring to would be before the land tax changes came into effect. As to the future, the rebalancing of land tax between single dwellings and unit dwellings will, in fact, see some investment types more attractive and others perhaps less attractive. Given the balance of dwelling types in the city between multi-unit and single residential, there being significantly more single residential than multi-unit, it may increase the level of investment from investors in single residential.

**MADAM SPEAKER:** A supplementary question, Mr Coe.

**MR COE:** Treasurer, what impact has variation 306 had on the costs of housing and construction in the ACT, and also on the yield of land supplied to the market?

**MR BARR:** In terms of the costs of housing, very little. The biggest determinant there would of course be the cost of land, and that has either been falling or holding steady. The government has of course been reducing the range of taxes on housing, particularly the phased abolition of stamp duty, which is putting downward pressure on house prices. I do note that over the last three years rents and house prices have fallen between 12 and 20 per cent.

**MADAM SPEAKER:** A supplementary question, Mr Coe.

**MR COE:** Treasurer, in what year will stamp duty be removed?

**MR BARR:** Stamp duty is being progressively phased out. If you are a first homebuyer buying a newly established property, it has been phased out now. If you are over 60, and as part of the over-60s homebuyers bonus, then stamp duty has been eliminated.

**Mr Coe:** On a point of order, Madam Speaker.

**MADAM SPEAKER:** A point of order. Could we stop the clocks?

**Mr Coe:** The question was: when will stamp duty be removed—in effect, when will it be abolished, not where it is at the moment.

**MADAM SPEAKER:** You are trying to put a point of order about being directly relevant. The question you asked was: when will stamp duty be removed? So far Mr Barr has said that it has been removed in some places. I will remind Mr Barr of the question, but I think that it is reasonable to give a sequential process as well.

**MR BARR:** Thank you, Madam Speaker. The government's proposal is for stamp duty to be phased out over a 20-year period—so in the mid-2030s. However, we are providing rolling five-year reviews of the tax reform process and we reserve the right to make adjustments to either bring that forward or push it back according to the economic circumstances of the time.

### **Energy—solar**

**MS PORTER:** My question is to the Minister for the Environment. Minister, earlier this month you announced that the ACT's solar auction was a finalist for a national award. Can you please give the Assembly more information about this?

**MR CORBELL:** I thank Ms Porter for the question. Yes, I am pleased to advise members that the Banksia Foundation, a national not-for-profit organisation which promotes environmental excellence and sustainability through its awards, known as the Banksia awards, has listed the ACT's solar auction policy as a finalist for a national award.

The Banksia Sustainability Awards are Australia's most prestigious and longest running sustainability awards program. They were founded in 1989 by a diverse group of Australians who shared a common goal to do more to support and recognise members of the community for their positive contribution to the environment. After 26 years, the foundation continues to provide a positive platform to showcase the best in Australian invention, innovation and ingenuity in the all-important area of sustainability.

I was therefore very pleased to learn that the Environment and Planning Directorate has been selected as a finalist in the local government and sustainability award category for their work on the ACT's large-scale solar auction. The Banksia Sustainability Awards recognise the development and application of innovations that use new approaches, technologies and/or energy systems for business and community benefit.

Our solar auction process has been selected because of its innovative approach. It was the first use of a reverse auction process in Australia. Though the reverse auction has been used in other countries like South Africa, India and Brazil, our policy was specifically designed to overcome problems faced by other reverse auction processes, the main issue being that low bid prices are achieved but many projects are not delivered.

Our solar auction process has clearly delivered. An independent review of the process undertaken by SKM in October last year concluded that the process has been highly successful. It has effectively achieved all its targeted outcomes, resulting in a competitive process that provides the government and therefore the community with a significant number of high quality proposals to choose from that offer relatively low feed-in tariff rates, thus providing value for money for ACT consumers. The success of the auction proves that the policy delivers a viable path to transition away from fossil fuel electricity generation and achieves our legislated targets to reduce greenhouse gas emission.

This shortlisting as a finalist is recognition of this government's commitment to action on climate change, on our commitment to make the transition to a low carbon energy future and showcases our capacity to compete and lead policy innovation at a national level.

I am particularly grateful for the wonderful efforts of the solar auction team in the Environment and Planning Directorate for their strong work in this area. Listing as a finalist is recognition not only of the government's overall policy direction but of the hard and dedicated work of a small number of capable and enthusiastic ACT public servants. The listing as a finalist is recognition of them also. The finalists will be outlined further at the awards night on 11 November and we look forward to finding out the results of the winning entry.

**MADAM SPEAKER:** A supplementary question, Ms Porter.

**MS PORTER:** Minister, has there been further recognition of ACT's sustainability policies?

**MR CORBELL:** I am pleased to say the government's program in relation to sustainability, in particular its commitment to the development of renewable energy generation, is being recognised nationally and internationally. Just last week I was very pleased to participate in the global green growth forum in Copenhagen, Denmark. I was very honoured to be invited to this forum, on behalf of the government, by the Prime Minister of Denmark, particularly as only four Australians were invited to this forum this year. Two hundred and fifty people from across the world came together to discuss the theme of changing production and consumption patterns through transformative action.

The global green growth forum focused on a number of sustainability issues common to many nations, including many issues that are relevant to the ACT, such as energy efficiency improvements in buildings, sustainable urban development, land use and restoration, and effective water resource management. It was a great opportunity to share the ACT government's vision, action and progress towards a more sustainable future. We have strong greenhouse gas reduction targets, we have nation-leading renewable energy targets, and we have seen significant achievements in recent months with the opening of our first large-scale solar project, and the largest in Australia, right here in the ACT.

It is also worth noting that the prestigious international journal *Energy policy* has dedicated an article to a case study of the government's solar auction process, because the approach that has been used has been seen as a benchmark for reverse auction processes internationally.

These are just some of the ways in which the ACT's efforts and policies to make the transition to a low-carbon future are being recognised. I welcome this response and will continue to engage with a wide range of stakeholders to further develop and effectively implement nation-leading policies for sustainability for our city. (*Time expired.*)

**MADAM SPEAKER:** A supplementary question, Ms Berry.

**MS BERRY:** Minister, is there evidence that the government's renewable energy policies are having an effect?

**MR CORBELL:** I thank Ms Berry for the supplementary. Yes, there is. Last month I tabled the ICRC's—Independent Competition and Regulatory Commission's—*ACT Greenhouse gas inventory report* for the most recent reporting period. This is the period 2011-12 and the report clearly shows an increase in renewable energy use and a decline in the territory's greenhouse gas emissions. Renewable energy increased from 14.2 per cent of all electricity consumed in 2010-11 to 16.9 per cent in 2011-12. In that same period, total greenhouse gas emissions showed a decrease of 2.4 per cent.

These results are very pleasing. They confirm that we are on the right track to cut our emissions and reach our 90 per cent renewable energy target by the year 2020. It is especially pleasing as the figures used in the ICRC report pre-date the period when the government's energy efficiency improvement cost-of-living scheme came into effect, which is delivering energy efficiency savings to over 70,000 Canberra households, and it pre-dates the introduction of the large-scale renewables initiative, which has led to significant greenhouse gas emission reductions as a result of the establishment of projects like the Royalla Solar Farm.

This really does highlight that we can make a difference, we can transition to a low carbon future, we can ensure that householders pay less for their electricity and we can do so in a responsible and manageable way.

The report from the ICRC confirms that our per capita emissions also have fallen by more than the equivalent of one tonne of carbon dioxide per person from a peak of 12.7 tonnes in 2005-06 to 11.6 tonnes in 2011-12. There can be no doubt that our policy settings—(*Time expired.*)

**MADAM SPEAKER:** A supplementary question, Ms Lawder.

**MS LAWDER:** Minister, are you able to tell us who nominated the ACT government for the award, and are you aware of the cost to nominate?

**MR CORBELL:** I thank Ms Lawder for the question. The government was invited to nominate by the Banksia Foundation. Submissions have to come from the local government area responsible for the policy. That is a normal process. We were invited to do so by the Banksia Foundation.

*Mr Coe interjecting—*

**MADAM SPEAKER:** Mr Coe, come to order!

**MR CORBELL:** There is a small administrative cost of \$300, which has been met as part of the submissions.

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

### **Supplementary answer to question without notice Convention centre—size**

**MR BARR:** Last Wednesday Mr Smyth asked me a question about comparative sizes of convention centres and I undertook to provide some information. I can table in the Assembly an analysis undertaken of major Australian convention centres by the Canberra Convention Bureau in 2012; an analysis of regional convention centres, including Townsville, Wollongong, Newcastle and Hobart; and details of the facilities available at the National Convention Centre in Canberra. I table the following papers:

National Convention Centre—Room capacity chart and floor plan.

Major Australian Convention Centres—Comparison report, prepared by the Canberra Convention Bureau.

Regional Convention Centres—Summary of capacity.

### **Executive contracts Papers and statement by minister**

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

Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—

Short-term contracts:

Emily Springett, dated 15 and 16 October 2014.

Fay Steward, dated 15 October 2014.

Leanne Power, dated 14 and 15 October 2014.

Melanie Saballa, dated 9 and 10 October 2014.

Samuel Engele, dated 2 and 13 October 2014.

Therese Gehrig, dated 15 October 2014.



Contract variations:

Anita Perkins, dated 8 and 9 October 2014.

Carolyn Grayson, dated 10 October 2014.

Christopher Reynolds, dated 16 October 2014.

Richard Baumgart, dated 13 and 15 October 2014.

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

Leave granted.

**MS GALLAGHER:** I present another set of executive contracts. These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which require the tabling of all director-general and executive contracts and contract variations. Today I present six short-term contracts and four contract variations. The details of the contracts will be circulated to members.

### **Climate Change Council—2013-14 annual report Paper and statement by minister**

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services, Minister for the Environment and Minister for Capital Metro): 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 2013-14, dated 12 August 2014.

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

Leave granted.

**MR CORBELL:** I am pleased to table the 2013-14 annual report from the ACT Climate Change Council. The council was established in October 2011 under the Climate Change and Greenhouse Gas Reduction Act, with the purpose of providing independent advice to the Minister for the Environment on reducing greenhouse gas emissions and adapting to climate change.

In line with the act, the council must provide a report for the minister within three months of the end of the financial year on the subject of the council's activities during the year. This must be presented to the Legislative Assembly within 21 days by the minister with a statement responding to advice given. Accordingly, in tabling this report today I will give my response to the advice provided by the council.

Firstly, I would like to acknowledge the diversity of this council and the breadth of understanding that this brings to its consideration of issues. The council's membership brings critical sector-specific expertise. The five inaugural members are Professor Barbara Norman, the chair, who has expertise in sustainable urban and regional planning and climate change adaptation, from the University of Canberra;

Ms Lynne Harwood, the deputy chair, from the not-for-profit sector, Chief Executive Officer of Communities@Work; Ms Maria Efkarpidis, a director from the Rock Development Group, who is at the forefront of business and development innovation in the ACT; Associate Professor Dr Frank Jotzo, who brings economics and policy of climate change expertise, from the Australian National University; and Professor Will Steffen, an international climate scientist and member of the Climate Council, also from the Australian National University.

The act allows for between five and nine members. From 1 January 2014 the council's expertise was expanded with two new appointments: Mr Toby Roxburgh, a renewable energy expert from a private consulting firm; and Ms Dorte Ekelund, a public sector representative, the current Director-General of the Environment and Planning Directorate.

This annual report, which will be available on the council's internet page, outlines the work of the council over the year. In summary, the council met formally on four occasions over the 2013-14 period, in August, November, February and May, and provided advice on community engagement and the consequences of climate change on the issues of water, transport and energy. These are the themes they set to enable a topic-specific focus for each of their meetings and facilitate inviting representatives from both interest groups and government to present to them.

I am pleased to advise that in addition to providing advice directly to me at meetings, the council provided guidance to the ACT government by reviewing a range of documents during their development phase. Of particular note, the council provided input to the community engagement strategy on climate change, the ACT water strategy *Striking the balance*, the ACT's renewable energy program, the strategic bushfire management plan version 3, and the soon-to-be-completed first review of AP2 by the Office of the Commissioner for Sustainability and the Environment.

The council's views were heeded as the water strategy went from draft to final, and there has been greater prominence given to water-sensitive urban design considerations.

It is great to have a council that calls Canberra home and with such a wide-ranging level of significant international and national policy and scientific experience. And it is great to see the council continuing to engage with the government on policies such as our renewable energy generation projects and investment in improved public transport projects such as the capital metro light rail.

The act states that the council must make efforts to consult with representatives from business and the community on climate change matters. The ACT's 2012 strategy and action plan on climate change, action plan 2, reiterates that the council should take opportunities to consult with the community on climate change. In addressing their goal to "mainstream" climate change during 2013-14 the council increasingly engaged with the community through social media as well as face-to-face presentations to local community councils and other community organisations. Council members undertook radio interviews and participated in a range of public forums.

I was pleased to publicly acknowledge the work of the council when I delivered the ministerial statement on climate change in May this year. The council chair, Professor Norman, spoke in support of the statement, highlighting the importance of doing more to enable the community to adapt to climate change impacts and to build our resilience. Council members and I participated in a question and answer forum about what adapting to climate change means for the ACT.

The council's advice on community engagement has been built into the community engagement strategy on climate change, which was launched by me in July this year. This strategy highlights the work of all directorates as climate change issues are mainstreamed.

I would like to thank the members of the inaugural ACT Climate Change Council whose term of office ends on 28 October this year. I am pleased to advise that the appointment of new members with a broad range of skills and knowledge relating to climate change is now being finalised. I commend the report to members.

## **Papers**

**Ms Burch** presented the following papers:

Education Act—Advices, pursuant to:

Section 66A—Government Schools Education Council—2015-16 Budget Priorities and Strategic Directions for Public Schools, dated October 2014.

Section 118A—Non-Government Schools Education Council—2015-16 Budget Priorities and Strategic Directions for Non-government Schools, dated 13 October 2014.

## **Planning and Development Act 2007—variation No 297 to the territory plan**

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

**MR GENTLEMAN** (Brindabella—Minister for Planning, Minister for Community Services, Minister for Workplace Safety and Industrial Relations, Minister for Children and Young People and Minister for Ageing): For the information of members, I present the following paper:

Planning and Development Act, pursuant to subsection 79(1)—Approval of Variation No. 297 to the Territory Plan—Public land overlay and zone changes—Canberra Central/Watson/Hackett—Gungahlin, Jerrabomberra and Yarralumla, dated 13 October 2014, together with background papers, a copy of the summaries and reports, and a copy of any direction or report required.

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

Leave granted.

**MR GENTLEMAN:** Variation 297 to the territory plan proposes to make changes to public land overlay and zone provisions in the territory plan as follows. It adds Hackett horse holding paddocks 5 and 6 and surrounds to the adjacent existing nature reserve. It incorporates two offset areas—part block 783 Gungahlin, Gungaderra north, and block 1 section 221 Gungahlin, Mulanggari west—into the existing Gungaderra and Mulanggari nature reserves respectively in order to offset impact from the proposed development on block 799 Gungahlin. It incorporates one offset area—part block 2110 Jerrabomberra—into the existing Isaacs Ridge Nature Reserve to offset the impact from the expansion of Mugga Lane Resource Management Centre. And it removes the public land overlay of urban open space from part of Yarralumla Nursery—part block 3 section 123 Yarralumla.

Draft variation 297 was released for public comment during July and August this year and attracted six public submissions. The main issues related to the inclusion of sites additional to this variation, disagreement to the offset method used for the sites at Gungahlin and Jerrabomberra, and the removal of the urban open space overlay at Yarralumla Nursery. A report on consultation was prepared by the Planning and Land Authority responding to the issues raised in the submissions.

Under section 73 of the Planning and Development Act, I have chosen to exercise my discretion and not refer the draft variation to the planning and environment committee as I believe the issues raised during public consultation have been adequately addressed.

Both offset sites at Gungahlin and Jerrabomberra have conditional approval from the commonwealth under the EPBC Act 1999. These conditions provide a framework for the implementation of ecological management strategies, procedures and controls for the offset site areas and ensure that these areas are managed in perpetuity.

In relation to public comments regarding Yarralumla Nursery, a change was made to the draft variation to retain the urban open space overlay for the non-commercial part of Yarralumla Nursery, the English garden.

## **Children and Young People Official Visitor—2013-14 annual report**

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

**MR GENTLEMAN** (Brindabella—Minister for Planning, Minister for Community Services, Minister for Workplace Safety and Industrial Relations, Minister for Children and Young People and Minister for Ageing): For the information of members, I present the following paper:

Official Visitor Act, pursuant to section 17—Official Visitor for Children and Young People—Annual Report 2013-14.

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

Leave granted.

**MR GENTLEMAN:** I am pleased to stand in the Legislative Assembly as Minister for Children and Young People to table the Children and Young People Official Visitor's annual report for 2013-14. The Official Visitor Act 2012, which became operational in September 2013, requires me, as the operational minister for the Children and Young People Act 2008, to provide to the Legislative Assembly an annual report collating the information I have received throughout the year from the official visitors appointed under the Children and Young People Act 2008.

There are two official visitors appointed under the Children and Young People Act 2008, one of whom is an Aboriginal or Torres Strait Islander person. Ms Narelle Hargreaves has been the Children and Young People Official Visitor since 8 May 2012. Ms Tracey Whetnall was appointed Aboriginal and Torres Strait Islander Official Visitor for Children and Young People on 1 March 2014.

The Children and Young People Act 2008 requires an official visitor to visit places of detention, places where a detainee has been directed to work or participate in an activity, places of therapeutic protection and places of care. In their role, the official visitors visit and inspect these places to ensure that children and young people who are in detention or who are living in a place of care have the ability to raise concerns or complaints with an independent adult, external to the government.

The official visitors support children and young people to resolve their concerns and complaints. This is done by raising the complaint with the Community Services Directorate, with me as Minister for Children and Young People or with an investigative agency such as the Human Rights Commission.

During the reporting year, the official visitors visited Bimberi Youth Justice Centre, Narrabundah House Indigenous Supported Residential Facility and Marlow Cottage. The official visitors visited Bimberi almost every week during the reporting year and visited Marlow Cottage at least once a month.

Children and young people residing at a place visitable by the official visitors are also able to contact an official visitor at any time.

I am pleased to inform the Legislative Assembly that during the reporting period there were few complaints raised by young people at Bimberi and no complaints raised by young people residing at Narrabundah house or Marlow Cottage.

In all circumstances in relation to Bimberi, minor concerns and complaints were settled on the day of the official visitor's visit between the official visitor and the management at Bimberi. I am also pleased to report that complaints and concerns raised by young people at Bimberi that required investigation by the official visitors were settled without further action. Reports received from the official visitors throughout the reporting period have continually complimented the management and staff of Bimberi for the quality of their work with young people. In her reports, the Children and Young People Official Visitor has written:

On my visits I continue to be impressed with the manner in which the staff at Bimberi are interacting with residents.

And she has said:

Staff and management continue to demonstrate positive support for the OV's—  
official visitor's—

role. Management is responsive to suggestions and issues raised by the OV.

The Children and Young People Official Visitor also complimented Marlow Cottage staff for their support of the role of the official visitor.

I would like to formally acknowledge the services of the children and young people official visitors and thank the official visitors for their ongoing commitment to ACT's children and young people.

## Papers

Mr Corbell presented the following papers:

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

Legislation Act, pursuant to section 64—

Civil Law (Wrongs) Act—Civil Law (Wrongs) Professional Standards Council Appointment 2014 (No 2)—Disallowable Instrument DI2014-276 (LR, 20 October 2014).

Crimes (Sentence Administration) Act—Crimes (Sentence Administration) (Sentence Administration Board) Appointment 2014 (No 3)—Disallowable Instrument DI2014-254 (LR, 9 October 2014).

Cultural Facilities Corporation Act and Financial Management Act—

Cultural Facilities Corporation (Governing Board) Appointment 2014 (No 1)—Disallowable Instrument DI2014-256 (LR, 13 October 2014).

Cultural Facilities Corporation (Governing Board) Appointment 2014 (No 2)—Disallowable Instrument DI2014-257 (LR, 13 October 2014).

Emergencies Act—

Emergencies (Bushfire Council Members) Appointment 2014 (No 1)—Disallowable Instrument DI2014-252 (LR, 30 September 2014).

Emergencies (Bushfire Council Members) Appointment 2014 (No 2)—Disallowable Instrument DI2014-255 (LR, 9 October 2014).

Gene Technology (GM Crop Moratorium) Act—Gene Technology (GM Crop Moratorium) Moratorium Order 2014 (No 1)—Disallowable Instrument DI2014-274 (LR, 16 October 2014).

Heritage Act—Heritage Amendment Regulation 2014 (No 1)—Subordinate Law SL2014-24 (LR, 2 October 2014).

Information Privacy Act—Information Privacy Regulation 2014—Subordinate Law SL2014-25 (LR, 16 October 2014).

Official Visitor Act—

Official Visitor (Mental Health) Appointment 2014 (No 1)—Disallowable Instrument DI2014-270 (LR, 16 October 2014).

Official Visitor (Mental Health) Appointment 2014 (No 2)—Disallowable Instrument DI2014-271 (LR, 16 October 2014).

Public Place Names Act—Public Place Names (Nicholls) Determination 2014 (No 1)—Disallowable Instrument DI2014-275 (LR, 16 October 2014).

Public Sector Management Act—Public Sector Management (Executive Vehicle Entitlement) Amendment Standards 2014 (No 1)—Disallowable Instrument DI2014-272 (LR, 16 October 2014).

Road Transport (General) Act—

Road Transport (General) (Pay Parking Area Fees) Determination 2014 (No 2)—Disallowable Instrument DI2014-253 (LR, 2 October 2014).

Road Transport (General) Application of Road Transport Legislation Declaration 2014 (No 2)—Disallowable Instrument DI2014-273 (LR, 16 October 2014).

Road Transport (Safety and Traffic Management) Regulation—Road Transport (Safety and Traffic Management) Parking Authority Declaration 2014 (No 3)—Disallowable Instrument DI2014-267 (LR, 16 October 2014).

## Urban maintenance

### Discussion of matter of public importance

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

The importance of urban maintenance for the people of the ACT.

**MS LAWDER (Brindabella) (3.49):** In the time I have been a member of this Assembly it has been driven home to me just how important residents think urban maintenance is. The vast majority of concerns and representations that constituents make to me are about basic urban maintenance issues. Whether the residents are in Theodore, Duffy or Giralang, or Gordon, Ngunnawal or Curtin—all of the suburbs of our city—the basics of footpaths, roads, playgrounds, grass mowing, street sweeping, bus stops and the cleanliness of lakes, ponds and parks are important. Whether I am doorknocking or holding mobile offices or inviting feedback from the community in their area in one way or another, the thing I have found is that it is the small things that count to people, the small things that people really care about day to day.

Just on my drive in to the Assembly this morning, firstly, as I drove up Erindale Drive, on my left were two large mattresses which had been dumped on the side of the road and had been there for a few days. Then, as I continued to drive up Yamba Drive just near the hospital, the grass was quite high all the way along past the hospital.

When I moved to Canberra in 1988 that was not the case. Canberra was very well maintained, even manicured. It was a city that looked as though we were proud of it to be our capital, and now it often looks rundown. Friends and family who visit me from interstate often remark on the changes that they have noticed over the years. One constituent who wrote to me recently said:

I have been a resident of Tuggeranong for 30 years and am noticing that, over time, it is looking sad and neglected. There is rubbish along roads and footpaths, lots of the roadside trees require attention and many of the suburban shopping centres just look shabby.

Part of the problem here is the behaviour of residents themselves. It is our own residents who are contributing to this sometimes shabby look—dumping mattresses on the side of the road, for example. But the Labor government which has been running this territory for the last 13 years does not seem to understand that people care about how their city looks and want the government to assist with cleaning up around the place.

It is these day-to-day basics that have the greatest effect on people. I do not think there is a suburb in Canberra that would not have footpaths that require renewal and fixing. I know in my electorate it is a common issue that I get told about. A Theodore resident said to me recently:

There are numerous instances where the footpaths are breaking up or have distorted to an extent that they are a hazard to pedestrians. Over the years there have been a few instances of repair, but mostly after inspection and marking with paint or chalk, years elapse, the paint washes away and nothing is done.

In Chapman a resident recently fell over on a broken pavement and sustained an injury. We were all lucky that the injury was not any worse but, with any luck, if the footpaths were properly maintained, the chances of this occurring would be less. In Wanniasa the footpaths on Fincham Crescent had entire chunks missing and numerous areas where the damage was so significant that prams or people with mobility devices would have found it difficult to move along the street.

In many areas where damage occurs, the footpath is ground down but the cracks remain and soon enough they crack again. If the damage is serious enough, it gets patched and left for months before it is eventually fixed properly, or it is left until the patch deteriorates and the issue occurs again.

I certainly do not pretend that the footpaths would not deteriorate no matter who was in government, Madam Deputy Speaker, but these basics do not seem to be the priority of the Labor-Greens government. We seem to spend more time caring about light rail and unrealistic renewable energy targets than we do about the urban maintenance issues which affect all Canberrans every day.

Playgrounds are another neglected area of urban maintenance in this town. We are going through what some call an obesity epidemic in Canberra and right around Australia. We seem to be happy to pay for advertising to try and get people to lose



weight, yet apparently we do not have the money to keep our playgrounds maintained or replaced to ensure an active lifestyle is promoted for our children. A constituent who wrote to me stated:

This time I was told there were no plans to replace the playground and that the current condition of the playground was “fit for purpose”. Any person who has young children would completely disagree as the playground is not safe and the equipment is very run down.

When I received a response from the minister regarding a playground which had been removed, the minister said:

At the time of the forward design study it was anticipated construction of the replacement playground would be undertaken in 2012/13 ...

The letter from the minister then went on to say that another playground took precedence and the replacement of this playground was deferred. I understand that money does not grow on trees, but I reiterate that I believe the government have their priorities wrong.

We can talk about roads. A letter to the editor published in the *Canberra Times* on 15 June, when referring to the Minister for TAMS, stated:

... his department obviously doesn't have the funds to undertake basic road maintenance for fixing potholes, corrugations and rough surfaces, some of which have been evident for almost 12 months.

Another constituent who contacted me a few months ago in a letter wrote:

When potholes are repaired they should be repaired properly. The common practice of dropping a “dollop” of tarmac into the hole and flattening it is a waste of time and money.

This constituent went on to say that a large pothole at the end of her street was treated four or five times in this manner before it was finally repaired properly. Again, I reiterate that I know full well that we only have a limited pool of money to run the territory, but what I would say, along with many of my colleagues, is that this government is spending the money in the wrong way and in the wrong places. Minister Corbell tells us how great we are with our 90 per cent renewable energy targets and light rail, but we cannot maintain our own city properly.

We can also talk about grass mowing. This is another area that in theory seems simple, but we cannot seem to get it right. We all know from our own gardens, if nothing else, that some times of the year the grass grows faster than other times. Sometimes it rains more than other times, so mowing can get delayed and the grass grows very quickly. But instead of long and unkempt grass being an anomaly here and there, it seems to be a more-often-than-not situation. More often than not the grass is not mown frequently enough. More often than not it looks unmaintained and overgrown long before it gets cut.

Then there are the issues of rubbish on the road sides and in parks, graffiti on signs or on fences, overgrown trees in suburbs, broken street lights and blocked drains. The issues go on and on. I certainly do not mean this as blanket criticism of the extensive work that the Minister for TAMS and his hardworking department undertake. However, it does appear that the department is facing huge challenges and obviously needs more resources. This financial year alone, the government is spending \$32.7 million on light rail, and we have not even started construction. Imagine what would happen if this extra money, or even just some of it, was invested into the maintenance of our suburbs.

On 9 February 2012, the Chief Minister and the Deputy Chief Minister announced the government would inject an extra \$32 million into maintaining and upgrading the urban amenity of Canberra. They went on to say that this fund would come directly from the lease variation charge. As time has gone on and the lease variation charge did not raise the funds it was intended and the budget slipped into the red, it became clear this was not going to happen.

The Chief Minister said that this fund would “provide more parks and playgrounds, more mowing, more shopping centre upgrades, better footpaths and more repairs to roads”. We know this is not happening because the lease variation charge is not raising what we need it to, but we are still spending money on light rail, and the \$44.6 million the government has spent on this project to date, including this year’s amount, at least some of which could at least have been spent on urban maintenance.

In every suburb I visit someone says to me they feel like they are the forgotten suburb, which highlights the point I am making here. Urban maintenance is important to people. People appreciate being able to walk down the street without tripping on broken footpaths or drive down a road without hitting pot holes. While the government is falling behind in keeping the city maintained, people are noticing. They realise over time that it is not just their suburb which is the forgotten suburb, but that it is happening everywhere. Rates continue to increase, fees and charges continue to go up everywhere in the city, but the upkeep of our city is going backwards.

I reiterate that, generally, I receive an excellent response from the Minister for TAMS and his department when I write about a particular issue, and I thank them once again for that. But overall our level of amenity, of cleanliness, of maintenance seems to be diminishing and the work done by the TAMS Directorate is not being given priority by the government.

Community responses often take place to address urban maintenance issues, such as Keep Australia Beautiful clean-ups and other community groups doing their bit, such as the Tuggeranong Lake Carers group who are doing a clean-up around Lake Tuggeranong this weekend. Scouts and girl guides, Lions, Rotary and many other groups do their bit. This is small-scale community action at work. But in general terms, residents feel better about their fees and charges and their rates increasing if they see they are getting something more for their money or, at the very least, maintaining the status quo of services. This does not appear to be the case. Our basic services seem to be reducing despite the increased charges.

If this government could get its priorities right and focus on the things that matter, we would have enough lawn mowers to keep the grass cut, we would be able to keep on top of street sweeping and footpath maintenance and we would have a better chance of keeping our roads maintained and having a city that looks like we are proud of it, as well as being the capital of our nation.

**MR RATTENBURY** (Molonglo—Minister for Territory and Municipal Services, Minister for Corrective Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for Sport and Recreation) (4.01): I welcome the opportunity to discuss the issues raised by Ms Lawder this afternoon as part of her matter of public importance and particularly to discuss urban maintenance for the people of the ACT. Certainly, the ACT government makes a great effort to maintain the look and feel of this city and puts considerable resources, considerable staff time and considerable focus into the issue of urban maintenance, and the many subsets that fall under that, some of which Ms Lawder has raised today.

I appreciated some refreshing honesty in Ms Lawder's comments in acknowledging the very significant efforts of TAMS, the fact that they are hard working and also the fact that the behaviour of some of our residents does challenge the government's efforts. Certainly, one of the things that have particularly come to my attention since becoming the minister is the unfortunate amount of resource from TAMS that goes into ameliorating obstructive behaviour by what I am sure is a small minority of our residents in damaging urban picnic areas, vandalism and the like. It is a source of great frustration probably for the vast bulk of the community. It is certainly a source of great frustration for our rangers and urban services staff who have to deal with these matters and who take real pride in the city and in the work that they do.

Ms Lawder in her opening remarks spoke about receiving representations from constituents. I think all members in this place do, because the day-to-day items are things that people see and they want to see them fixed. I think they can see a pathway to fixing them. Some of the bigger problems are more complex and harder to fix, and I think that is why we get the level of representation that we do.

As I spoke about in the Assembly last week, the government has a number of channels in place to ensure that residents can be heard on these issues because we do take these matters seriously. There is Canberra Connect, which members are very familiar with. Also, "fix my street" is an online service which, again, I spoke about last week, so I will not rehash the details of it. It means that it is very easy for people to get in touch with the government. I get a great deal of very positive feedback about both Canberra Connect and "fix my street". The fact is that in the vast majority of cases the works are done in a very timely manner and people are pleased with either seeing the works done or having an officer from the directorate contact them and either discuss the matter further or explain why something will take some time.

That is certainly something I have reinforced with TAMS. In those cases where we are not able to provide an immediate solution, there is often a good reason. So part of what I have asked TAMS staff to do at times is just to be in touch with people, let

them know and give them some information. That is often simply what people want. They want to know that the matters are being taken seriously.

There are a lot of areas that have been spoken of today that I will touch on briefly. I was interested in Ms Lawder's comment about arriving in Canberra in 1988, when the city looked very manicured, compared to her views on how it looks now. I noted that 1988, of course, was during an era in which the ACT was substantially subsidised by the commonwealth government. In fact we did not even have self-government at that time. Frankly, the ACT was certainly the beneficiary of a substantial commonwealth subsidy. I think other parts of Australia would have been highly jealous of that. We have seen over time that commonwealth subsidy diminish.

Any comparison with any period before self-government should take into account the fact that at that time the commonwealth maintained this city at a level at which no other part of Australia was maintained and that the commonwealth has declined to continue to provide that level of subsidy to the ACT. We need to be mindful of putting on the rose-tinted glasses and saying, "It was all good," because there was a very different set of circumstances prevailing in that period.

That said, we need to do our best to maintain this city. I can assure members and any members of the public who may be listening to this debate that the ACT government is doing its very best and that TAMS staff are working very hard. Over the last 18 months the Parks and City Services Division of TAMS was put through an expenditure review committee process. I was quite open about that because I wanted to see if there were areas where efficiency improvements could be made in TAMS. I wanted to make sure that the money that was being made available was being used as effectively as possible and that we were getting the best bang for the buck that we could out of using the resources made available. That review in fact identified some small efficiencies, but overall it said that TAMS was operating incredibly efficiently and was a good value for money operation.

Ms Lawder touched on a range of areas today. One was playgrounds. I would like to assure members that playgrounds are inspected regularly in order to ensure that they are safe. Level 1 inspections, which check for safety and cleanliness, are carried out at least weekly in high use areas and fortnightly in low use areas. Level 2 inspections, which are a more comprehensive check of mechanical soundness, are carried out monthly in high use areas and bimonthly in low use areas. Level 3 inspections, which are an independent safety audit, are carried out at least biannually for all playgrounds.

Parents in Canberra can be assured that there are regular inspections and that the safety of equipment in playgrounds is being regularly monitored. The equipment may be dated, it may not be of the same standard as perhaps a newer playground, but with respect to the safety level, the letter that members will receive at times about these issues talks about it being safe and fit for purpose, because for the equipment that was installed there is certainly not a safety issue there. With 489 playgrounds in parks and reserves across the ACT, it is going to take some time to work our way around and update those ones that need to be updated.

With respect to the comments about grass, of course, the number of grass complaints has gone up recently because we are right at the beginning of the boom grass season. With that first mow it is a delicate matter of waiting for the grass to start growing and then getting in as soon as the spring growth really hits. Again I can assure members that the mowers are going flat out at the moment and that there is a very steady program of grass mowing. Irrigated grass in town and district parks is mowed every one or two weeks. These are the high use areas where most people go. I have no qualms about focusing on those areas rather than, perhaps, on a bit of grass along the edge of the road. Sportsgrounds are mowed at least once weekly. Dryland grass in suburbs, including the edge of arterial roads, parkland and laneways, is mowed monthly during peak growth and two to three-monthly during the rest of the year. Other mowing takes place for hazard reduction burning, which is an entirely different category. TAMS is entirely transparent about this, with the mowing program being placed on the website.

Graffiti is something on which I am often approached by people. It is something that I know really agitates some people in the community. Again, significant effort and resources are committed to this budget allocation. The approach taken is that the ACT government removes graffiti from public assets within five days of it being reported or within 24 hours if it is deemed offensive. High profile public assets are inspected weekly for graffiti. When graffiti is on a private asset, this is a more problematic area. It is not the government's responsibility to remove it, but TAMS does seek to work with the leaseholder or householder to both seek their assistance and assist them by providing advice on how to remove graffiti. The government has a number of steps in place to prevent graffiti which I am happy to go into at another time.

There are things that need maintenance across the city all of the time on an ongoing basis. TAMS has a range of preventive and proactive steps in place in order to do these things. With something like footpaths, all suburbs are inspected on a rolling basis, so that there is a long-term maintenance program and there is also a reactive response if somebody rings up and says there is a dangerous issue.

I know people sometimes wonder why marks stay for so long. If something is an immediate danger it is dealt with very quickly. We also seek efficiencies through batching works, and that is why sometimes paths will be marked for a period of time until that suburb is batched up into a contract.

I note that there is a real theme coming through from the Liberal Party: "Imagine if the light rail money was being injected into (insert favourite cause here)." Today it was urban services. I would also like to make this observation: imagine if we do not invest; the road maintenance costs and other costs are going to be highly expensive. We will no doubt get another chance to prosecute that tomorrow with Mr Coe's weekly light rail motion.

On climate change, with the impact of climate change in the past summer we saw roads in car parks melting and buses breaking down in the heat. If we do not tackle climate change seriously with things like our 90 per cent target, the cost of these things will simply go up. (*Time expired.*)

**MRS JONES** (Molonglo) (4.11): I am pleased to add my voice today to this matter of public importance raised by my colleague Ms Lawder on the importance of urban maintenance for the people of the ACT.

The issue of urban maintenance is one that I have been very vocal about since coming into this place because it matters to people every single day. You do not have to look too far across Canberra to see how urban maintenance has been neglected. There are derelict petrol station sites, which, although I know they are not in this particular minister's purview, are certainly a problem. They have been sitting empty for years.

There is the issue of local shops covered in graffiti that have been left neglected. There are footpaths in almost every older suburb that need some attention. Some have been allowed to become unsafe for pedestrians as they have buckled and cracked from tree roots. I accept that the minister inspects them but the problems are still there in many cases.

There is the issue of playgrounds across the city. I have spoken before about the need for them to be upgraded; they need new equipment and new paint. It is my strong preference that there be at least a few that are fully fenced, so that mums, dads and carers can go there and have an actual break.

The mowing of grassed areas across Canberra is an ongoing issue. Looking around my electorate, there are huge grassed areas that have knee-high, long, dry grass, which is a real concern as the advent of the bushfire season is upon us.

I implore the minister to take some action with regard to some specific issues around Rivett. There are mattresses and wood which have been dumped in the unmown grassed area behind the church and the Noah's Ark children's centre on Bangalay Crescent. There are also needles being dumped in this area.

I am particularly concerned by the state of grassed areas at the western end of Hindmarsh Drive which have not been mowed, except for a one-metre edge, in over six months. I am quite worried, as the dry summer approaches, that this western edge of Rivett and Chapman, close to houses, is becoming a very significant fire hazard as a result. I implore the minister to have the area mowed.

The government's graffiti removal, mentioned previously by the minister, is failing all along Hindmarsh Drive. Graffiti is a very significant concern across the whole western half of Hindmarsh Drive. Fences at the rear of Duffy, Holder, Stirling, Waramanga, Weston, Lyons and Chifley are covered in graffiti. The government expects residents to clean off the graffiti at the back of their rear fences, an area they cannot control which serves a significant public amenity in the area.

I implore the minister to make changes to his government's policy regarding this main road as it is unreasonable to expect residents to clean these areas which are beyond their control, and to manage the pedestrian parcel. It impacts on the look and feel of the area so significantly that it is mentioned to me constantly when I am in the electorate. It should be a priority for this minister and for this government to keep Hindmarsh Drive in a better condition, and it is not.

**MR GENTLEMAN** (Brindabella—Minister for Planning, Minister for Community Services, Minister for Workplace Safety and Industrial Relations, Minister for Children and Young People and Minister for Ageing) (4.14): I would like to acknowledge and thank Ms Lawder for bringing this matter of public importance here today. I do want to say that I think our city is facing the challenges of the 21st century posed by building resilience to climate change, a growing and an ageing population and creating a viable, livable and walkable city.

They are not new issues, and this government has already acted by placing it at the forefront of the government's policy agenda and developing contemporary and innovative, if not bold, solutions to these global issues at a local level. And we heard Ms Lawder's concerns earlier this afternoon on keeping people active in the city. My portfolio area of planning includes, of course, active transport and plays an important role in delivering urban amenity for our city, and it is these areas which I will focus on today during the debate.

Planning has a defining role in helping to shape Canberra as a healthy, safe, prosperous and sustainable city. Good urban planning can shape our neighbourhoods to create high-quality public realm spaces and encourage active travel options of walking, cycling and public transport.

Canberrans want to live in a city that is truly sustainable and underpinned by a prosperous economy. We are uniquely placed to deliver a sustainable city vision because the city's citizens are committed to creating high-quality, livable places, protecting the natural environment and securing the wellbeing of our community for future generations. Canberra is a city-state, the seat of Australia's government and home to pre-eminent national institutions. We are also home to a highly educated, highly skilled and highly regarded workforce.

The recent ranking by the OECD of the ACT at the top of the OECD regional wellbeing ratings confirms the important contribution that leading best-practice planning delivers to the development of a sustainable and livable place. And we must all work hard to maintain the qualities that contribute to this ranking.

The Canberra community is right to seek better and more sustainable design and construction outcomes for buildings and public realm developments. This is a reasonable expectation and one that the government shares and, I can say, that the construction industry shares too. Recognising the value of good design across government creates the potential for improved buildings and public realm developments. The ACT government is responding by ensuring that design issues are incorporated into its planning policy documents. This, in turn guides not only private investment but also public sector investment.

The city plan is a good example of where consideration has been given to ensuring careful planning of our public places and the relationship of those places to buildings and infrastructure and how that can, in turn, contribute to the livability and viability of the city as a whole. As the government implements the city plan, it will develop comprehensive design guidelines that will inform future land development and

investment in public infrastructure, spaces and places. This work, importantly, includes the Northbourne Avenue corridor and will be widely consulted upon to encourage strong community and industry support.

Once considered by the government and finalised, it is expected that this work will be incorporated into the territory plan. The territory plan already contributes to good design within our city and the Planning and Land Authority encourages early engagement by proponents.

By considering proposals at early stages and at various subsequent stages of design prior to construction, the opportunity for greatly improved built-form and public realm outcomes for the city are realised. This relates not only to new buildings but also to the creation of new places through the development of new suburbs and precincts.

The ACT planning strategy calls for master plans to be prepared, responding to the place-specific needs of the Canberra community. This ensures that Canberra remains a city where everybody can take advantage of its network of centres, open spaces and modes of travel, where everyone enjoys a sense of wellbeing and can participate in a vibrant civic and cultural life. In addition, the master plan program also responds to the government's strategy to create more compact, efficient areas in the city by focusing urban intensification in town centres, around group centres and along major public transport routes, and balancing where greenfield expansion occurs.

This government is committed to making Canberra a more sustainable place to live. It has dedicated \$2 million per year funding for the master plan program for the past two years and has allocated an additional \$1 million for an additional year, to commence shortly.

As I told the Assembly last week, the creation of the ACT government's master planning program has meant development of our city and our town centres is done in a strategic and thoughtful way which enables Canberrans to consider and endorse the plans for how our city moves forward. Each master plan sets out principles, outcomes and strategies to manage growth and development over time. They identify what is important now and how to enhance the existing character and quality for an area and provide a framework to inform statutory documents such as the territory plan precinct code. They provide for a broad consultation process which allows for all community members to have their say in continuing to maintain the livability of their community.

Master plans like the ANU exchange, Belconnen lake shore, Belconnen town centre, Braddon commercial area, city west, Dickson centre master plan, Hall, Jamison centre group centre, Kambah master plan, Kingston centre master plan, Lawson concept planning study, Pialligo master plan, Tuggeranong and Erindale centre master plans and Woden town centre plan have all played their role in how our city is shaped and how our urban amenity continues to improve through these processes. For example, master plans such as the one developed for the Woden town centre have been instrumental in the continued improvement and renewal of the area.



Good planning must, of course, not just consider a place but must plan our city for those who live in it. Planning is essentially about people. The ACT prides itself on being the healthiest place in Australia, with longer life expectancy, lower rates of major illness and more active and healthy lifestyles than other jurisdictions. Nevertheless, like many wealthy urban populations around the world, our collective health is threatened by dramatic increases in the rates of people who are overweight and obese.

The healthy weight initiative is guided by the towards zero growth healthy weight action plan which the Chief Minister launched on 14 October 2013. The action plan sets a bold target of zero growth for the ACT through a range of actions under six themes. The six focus areas are clustered around food environment, schools, workplaces, urban planning, social inclusion and evaluation. As recognised in the healthy weight action plan, there is a growing recognition that the built environment influences levels of physical activity whether for transport or recreation. A key way planning is able to deliver against the healthy weight initiative and demonstrate the importance of planning on our urban areas is through the active living program.

The ACT government has provided funding support to the Heart Foundation ACT for the active living program since 2009, and the current program is entering the final year of the three-year program. This program enables the Heart Foundation ACT to engage an ACT active living coordinator to advocate changes to the built environment that support a more active Canberra and build understanding and capacity within government. The program's objectives, as set out in the current deed of grant, are to increase meaningful inclusion of active living principles throughout ACT government policies and practices, identify opportunities for supportive environments for active living and develop effective strategies to overcome barriers and implement integrated active living across Canberra.

Lessons from the global walkable cities demonstrate the benefits of creating active destinations and high-quality public realm spaces which are integral to creating supportive environments for active living. These spaces are prized in walkable cities.

We also have community facilities providing spaces for residents, workers, students and visitors to meet, participate in activities and programs and for community service provision. Community services include schools, libraries, emergency services, police, healthcare, childcare, aged care, cultural activities and religious services. EPD continues to assess the future demand for community facilities in new development areas and existing areas that may be subject to urban intensification in order to ensure adequate space is planned for those community facilities.

We want to ensure the very best urban environment for our city now and into the future. It is a critical role for government best delivered through careful strategic planning. (*Time expired.*)

**MR COE (Ginninderra) (4.24):** I commend and thank Ms Lawder for bringing to the Assembly this very worthwhile matter of public importance for discussion. The nature of the ACT government is that the territory is responsible for all services from grass

cutting, footpaths, graffiti removal through to emergency departments, schools and the courts. Whilst this broad scope does provide challenges, it should also provide opportunities for efficiency and better alignment with the wishes of the constituents we represent.

We are fortunate in the ACT to have economies of distance and, to an extent, have economies of scale. We do not have thousands of kilometres of road to distant parts of the jurisdiction. We do not have small country hospitals with just a couple of dozen beds. We do not have schools with 15 kids, or police stations with just a couple of officers. We have a city-state, and we should be able to operate efficiently as a result.

In 2011 Dr Allan Hawke AC delivered a report to the ACT government *Governing the city state: one ACT government—one ACT public service*. This review of the operations of the ACT government provides a valuable assessment of the areas that are going well and the areas of government operations that could be done better. Dr Hawke summed up the rationale well in the letter of transmittal. It included:

In making recommendations for improvement and enhancing performance, the Review has concluded the ACTPS is not broken and that there is much to be celebrated in what the ACTPS does on a daily basis.

He continued:

The necessary enhancements to cohesion, coordination and alignment of effort will be supported by the creation of a deliberately powerful centre for the ACTPS which will work with colleagues directly responsible for service delivery to the community to ensure officials' efforts remain focused, and that issues are identified, engaged with, and resolved quickly. This central hub will provide an enhanced capacity to facilitate connections across government in the development of aligned and coordinated government policy, it will provide assurance to Cabinet that its decisions are properly informed and implemented, and, when necessary, will drive policy development on critical issues. Its successful implementation will be dependent on the clear articulation of government priorities, and the ability of officials to work cohesively in genuine collaboration in pursuit of those objectives.

Dr Hawke said:

The opportunities for reform in the ACT included:

...

- rebase the ACTPS;
- remove complexity and inefficiency from its structures and business processes;
- recalibrate the strategic planning and reporting framework; and
- transform how the ACTPS is structured and works together in the future.

Dr Hawke articulated the opportunities for the ACT to develop a better government for Canberrans. Whilst some of his reforms have been implemented, there are

significant opportunities that have only been half done or perhaps totally ignored.

The ACT government has a serious issue with expectations management. Frequently the government overpromises and under-delivers. Whether it is the grand plans for light rail, the city to the lake, the new stadium, the bus stop design for Adelaide Avenue or simply the performance of fix my street, this government is not in touch with reality. For instance, just this week I was contacted by a person who has lodged the same request on fix my street four times over a two-year period to get streetlights working. So it is no wonder that we are sceptical when the minister stands in the Assembly, as he did last week, and tells members of the opposition not to write to him and to simply submit requests on line. Whilst Minister Rattenbury might not like our efforts on behalf of constituents, it is his job, and that is what he signed up to when he became minister, let alone Minister for Territory and Municipal Services.

The opposition has received many complaints from constituents about the mowing schedule and the new arrangements Minister Rattenbury has put in place. In an answer to a question on notice in June, Mr Rattenbury advised that under the new arrangements the mowing currently undertaken by contractors includes arterial road mowing, select suburb mowing in Gungahlin and Belconnen when required and rural roadside mowing and bushfire hazard reduction mowing of the urban edge. This means that the rest of the mowing in Canberra has been brought in-house. I would be keen to hear from the minister the rationale for this decision and what financial and performance improvement this is likely to generate.

Given the fact that the mowing requirements fluctuate with the seasons, I would have thought that it would have been conducive to contractors undertaking the work, but obviously not. Regardless, I hope Mr Rattenbury can explain the reasons for his decisions.

I am definitely not going to say that it is always the government's responsibility to fix every problem. However, when people in Canberra pay the rates, fees, charges and taxes they do, it is reasonable to expect a high level of service delivery. If people are paying for something, they expect value for money. At present, I do not believe Canberrans are getting their money's worth. If the ACT government wants to have a discussion about what is the role of government, community groups and households, then I think we would be happy to have that. But if the ACT government seeks to shift responsibility, they should also reduce the money that they are charging.

One such example is that, a couple of weeks ago, the Crace Community Association undertook a clean-up of rubbish on the public land surrounding the suburb. They asked TAMS for a waiver of the tip costs for the rubbish they collected and TAMS refused. Unfortunately, it took a letter from me to the minister to have this decision overturned, and the association was grateful that the minister's intervention and my letter did, in fact, spark a change of heart from the department. But it was unfortunate that obviously there was not a culture or a policy framework in the department that allowed the department to make that decision in the first place. It perhaps shows there is a need for reform in that department to recognise that community associations do a lot of good work, and we should be doing all we can to encourage that kind of cooperation rather than trying to make it harder.

I did find it curious that Minister Rattenbury linked broken-down buses to climate change and said that we are going to have more buses breaking down as the years go on due to climate change. I would have thought that the reason the buses were breaking down was the maintenance. If it is not due to maintenance, how do they operate buses in Singapore, Hong Kong, Brisbane, Dallas, San Diego or any one of the hundreds of cities around the world that operate buses in the public transport system in far warmer climates than what we have here in the ACT?

The fact is, Minister Rattenbury's highlighting of buses breaking down is a very good matter to raise in this MPI. That is the sort of thing that should be a core business for the government. Rather than hiding behind climate change as a catch-all for all problems that are in the too-hard basket, this government should be trying to work on the fleet of ageing ACTION buses and working on the maintenance schedule of those ACTION buses to stop them breaking down when it gets to 35 degrees. Quite frankly, just about every single year, there are going to be days that are 35, 36, 37 degrees. We should be prepared for it.

It is the same with the mowing schedule. Every single year in October or November it starts to rain, you get more sunshine and the grass grows. Yet every single year it seems a great shock to the ACT government that the grass is growing in spring. It is simply not good enough and the government should be able to predict that kind of season coming on after winter.

I very much commend Ms Lawder for raising this very important matter here in the Assembly. There is so much more that we as an Assembly can do and there is, of course, much more that the government should be doing. Once again, I commend the MPI.

*Discussion concluded.*

## **Mental Health (Treatment and Care) Amendment Bill 2014**

Debate resumed.

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

### **Adjournment**

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

That the Assembly do now adjourn.

### **Lock up your boss—fundraiser**

**MR WALL** (Brindabella) (4.34): After being very enthusiastically nominated by my staff, last Friday I was pleased to take part in the lock up your boss fundraising initiative hosted by 104.7. The fundraiser, which raised an astounding \$66,781.05 for Lifeline, was organised by FM104.7 with the assistance of SERVICE ONE Members

Banking. The aim was for participants to post bail by gathering a minimum of \$1,000 in donations, hopefully within the space of an hour.

I had the dubious honour of being one of the first to be locked up at the bright and early hour of 6.30 am on Friday, during Scotty and Nige's breakfast show. I would like to take this opportunity to thank my fellow inmates—Eoghan O'Byrne from Canberra FM, Peter Carlin from SERVICE ONE, Associate Professor Zsuzsoka Kecskes and Nathan Hayes from Gerald Slaven—for all their fundraising efforts. I have to give a little bit of a ribbon to Eoghan who was slow off the mark in gathering his bail, but he did end up coming good in the final hour of the cause.

Also, a big congratulations to the other bosses who were locked up on the day. They included Steve Waltmann, Michael Linke, Rosa Suraci, Graeme Andrews, Agatha Villano, Julie Heinze, Michael Holyland, Tony Commisso, Jackie McKeowan, Myles Cronin, Brendan Lockton, Rebecca Cormack, Jack Taylor, Peter Carroll, Craig Honeybrook, Michelle Ludeman, Sonja Butcher, Steven Bunday, Tony Watt, Aaron Alexander, Andrew Pike, Kylie Matesa, Alan Reid, Robert Matheson, Albert Dabas, Karen Gilmore and Duncan Sligar. Special mention must also go to Julie Phillips, from Outback Jacks in Belconnen, who spent a good part of the day—on close to five hours, I believe—locked up and managed to up the ante by raising \$5,790. But she was pipped at the post by Michael Houston from the Canberra Motorcycle Centre, who put in a stellar effort, raising \$7,630.

Well done to the team at FM104.7 for a great community initiative that is supporting Lifeline. Also, again, thanks to SERVICE ONE for the support that they offered in managing all the finances. And a big thank you to the sponsors that helped me raise my funds—just over \$1,500—for Lifeline and allowed me to get out early on Friday morning and continue on for a busy day.

### **Children's Week**

**MR DOSZPOT** (Molonglo) (4.36): Around Australia last week we celebrated Children's Week. Since it was first established in 1996, the fourth week in October each year has been set aside to celebrate children. Some parents might well argue that every week and every day is children's week, but for every child that lives in a loving, safe, environment, there are millions around the world that do not. Children's Week celebrates the right of children to enjoy childhood. It is also a time for children to demonstrate their talents, skills and abilities. Its ongoing permanent theme—a caring world shares—is appropriate because the week also celebrated Carers Week.

As Ms Lawder mentioned in her motion last week on Carers Week, there are many children who have forfeited their childhood; they have been forced to become adults as they become carers for their parents or older or younger siblings. We would all wish that this were not so, but the reality is that, even in affluent Australia, many children do not have a happy, secure, fun-filled childhood.

The UN Convention on the Rights of the Child lists 54 particular rights, from a child's right to play and rest to far more detailed and serious issues. Canberra is often

promoted and seen as an affluent community but, as Ms Lawder has told us on many occasions of her experiences with Homelessness Australia, there are young people here in Canberra who for any number of reasons are disengaged from their parents, have no place to call home and have lost their childhood.

Children's Week is a chance for us all to stop, reflect on how lucky we are, how important our children are to us and to recognise that there are many that need our help.

### **Carers ACT**

**MRS JONES** (Molonglo) (4.38): On Wednesday, 8 October 2014 I had the pleasure of attending the Carers ACT launch of their new publication and app, "Navigating the acute mental health system in Canberra: a guide for families and carers", at University House. This guide is a fantastic and in-depth resource to assist clients and carers to navigate the different areas of the mental health system and see how they interact with each other. It is available on both phone and web app.

As shadow minister for mental health, I am really pleased to see initiatives like this to support carers. Carers are quite often family members or close friends of someone with a mental health condition and need to be supported to the maximum that we can. I would like to thank all those in the ACT who are carers of someone with a mental health condition, because it is quite often a thankless and at times quite stressful job.

At the launch I had the pleasure of meeting some particular experts in the field, including Ms Jackie Crowe, national Mental Health Commissioner, who spoke at the event. The event was supported also by the attendance of Dr Peggy Brown, the Director-General of ACT Health, launching the event.

I would like to thank Carers ACT, in particular the CEO, Dee McGrath; president, Richard Bialkowski; treasurer, Bob Cotton; other board members, including Brett Walker, Bridget Larsen, Brian Joyce, Barbara Causon and Antony Stinziani; and the policy officer who spent an entire year of her life putting together this resource. It is a fantastic resource; it supports the work that carers do and helps people to navigate a system which can be quite difficult to navigate at a time in their lives which can be quite difficult to handle. Thanks very much for all the hard work of all the workers and volunteers at Carers ACT.

### **IGA rooftop house**

**MR SMYTH** (Brindabella) (4.40): I rise tonight to inform members about and support the establishment of IGA East Row house. The IGA rooftop house dinner is on this Friday night; it is the first IGA rooftop house gala dinner for 2014. I will just read from their brochure, because it says it all:

This unique IGA Rooftop House program is a program that is much needed by the wider community, a program that will prosper through community, business and government participation, a program that will eventually be supported nationally with an IGA Rooftop House built near every major or regional hospital.

As a new initiative of the Rooftop Foundation—a not for profit charity—the IGA Rooftop House Project relies on fundraising, community partners and the generosity of business and the local community to meet the needs of providing house and support families of individuals from regional areas who are experiencing serious illnesses requiring hospital treatment where accommodation is not available or too expensive to house the entire family where required.

This year's first Ball promises to be an opportunity to raise funds for local people in our community who are doing it tough.

I understand that about 460 tickets have already been taken up for Friday night. It is 6.45 for 7.30 pm. If you have not got something in your diary for this Friday night, it is a great charity.

In particular I would like to commend Javid Osman from the IGA on East Row for all the work that he has done. He has personally taken this on. He has driven it. He has talked to the IGA nationally, and to their supplier, Metcash; he has since got their support, and they are looking forward to supporting it as we progress.

What we need now is for the government to do that. I understand Mr Coe did an introduction to Mr Gentleman, who saw Javid and his crew to discuss the issue. For that I want to thank you both. As a community it is up to us to make sure. It is a particularly harrowing time when someone you love is in hospital; if you are a long way away, it can be very sad and very awkward. This is a local initiative to support locals. It will hopefully go national. I would urge all members of the Assembly and the wider community to support the establishment of IGA East Row house.

### **Highland Gathering 2014**

**MR GENTLEMAN** (Brindabella—Minister for Planning, Minister for Community Services, Minister for Workplace Safety and Industrial Relations, Minister for Children and Young People and Minister for Ageing) (4.42): I rise today to talk about an event I attended on 11 October, the 2014 Highland Gathering at Kambah oval. I was very pleased to be invited to open this national event as the honorary chieftain of the day, and had been looking forward to the event for many months. I am glad to say that, as has been the case in other years, the 2014 games did not disappoint.

Historically, highland games were held within each clan to establish the strongest and most valiant clansman. As head of the clan, the chieftain held the position of honour at the gathering. In keeping with this tradition, highland games today invite a leader in the community to act as honorary chieftain of the day.

The gathering in Canberra is a weekend event comprising the Burns Club Pipe Band and highland dancing championships, which are held at the Kambah oval, and the solo piping and drumming competition, which is held a day later at the War Memorial. Of course, bands come from all over Australia to attend.

As has been the case for the last four years, the gathering included events such as re-enactments of Celtic fighting with claymore swords, Celtic dancing competitions,

stone lifting competitions, Scottish food stalls, and, most importantly, a stall for each clan—perhaps 30 or more—so that visitors could find out information about their family history directly from a clan expert.

Following the gathering a traditional Scottish ceilidh, which is a Gaelic social gathering and includes Gaelic folk music and dancing, was held at the Canberra Burns Club.

This is an important day in the highly packed calendar of multicultural events which occur in the ACT. Migrants have come from all areas, as we know, to settle in Canberra, including large numbers from Scotland. I was able to recount to the group on the day my family's history from Scotland. My great-grandfather came over from Scotland in around 1872, and I have his business card at home. It is a large card and has a drawing of a sulky in the corner. It says, "John Gentleman, wheelwright and coach-builder, shoeing and general forge—reasonable rates." So I got a good response at the gathering.

Canberra is a city rich in multiculturalism, and I am proud of the contribution made by the many migrants to our community. One of the first families to settle in what is now the ACT was the Campbell family, and their patriarch of the time, Robert Campbell. The family were Scottish and employed many other Scots as workers. Robert was a very interesting character who left Scotland for India at the age of 27 and spent the latter part of the 18th century there before sailing to Sydney, where he became a prominent merchant. He was later appointed to the Legislative Council and then acquired land in the Limestone Plains area of the present ACT region.

The land he and his family owned included what is now Duntroon and Duntroon House, which is now the officers mess at RMC, and of course Government House. The suburb of Campbell is consequently named after him. Robert had seven children, three of whom also served on the New South Wales Legislative Council before the creation of the federal territory. The gathering on the day highlighted the importance of our Scottish heritage and prominent Canberrans who have shaped our city today, such as Robert Campbell.

I would like to thank the many people who attended the event, members of the Burns Club, the president of the Canberra Burns Club, Athol Chalmers, and Robert Campbell, who is a direct descendant of the original Robert Campbell, and who, on the day, was able to present the Campbell Cup to the winning band.

### **Vietnam Veterans and Veterans Federation ACT**

**MR COE** (Ginninderra) (4.46): I rise this afternoon to talk about the Vietnam Veterans and Veterans Federation ACT branch. First formed in Australia in 1979, the Vietnam Veterans Association of Australia, as it was then known, began life as a lobby group for Vietnam veterans and their families. In particular, the association fought hard for veterans who had been exposed to agent orange, a herbicide used during the Vietnam War. The association also lobbied hard for veteran compensation and established the Veterans and Veterans Family Counselling Service.



After a period of representing only Vietnam veterans, the organisation expanded to accommodate veterans from all conflicts and peacekeeping missions, as well as serving and ex-serving personnel.

In the ACT the organisation was formed in 1994 and aims to look after the wellbeing of veterans and their families. To achieve this, the organisation runs several programs, including a gardening service for aged veterans and war widows, a weekly walking group meeting every Tuesday which walks around various scenic locations in the ACT, a food van which they use to fundraise for the organisation, a weekly golfing group who tee off each Monday at the Duntroon golf club, and various other leisure activities including a choir, a cooking group, a guitar group, a computer training centre, and a metal and wood workshop.

Perhaps most importantly, the organisation also helps veterans to lodge claims to the Department of Veterans' Affairs in relation to pension and military compensation claims. In this sphere the organisation also provides legal assistance to members at both the Veterans Review Board and the Administrative Appeals Tribunal.

Given the good work of the organisation, I would like to congratulate the current committee. The current committee comprises the president, James Wain; the senior vice president, Ian Thompson; the vice presidents, Danny Burton and Gerry Mapstone; the treasurer, Peter Olson; the secretary, Terry Lawler; and committee members Bob Jones, Len Little, Bob West, John Kearns, John Sainsbury, John Pandovan, Brian Agnew, Geoff Bolwell, Trevor Goodhew, David Tonacia and Rachel Ingram. I would also like to thank the staff of the Vietnam Veterans and Veterans Federation, including the office manager, Karen Toscan, the office assistant, Leanda Mackie, and the general counsel, Fergus Thomson.

I would like to thank Mr Wain for his hospitality when Mr Hanson and I recently visited their facility in Page. The association has established a wonderful facility with very welcome opportunities for the broader veteran community. The opposition supports their concept for further facilities at the site.

I commend the work of the Vietnam Veterans and Veterans Federation ACT to the Assembly. For more information about the federation, including their upcoming events, I encourage all members to visit their website at [www.vvfact.org.au](http://www.vvfact.org.au).

### **Employment—paid domestic violence leave**

**MS BERRY** (Ginninderra) (4.49): It is with great hope that I learned today that the Australian Council of Trade Unions is lodging a claim in the Fair Work Commission to secure 10 days of paid domestic violence leave as a minimum entitlement for all employees. If this is adopted, casual employees will also be eligible for the 10 days leave.

Currently, there are nearly two million Australians who are covered by domestic violence leave, but it would be a wonderful thing if every employee had access to this leave if they were in the unfortunate and very terrible situation of being involved in domestic violence.

Unsurprisingly, but still quite appallingly, the chamber of commerce have come out against the application. They have said on their webpage:

Domestic violence is a delicate issue that requires delicate handling by government.

We need to tackle this issue as a community, not simply by putting new laws in the statute books.

I find that quite incredible. I wonder which community the Australian chamber of commerce is in; perhaps it is not part of this one.

I encourage all members of the Assembly to read Jenna Price's article in the *Canberra Times* where she tells some stories about some people's experiences with domestic violence but also tells some really inspiring stories about women who were assisted by their employer when they were faced with an extremely traumatic situation. Jenna Price, near the end of her article, says:

How remarkable it would be if every single employer in Australia would behave the same way. Wish the ACTU Godspeed as this claim makes its way through the Fair Work Commission award review process.

She ends by saying:

We imagine we don't all experience domestic violence. And it's true, we don't all suffer the bruises. But it affects our neighbours and our colleagues—and so it affects us all.

I encourage everybody to join up to the campaign. They can do that by going onto the website [australianunions.org.au/whiteribbon](http://australianunions.org.au/whiteribbon).

## Indonesia

**DR BOURKE** (Ginninderra) (4.52): I recently had the pleasure of opening the Indonesia Fair and business forum at the National Convention Centre with His Excellency Mr Nadjib Riphat Kesoema, Ambassador of the Republic of Indonesia. It was a fabulous opportunity to explore the rich traditions of Indonesia and for Canberrans to learn of the dynamic business opportunities in Indonesia.

Australia's relationship with Indonesia is one of our most important for so many reasons. It is one of our nearest neighbours. Its rapidly growing economy, serving 245 million people, is among the 20 largest economies in the world. It is a major trading partner of Australia, and its influence is growing internationally. It is the world's largest predominantly Muslim nation, and it is one of the world's largest democracies, as evidenced by last week's swearing in of the new President, Joko Widodo.

President Widodo is Indonesia's seventh President since the Indonesians fought the Dutch to regain their independence after World War II. Notably, this is the first time a directly elected President has handed over power to a successor, and marks a

stabilisation of Indonesian democracy. President Widodo's new ministry, sworn in this week, includes eight women, one of whom, Retno Marsudi, now the foreign minister, was once stationed in Canberra as a diplomat. I am sure all Australians look forward with high hopes for President Widodo's term in office and our countries building on the relationship established during Susilo Bambang Yudhoyono's 10-year presidency.

The warmth of the Indonesian people was obvious at the Indonesia Fair and reflected that Indonesia is already a significant cultural and trading partner with Canberra.

We also have a strong and vibrant Indonesian community of expats, businesspeople, students and embassy staff here in Canberra. They have helped us to build the important relationship with Indonesia locally and kept us aware of the rich diversity of Indonesian culture. We also develop and strengthen our social and economic ties through opportunities such as the trade expo. I look forward to more Canberra entrepreneurs investing in Indonesia and more Indonesian entrepreneurs exploring the opportunities here in Canberra. The displays at the fair showed the diversity of Indonesian arts and craft and manufacturing across the Indonesian provinces and the thousands of islands.

In his inauguration address, President Widodo spoke of the importance of Indonesia's maritime history and rebuilding its maritime trade. One of the very impressive displays at the fair was a massive port development displaying sophisticated engineering and project management skills.

This is an exciting time for the relationship between our two nations, and I hope Canberrans will share in the growth in the relationship socially, culturally and economically.

A recent survey of Australians asked people if they had been to Indonesia. They were then asked if they had been to Bali, and the percentage answering yes increased greatly. About 30 per cent of Australians do not realise that Bali is part of Indonesia. This was commented on at the fair, which aimed at doing its bit to help us realise the diversity of the many provinces of Indonesia and that the country is much more than just Bali, Java or Jakarta.

I thank His Excellency the Ambassador of the Republic of Indonesia for his support for the fair as an important business and cultural collaboration. I thank also the heads of delegations from Indonesian provinces who chose to showcase their country's wonderful attractions here in Canberra. I look forward to the Indonesia Fair becoming an annual event here in Canberra. Terima kasih.

Question resolved in the affirmative.

**The Assembly adjourned at 4.56 pm.**

## Schedule of amendments

### Schedule 1

#### Emergencies Amendment Bill 2014

Amendment moved by the Minister for Police and Emergency Services

**1**

**Clause 9**

**Proposed new section 8A (3)**

**Page 4, line 12—**

*insert*

(3) In this section:

*coordination* of an emergency means the bringing together of the emergency services and other agencies and resources to support the response to the emergency.

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