



# Debates

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Legislative Assembly for the ACT

**EIGHTH ASSEMBLY**

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**Thursday, 19 November 2015**

**MADAM SPEAKER** (Mrs Dunne) took the chair at 10 am and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

### **Housing—public Ministerial statement**

**MR BARR** (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Urban Renewal and Minister for Tourism and Events) (10.01): For the information of members I will make a ministerial statement giving an update on public housing renewal, in response to the resolution of the Assembly of 6 May 2015.

On 6 May the Assembly called on the government to provide an update on the replacement housing for tenants being relocated as part of the public housing renewal program. I am pleased to be able to respond to the motion today. I have previously spoken about the public housing renewal program and the commitment that the government has made to providing new, modern accommodation for nearly 1,300 public housing tenants. We are working to prepare this new public housing as quickly as we can, whilst taking the care that is needed to ensure surrounding communities are given early advice and afforded the opportunity to provide input.

The design and construction of new public housing is progressing well on sites across Canberra. Twenty-five new public housing properties on Clive Steele Avenue in Monash and 20 new public housing properties on Goldstein Crescent, Chisholm are well into construction. Foundations for these homes have been poured and the frames are up on site. The Monash site is close to the Tuggeranong town centre and is on a bus route to several shopping centres and town centres. Whilst the Chisholm site is located on several bus routes, it is within walking distance of the Chisholm shops. These properties are expected to be completed by August 2016.

We have also identified a further 300 sites in Nicholls, Coombs, Amaroo and Moncrieff. The approval of the development application for Nicholls is currently subject to an appeal in the ACAT. I am unable to provide further comment on that site until the matter is resolved, although I understand negotiations are making good progress. It is a good location for public housing, located close to local shops and on a bus route to major town centres.

We are advancing well on other sites. The designs for 126 new public housing properties in Moncrieff have been prepared. The multi-unit sites in that suburb have approved DAs in place and contractors have been engaged. These sites support our goal of ensuring public housing is included in new communities. Construction is expected to get underway by the end of 2015. The DA for 21 dwellings in the Amaroo group centre on Mornington Street has also been approved and the contractors are expected to start working on that site soon. This is another ideal site close to local shops and services. There are also 150 dwellings proposed in Coombs. DAs for all of

the sites in Coombs were recently notified for public comment. The Environment and Planning Directorate is now considering these applications. These sites are close to the future Coombs shops and school and are located near John Gorton Drive and its public transport routes.

In addition to the construction program we are also looking to purchase suitable residential properties from the private sector to support the public housing renewal program. We called for expressions of interest in June and July 2015 and received over 30 proposals ranging from completed properties to undeveloped land awaiting development application.

The task force has evaluated the proposals based on location, design, access to services and transport, and value for money. Seventeen proposals were deemed suitable for further negotiation, with potential for up to 200 dwellings to contribute to the public housing renewal program. We are finalising negotiations with the successful proponents to ensure the properties will be suitable for public housing and will help us in meeting the needs of tenants now and into the future. We have identified more than half of the 1,288 replacement dwellings and we are continuing to negotiate and agree on locations for the remaining dwellings in both new and established areas.

The renewal program, including construction and purchasing, is supporting the government's determination to ensure public housing is more evenly spread across the city. This breaks down concentrations of disadvantage and gives tenants opportunities to make a positive contribution and to share in the benefits of local communities. The properties that will be delivered from this process will also improve outcomes for tenants by providing more modern and energy efficient accommodation. Through the expression of interest and by engaging local contractors, we are providing strong support to the construction industry and our local economy.

We have been open and transparent about the public housing renewal program. When we have identified sites and are satisfied that they meet the requirements for public housing we have engaged with local communities and sought their input.

Representatives of the task force have attended more than 10 different community council meetings and other resident group meetings since March this year. Importantly, there are also regular updates to the task force website, along with notices and newsletters to the surrounding areas. There have been numerous local meetings with schools and churches, and we are working to achieve the best outcome for all involved. It is heartening to hear that, despite some resistance in some sections of the community earlier in the year, public housing is now being welcomed into communities. This tells me, Madam Speaker, that we really are an inclusive city.

Eligible tenants and applications from across Canberra will be considered for places in this new accommodation based on their needs and the availability of suitable public housing. It will not be limited to tenants relocating from Northbourne Avenue or other multi-unit properties, although these tenants will be given first consideration.

All tenants being relocated as part of the public housing renewal program are asked to identify their support needs and relocation preferences prior to moving home. The ACT government is working with community-based service providers to ensure ongoing support and assistance for public housing tenants during the relocation. This includes providing financial assistance for relocation costs as well as individual support plans for each tenant to manage their transition as they move home. I have been pleased with the feedback we have already received from a number of tenants who are satisfied that their needs and concerns have been heard and are looking forward to moving into new properties.

I am pleased to provide this update to the Assembly on the public housing renewal program and the ways in which it is improving outcomes for tenants, supporting the local economy and renewing our urban areas. I present a copy of the statement:

Public housing renewal—Update—Ministerial statement, 19 November 2015.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

## **Education—special needs**

### **Ministerial statement**

**MS BURCH** (Brindabella—Minister for Education and Training, Minister for Police and Emergency Services, Minister for Disability, Minister for Racing and Gaming and Minister for the Arts) (10.07): For the information of members I make the following ministerial statement on the expert panel on students with complex needs and challenging behaviour.

Madam Speaker, thank you for the opportunity to talk to the Assembly today. Today I will table the *Schools for all children and young people* report—the expert panel’s review of students with complex needs and challenging behaviour in schools, and the ACT government’s response to the expert panel’s findings.

The expert panel was announced in April 2015 to review policy and practice across ACT schools for supporting and teaching students with complex needs and challenging behaviours, including the use of withdrawal space. The highly respected and qualified panel—chaired by Professor Tony Shaddock and with Dr Sue Packer and Mr Alasdair Roy—have undertaken a thorough review. Each member has extensive experience working with families, children and young people, and a longstanding connection with the ACT community.

In addition the panel was assisted by specialist consultants and a small team of individuals with experience and skills in school education, school leadership, children’s welfare and the law. They reviewed contemporary best practice across jurisdictions. The expert panel’s “critical friends” who provided advice and support are recognised research experts from across Australia.

Today is another opportunity to thank Tony, Sue, Alasdair and the team for their hard work to produce this report. Through its extensive community consultation, the expert panel conducted focus groups involving more than 200 students, received 156 submissions, collected information through 30 student interviews and had more than 1,200 surveys completed. I gratefully acknowledge the Canberra community, the schools, the teachers, community organisations, individuals, and students and their families for participating in this consultation. It allows us to hear their voices.

The expert panel review provides an opportunity for us to pause and consider how we respond to the needs of students with complex needs and challenging behaviours, their families and their support networks, including their schools. The panel recognised that the ACT has a strong school system and achieves outstanding results on many measures. The review rightly draws attention to the commitment, expertise and good practice that are evident in many schools. We can and will build on these strong foundations through acknowledging and accepting opportunities to improve, and taking a positive future focus that continues to place students at the centre.

The panel recognised the positive work of schools, school leaders and teachers and the challenge faced by schools in supporting students with complex and challenging behaviours. The ACT government currently invests approximately \$70 million in supporting students and teachers in meeting this challenge. The panel recognised that this is a challenge faced by all schools across all jurisdictions, not just in the ACT. The recommendations outline supports needed for families, schools, teachers and school leaders to ensure that they are well supported in continuing to provide a quality, inclusive education for all students.

Our response to the expert panel's findings identifies forward-thinking initiatives to better support a broad range of services and activities already being undertaken in schools across the territory. This commitment will strengthen the capability of school systems, schools, teachers and support staff to draw on existing frameworks so that they can respond to students effectively.

The government will act on all of the recommendations made by the panel. We will also invest over \$7 million this year to make changes for a better future. For students, we will be funding innovative approaches to support students with complex needs. This will provide an opportunity for primary schools to explore and share initiatives that provide students with appropriate behaviour support within mainstream settings. A new grants program to support the development of safe sensory places in schools will meet the needs of students with complex needs and challenging behaviours. This program will support schools in planning and delivery of contemporary safe spaces. A cross-sectoral roundtable will be held during youth week next year to provide an opportunity for schools to meaningfully engage with students and give students a voice on this issue.

For teachers and staff, there will be targeted professional learning and stronger supervision and support for teachers and staff working with students with complex needs. I have announced scholarships for learning about complex needs and new professional learning opportunities in partnership with universities. There will also be



development of new policy regarding restrictive practices in schools. Everyone will have clear information about how, when and why these practices will be used. Education and Training will support the development and implementation of the positive behaviour support program in all schools. A program of professional learning and mentoring-coaching to support schools to implement this highly regarded program will be developed next year. Education and Training will support opportunities for school leaders to increase awareness and expertise by visiting best practice schools and promoting the expertise of executive teachers through interschool knowledge exchange.

For families and communities, we will undertake a comprehensive review of SCAN—the student appraisal of need tool—and disability funding in relation to future vision of a funding model for disability in schools. Acknowledging the significant role of families and parents, a further \$50,000 will go towards supplying materials supporting parental engagement. This will support the engagement of parents with students with complex needs and challenging behaviours.

In line with the final recommendation in the expert panel's report, an appropriately skilled oversight group will be established to oversight ACT school systems' implementation of these recommendations. I expect that this oversight group will report each three months for a 12-month period before considering their ongoing role.

These projects will build on our reform agenda by encouraging supports and structures that meet the needs of students and staff, an increased investment in teachers and quality teaching practice, greater connection of schools to their communities, environments that facilitate good outcomes, more accessible best practice policies and consistent implementation, and accountable and open communication.

Our schools are environments in which students, staff, families and the community can engage and be enriched. We have great schools here in the ACT. The foundation is there, but we want to build on this and strive to achieve more. This will involve work from all school sectors in Canberra. Collaboration between the sectors and with services will provide best practice and support for our students.

All schools are different and there will be a need to be flexible in the way we implement this change. However, the expectations and the intent remain the same across all school sectors. There are always new ways of doing things and we need to take advantage of innovation to ensure that we can improve our services. We will continue to work towards improvements and reform on every measure—across learning, teaching, evaluation, innovation and supporting our students and teachers.

Yesterday this report and the government response were released publicly. I have written to the Standing Committee on Education, Training and Youth Affairs, providing a copy for their consideration.

In closing I want to thank the expert panel and their “critical friends”. I also thank the schools and their leadership across the independent schools network and the Catholic education system for their absolute commitment and willingness to stand as one as we

as a schools sector better support our schools and students across all of our schools in the ACT.

I present the following papers:

Students with Complex Needs and Challenging Behaviour—Report of the Expert Panel—

Ministerial statement, 19 November 2015.

Schools for all children & young people—Report of the Expert Panel, dated November 2015.

Government response to the report of the Expert Panel, pursuant to the resolution of the Assembly of 16 September 2015.

I move:

That the Assembly take note of the papers.

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

## **Powers of Attorney Amendment Bill 2015**

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

Title read by Clerk.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for the Environment and Minister for Capital Metro) (10.17): I move:

That this bill be agreed to in principle.

I am pleased to present the Powers of Attorney Amendment Bill today. This bill removes barriers that prevent people with impaired decision-making capacity from participating in medical research. This will give these people the opportunity to receive beneficial treatment not otherwise available to them. It will also assist health researchers to develop innovative treatments. This is particularly significant in conditions such as dementia, where the majority of participants are likely to have impaired capacity to consent.

This bill proposes amendments to the Powers of Attorney Act 2006, the Guardianship and Management of Property Act 1991 and the Medical Treatment (Health Directions) Act 2006. In addition to removing barriers to participation in medical research for people with impaired decision-making capacity, the bill introduces safeguards to be followed by all substitute decision-makers when making medical research decisions. The bill also makes the decision-making process for medical research matters consistent between guardians and enduring attorneys.

The amendments to the Powers of Attorney Act allow enduring attorneys, like guardians, to make decisions about medical research. The bill does this by allowing a person to authorise their enduring attorney to make decisions about medical research matters. If the power of attorney is made prior to these amendments, and the enduring attorney is authorised to make decisions about healthcare matters, the bill allows the enduring attorney to also make medical research decisions. This is aimed at providing recognition and equality before the law to all people with impaired decision-making capacity regardless of whether they appoint an enduring attorney to make medical research decisions on their behalf.

In order to protect the rights of people with impaired capacity to consent, the bill introduces safeguards into the Powers of Attorney Act and the Guardianship and Management of Property Act. These safeguards must be followed by guardians and enduring attorneys when making decisions about medical research. They require, for example, the medical research to be approved by a human research ethics committee and the potential benefit to outweigh the risk or inconvenience to the patient or the patient's quality of life. In addition, the decision-maker must not consent if the patient is likely to regain capacity before the latest time at which the patient may meaningfully participate in the research. This is intended to provide the maximum opportunity for the patient to regain capacity if possible, while taking into account any critical timing for the research.

To assist the substitute decision-maker with this process, the bill includes a mechanism for the enduring attorney or guardian to seek the assistance of the ACT Civil and Administrative Tribunal. An interested person, such as a relative or close friend of the patient, may also apply to the tribunal for a review of a decision about medical research.

To clarify the position in relation to medical research decisions made by a third class of substitute decision-maker—that is, health attorneys—I am proposing further amendments to the Guardianship and Management of Property Act in this bill. Health attorneys are close relatives or friends of a patient appointed by a doctor to make relatively urgent medical decisions in the absence of a formally appointed decision-maker. The bill clarifies that health attorneys are not able to make decisions about medical research unless the research is low risk.

Low risk research poses no foreseeable risk of harm to the patient and does not change the treatment appropriate for the patient's condition. As is the case for medical research decisions made by guardians and enduring attorneys, the bill introduces safeguards to protect the patient's rights in the context of low risk research decisions made by health attorneys. The research must be approved by a human research ethics committee and the decision must be compatible with the patient's wishes.

The bill requires all substitute decision-makers to give effect to the patient's wishes when considering whether to consent to the patient's participation in medical research. This may involve considering a health direction stating the patient's wishes to withdraw from or refuse a particular type of medical treatment, or medical treatment generally.

In this bill I am also proposing amendments to the Medical Treatment (Health Directions) Act to require all substitute decision-makers, where appropriate, to follow health directions when making decisions about medical treatment. This amendment recognises and protects the rights of people who do not wish to participate in particular types of medical treatment, including medical research.

The bill is the result of significant collaboration between the ACT government, the medical profession and advocacy groups. I am confident that the bill strikes an appropriate balance between removing barriers to participation in medical research and protecting a person's right to not be involved in medical research.

It does this by: one, providing a mechanism for people to decide whether they wish to be involved in medical research before they become incapacitated; two, authorising enduring attorneys to make decisions about medical research if the power of attorney was made before these amendments; three, introducing safeguards to protect the rights of a person being considered as a participant in medical research; and four, providing avenues for the tribunal to assist the decision-maker and to review a decision about medical research.

As a package, these amendments will benefit the health and wellbeing of our population and make an important contribution to the valuable work already being done in the territory's medical institutions. I commend the bill to the Assembly.

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

## **Protection of Rights (Services) Legislation Amendment Bill 2015**

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

Title read by Clerk.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for the Environment and Minister for Capital Metro) (10.24): I move:

That this bill be agreed to in principle.

I am pleased to introduce to the Assembly today the Protection of Rights (Services) Amendment Bill 2015. This bill contains amendments to rights protection legislation necessary to give effect to a new framework for rights protection in the ACT comprising a restructured Human Rights Commission and a Public Trustee and Guardian office. The changes proposed for the new Human Rights Commission and an expanded Office of the Public Trustee and Guardian will support a more cohesive vision, voice and mechanism for rights protection in the ACT. I will briefly cover the background for the work leading up to the design of this new model and the consultation process that has been undertaken, and then cover the main aspects of the bill.

The government has been engaging with justice-related statutory oversight bodies within the Justice and Community Safety Directorate to ensure that the territory has the best possible rights protection arrangements and that the maximum amount of resources is directed towards front-line rights protection and service delivery rather than to administrative costs.

This review was not about finding savings or taking funding away from these important services. Instead, it was about thinking strategically about ways to improve the capacity of these offices to deliver accessible and coordinated services. The changes in this bill are about better focusing existing resources to meet the needs of the client group and ensuring the most effective delivery of rights assistance and advocacy in what remains a constrained budget environment.

In April this year, the government released a discussion paper that set out a detailed model for a new Human Rights Commission, including the functions of the Public Advocate and the Victims of Crime Commissioner and an expanded Public Trustee. This followed discussions with the office holders themselves and was originally based on an independent review by a private consulting firm, the Nous group.

The government carefully considered the 43 submissions received from the commissioners, agency staff, community organisations and the community itself before deciding to move forward with this bill. All of the submissions, except those that have been provided in confidence, are available on the Justice and Community Safety Directorate website. Many stakeholders noted that the review presented a real opportunity for improving the services provided by the statutory offices.

Stakeholders who were supportive of changes to the current structure identified a number of issues with the existing one, including tensions within the commission in relation to the allocation of resources; complicated decision-making processes; difficulties for clients and legal representatives in accessing complaints services because of inconsistent processes between the complaints handling jurisdictions; and a lack of balance between complaints handling and individual and systemic advocacy.

Other stakeholders supported the existing operations of the commission and raised issues with the model proposed in the discussion paper, including that designated commissioners with specific titles and functions are essential; that the model did not adequately address the risk of actual or perceived conflict; and that the model did not maintain the independence of the commission. These concerns have been addressed by the government in the model set out in this bill, which, based on the feedback, maintains those commissioners' titles and incorporates modified governance arrangements to reduce conflict and promote independence.

Turning to the provisions of the bill itself, the new commission will bring together three key agencies: the Human Rights Commission, the Victims of Crime Commissioner and the advocacy functions of the Public Advocate. A key feature of the new commission will be the establishment of the position of the President of the Human Rights Commission, together with three specialist commissioners.

The second major aspect of the bill is the merger of the guardianship section of the Public Advocate and the Office of the Public Trustee. The bill amends the Human Rights Commission Act 2005 to establish these new positions, redistribute functions within the commission and introduce a number of new mechanisms to support the improved governance, strategic planning and coordination of the commission's service oversight and advocacy functions.

Turning to the functions of the president of the commission, who will also be the human rights commissioner, the president will have a wide range of functions designed to facilitate the effective and efficient leadership of the commission and the discharge of its functions. The president will also have the power to exercise any function of any other commissioner under the Human Rights Commission Act or any other territory law. This will empower the president to provide agile and flexible leadership of the commission, assist the commission to build its depth of corporate knowledge, and maximise its ability to deliver reliable, timely and effective services that are responsive to the needs of the people they seek to advocate and represent. The intention is to place the president in the position of having the necessary powers to lead the commission and the authority to assist commissioners to perform their functions if necessary. It will also enable the president to manage situations where commissioners are not in agreement or are otherwise conflicted.

Importantly, the president will not, however, have power to review the decisions of the commissioners in relation to individual complaints or advocacy decisions. It would seriously diminish the independence of a statutory office if their decisions were open to review by other independent statutory office holders.

The presidential role, though, is not only administrative. They will be responsible for the high-level and strategic governance functions of the commission. This will include responsibility for the coordination of reports under various reporting powers contained in the Human Rights Commission Act. The aim of this function is to improve the strategic planning, cohesiveness and public profile of systemic advocacy work undertaken by the commission. The president will also have a general function of reporting in writing to the minister on systemic matters.

These amendments also clarify that the president is responsible for the delivery of key law reform and systemic advocacy work where it affects the commission generally or is produced for the commission as a whole and results in a formal written report to the minister. This high-level strategic and direction-setting advocacy is not intended to prevent the individual commissioners undertaking systemic work in their areas of responsibility. Better coordination of systemic work will address recommendations of the Standing Committee on Public Accounts that the systemic advocacy processes of the commission and Public Advocate be improved, recommendations contained in the committee's *Review of Auditor-General's report No. 1 of 2013: Care and protection system*, tabled in the Assembly in September this year.

The bill will require the president to deliver three key documents which will form a solid foundation for the efficient and effective operation of the Human Rights Commission. Firstly, the president will be required to develop a corporate support and

governance protocol in consultation with the Director-General of the Justice and Community Safety Directorate as the Human Rights Commission's host agency. This protocol, which must be published on the commission's website, will set the ground rules for the relationship between the agencies. It will include a three-year strategic plan, the processes for allocating funding within the commission, a budget for each commissioner, performance criteria to be met by the commission, financial and performance reporting, and processes for requesting funding from government.

Second, the president will be required to develop, after consultation with the community, a client services charter to formalise the relationship between the Human Rights Commission and the community. Advocacy groups in our community have important ties to the commission's work, and the relationship between the designated commissioners and their constituents supports and informs the important systemic advocacy and reform work that the commission delivers. This document therefore will provide a public statement of the services the community can expect from the commission and how they will be delivered.

Finally, the president will be required to develop an operations protocol in consultation with the other commissioners that will set up key internal processes to underpin collegiate and coherent performance of the functions of the commission. This will allow the commission to determine its own processes for the effective performance of its functions. As with the corporate and governance protocol, the commission will be required to publish its operations protocol on its website to ensure accountability and accessibility.

The bill therefore establishes simplified, consolidated appointment and delegation provisions that will also support the inclusion of the Victims of Crime Commissioner and Public Advocate in the commission.

The Public Advocate, who will also be appointed as the Children & Young People Commissioner, will perform a range of advocacy functions reflecting those currently contained in sections 11 and 12 of the Public Advocate Act 2005, which will be repealed by this bill. Advocacy functions of the Public Advocate relate to the advocacy of the rights of people with a disability and children and young people, including advocacy through the promotion of the provision of support, facilities, programs and services. The Victims of Crime Commissioner will exercise functions in relation to services for victims of crime and under the Domestic Violence Agencies Act 1986 as the domestic violence project coordinator, Victims of Crime Act 1994 and Victims of Crime (Financial Assistance) Act 1983.

The bill moves responsibility for handling complaints to the Disability & Community Services Commissioner, who will also be the Discrimination Commissioner and the Health Services Commissioner. This includes responsibility for handling children and young people complaints, complaints about matters in relation to which the Public Advocate and Victims of Crime Commissioner have functions, complaints about non-compliance with the victims of crime governing principles, and complaints about the actions of a guardian or manager. The operation protocol will cover the processes for handling and referring of complaints.

Consolidating the complaints handling function under one commissioner will allow for better case management and will remove confusion and the experience of “red tape” that clients have experienced. While there may be a single intake process for complaints determined by the commissioner, there will not necessarily be a specific single entry point for all inquiries or approaches to the commission generally. This is because of the need to provide appropriate pathways for clients of the Public Advocate separate from victims of crime and separate from children and young people. This might involve separate entrances for different services, or direct phone numbers for specific clients. This will be a matter for the president and commissioners, depending on how they allocate staff between the specific areas of the commission.

The bill establishes a new consolidated Office of the Public Trustee and Guardian, headed by a Public Trustee and Guardian who will be a public servant. In addition to the Public Trustee’s existing functions, the new Public Trustee and Guardian will have the guardianship functions in the Public Advocate Act, including acting in the capacity of a guardian or manager of last resort for a person with impaired decision-making capacity.

That office will be responsible for representing people with a disability at hearings before the ACAT in relation to guardianship applications, representing forensic patients before the ACAT or a court, and promoting community discussion and providing community education and information about the functions of the ACAT under the Guardianship and Management of Property Act 1991. The bill will also make provision for the appointment of a Deputy Public Trustee and Guardian. A Deputy Public Trustee and Guardian could be appointed to make decisions where the Public Trustee and Guardian identifies a real or perceived conflict of interest.

The legislation also contains the safeguard that the function of acting as a guardian or manager for a person under appointment by the ACAT or applying to the ACAT for the appointment of a suitable guardian or manager can only be delegated to a Deputy Public Trustee and Guardian. This restriction replicates the existing provisions in the Public Advocate Act, and recognises the sensitive nature of a guardian’s or manager’s role and the high level of authority and responsibility this gives a guardian or manager over the life of a person under a guardianship or management order. It also recognises that the person under the guardianship or management order is likely to be vulnerable and reliant on the best interest decision-making of the guardian or manager.

Establishing a new Office of the Public Trustee and Guardian will signal that financial imperatives will not take precedence in the operations of the new office. The new agency will be required to give equal consideration to both personal and financial management.

Some concerns have been raised that bringing guardianship and financial management functions into the same office will result in a conflict of interest. The government does not agree with this view. Both guardians and trustees operate in similar circumstances and for similar purposes. They both make decisions for people with impaired decision-making in accordance with the decision-making principles in section 4 of the Guardianship and Management of Property Act 1991.



Both guardians and managers work to promote the wishes and interests of their client, including personal protection, community involvement, and their financial interests. Financial imperatives will not trump other considerations in a Public Trustee and Guardian office, which will have the same functions as those performed by the Guardianship Unit currently.

There have also been concerns raised that fees could be charged for the administration of guardianship orders. It is the case that there is a power for the government to set fees for the provision of guardianship services by disallowable instrument made under the Guardianship and Management of Property Act. However, historically fees have never been charged and the government has no plans to make a change to allow fees to be charged.

Safeguards will be maintained in the consolidated office. The Public Advocate performing advocacy functions in the Human Rights Commission has the ability to inspect the books and records of the Public Trustee and Guardian and other guardians and financial managers. And, as I have said earlier, the Disability and Community Services Commissioner will be able to handle complaints about the actions and decisions of the Public Trustee and Guardian, and the Public Advocate will be well placed to advocate for the interests and rights of people with impaired decision-making capacity who are under guardianship orders.

Although the approaches to dealing with the clients may differ, a new Office of the Public Trustee and Guardian headed by a statutory Public Trustee and Guardian will provide a more accessible service and bring a wider perspective and range of skills and experience to the protection of the best interests of clients. A consolidated Public Trustee and Guardian office will deliver a joined up service to clients and bring a wider range of experienced staff with expert personal guardianship and financial management skills together to act for Canberrans with impaired decision-making capacity.

This bill provides the flexibility for the agencies to develop their own practices and systems. Implementation of the new model established by the bill will take place over the coming months to meet the proposed 1 April 2016 commencement date for this legislation.

Subject to the processes that will need to be developed by the statutory office holders in conjunction with their staff, the government will continue to consult with staff about the implementation of the new structures. A workplace consultative committee for employees and statutory office agencies has been established and has held its first meeting with a representative from the Community and Public Sector Union present.

The government is mindful of the need to implement the changes promptly to minimise disruption to staff and any community uncertainty about access to services. The Justice and Community Safety Directorate has engaged a specialist change manager to manage the consultation with staff and the implementation process.

In summary, the changes to this bill to restructure and expand the Human Rights Commission and to merge the Guardianship Unit with the Public Trustee in a consolidated Public Trustee and Guardian office will improve the protection of human rights through streamlined governance arrangements and better coordination of processes for handling complaints, conducting investigations into systemic matters affecting rights and raising awareness of rights in our community. I commend the bill to the Assembly.

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

## **Terrorism (Extraordinary Temporary Powers) Amendment Bill 2015**

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

Title read by Clerk.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for the Environment and Minister for Capital Metro) (10.44): I move:

That this bill be agreed to in principle.

Today I would like to begin my remarks for this bill by acknowledging the tragic events in Paris last Friday. As all other Australians, I am shocked and heavy-hearted at these barbaric attacks on basic human freedoms and liberties. Our sympathies, I know, are with the people of France and all who face the horrors of violent extremism.

Today I am presenting the Terrorism (Extraordinary Temporary Powers) Amendment Bill 2015. The purpose of this bill is to extend the operation of the Terrorism (Extraordinary Temporary Powers) Act 2006 for a further five years. The act authorises the use of preventative detention orders to prevent and respond to terrorist acts in the ACT.

I am also tabling a review of the operation and effectiveness of the act, as required under section 100:

Terrorism (Extraordinary Temporary Powers Act, pursuant to section 100(b)—*Terrorism (Extraordinary Temporary Powers Act 2006—Review*, dated October 2015.

The review found that as a result of a number of national and multilateral reviews, including the COAG counter terrorism review and the Martin Place siege review as well as the current security environment, it is appropriate and necessary to extend the operation of the act. To safeguard the relevance and currency of the legislation, the bill also requires a further review of the act in a further five years.

While there has been no need to use preventative detention orders in the territory to date, the terrorism climate in Australia and overseas is clearly of significant concern.

Islamic State poses a growing global threat in its demand that Muslims across the world swear allegiance to its radical and extremist views. We have recently seen a number of Australians leave our shores to fight with Islamic State overseas, predominantly in Syria. The Australian government has increased safeguards to prevent these people from travelling overseas and preventing them from returning to Australia to further influence and radicalise impressionable and vulnerable members of our community.

“Lone actor” attacks are also of significant concern in Australia. In 2014 two police officers were stabbed in Melbourne by 18-year-old Numan Haider before he was shot and killed by police. Shortly before last Christmas, Man Monis took hostages in a siege at Sydney’s Martin Place which lasted 17 hours and led to his death and the deaths of two hostages. In April this year British police arrested a teenage boy from northern England in connection with an alleged plot to target an Anzac memorial event in Australia. The same alleged plot led to the arrest of five teenagers in Melbourne for conspiring to commit a terrorist act.

While we need to address these threats, our responses must remain rational and proportionate. Referring to the events in France, Prime Minister Turnbull confirmed that security agencies do not believe there is any evidence at the moment to increase the alert level in Australia. Mr Turnbull said:

...we have the finest security agencies in the world. We have a government that is utterly committed to protecting the safety of Australians at home and so far as we can abroad.

The objective of this act, therefore, is to provide law enforcement agencies with extraordinary legal powers to respond where there is evidence that a terrorist act is imminent, or where an act has already occurred. This power is given to law enforcement agencies in two ways. The first is by the issue of a preventative detention order, which allows a person to be taken into custody if the court is satisfied that a terrorist act is happening or will happen in the following 14 days and the authorisation will assist in preventing or reducing the impact of the terrorist act. Under a preventative detention order, a person may be detained for up to 14 days.

The second way is under an investigative authorisation, which lasts for up to 28 days and permits police to exercise special powers that would substantially assist in apprehending a terrorist suspect, investigating a terrorist act or reducing its impact. Special powers include searching a person, place or vehicle that is named or related to someone or something named in the authorisation.

Preventative detention orders and investigative authorisations must be made by either the Magistrates Court or the Supreme Court providing an additional layer of oversight and accountability. This legislation forms part of Australia’s national counter-terrorism scheme, which is underpinned by Australia’s national counter-terrorism strategy. The strategy’s focus includes challenging violent extremist ideologies and stopping people from becoming terrorists, with equal attention to disrupting and preventing terrorist activity within Australia and responding and recovering effectively.

Our freedoms should not be held to ransom by those who express their extremist views through violence or through incitement to violence. But legislation alone is not the answer. A holistic approach, with strong community involvement, is necessary to identify and address issues that lead to the radicalisation of young people. Care and protection mechanisms to monitor, supervise and support children and young people who show a propensity towards radicalisation or engaging in violent activities by professing extremist and radicalised views are useful and appropriate measures that rely on the government working in partnership with family and community. The ACT is investing in community-based approaches and programs to counter violent extremist and other early intervention strategies. It is critical that we tackle radicalisation at its roots before it takes hold and leads to attacks against innocent civilians.

This bill engages a number of human rights. The limitations to those rights are proportionate and justified in the circumstances requiring their use and are the least restrictive means available to protect community safety. Preventative detention orders are a last resort. Our human rights law provides that everyone has the right to move freely within the ACT, to enter and leave it and the freedom to choose his or her residence. The right to freedom of movement is linked to the right to liberty: a person's movement across borders should not be unreasonably limited by the state. It also encompasses freedom from procedural impediments, such as unreasonable restrictions on accessing public places.

Preventative detention orders limit the right to freedom of movement. However it is recognised by the International Covenant on Civil and Political Rights that this right is not absolute and that:

... the rights to liberty and freedom of movement shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order, public health or morals or the rights or freedoms of others.

The Human Rights Act also provides that everyone has the right to liberty and security of person. In particular, no-one may be arbitrarily arrested or detained except on the grounds and in accordance with the procedures established by law. This prohibition against arbitrary detention requires that the state should not deprive a person of their liberty except in accordance with law and that the law and the enforcement of it must not be arbitrary under human rights law.

In addition to being lawful, any detention must also be reasonable, necessary and proportionate in all the circumstances. This is addressed in this act through the prescribed application process, procedural and representational rights for people subject to an application and the requirement that authorisations for preventative detention orders must be made by either the Magistrates Court or the Supreme Court. The act also requires that a person who is taken into custody, or detained, is treated with humanity and respect for human dignity and is not subjected to cruel, inhuman or degrading treatment.

The explanatory statement analyses the human rights issues in detail, and I would encourage all members to consider it closely along with the bill itself. I commend the bill to the Assembly.

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

## **Crimes (Sentencing and Restorative Justice) Amendment Bill 2015**

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

Title read by Clerk.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for the Environment and Minister for Capital Metro) (10.54): I move:

That this bill be agreed to in principle.

I am pleased to present the Crimes (Sentencing and Restorative Justice) Amendment Bill 2015 today. This bill has two purposes. First, it will introduce a new community-based sentencing option into the territory's sentencing framework. And second, it will allow the restorative justice program to be expanded in a further two stages.

The new sentence, which will be called an intensive correction order, has been formulated through a process of consultation and research as part of the government's work on a justice reform strategy. In its first year this strategy has focused on the move away from periodic detention as a sentencing option and the development of a new sentence.

The move away from periodic detention was started by the Crimes (Sentencing) Amendment Act 2014 which commenced in December last year. The act limited the courts' ability to impose a sentence of periodic detention in preparation for the introduction of the new sentence. This bill, in introducing that new sentence, is a significant milestone in the work of the justice reform strategy.

The new intensive correction order has been developed with the assistance of the advisory group for the justice reform strategy. The group, made up of academics, the legal profession and representatives from both key government directorates and groups with an interest in the justice system, has provided invaluable knowledge and expertise. I take this opportunity to thank members of the advisory group for their contributions to the work of the strategy to date and for their work in informing the development of this bill.

The approach to create the new order involved academic research, research undertaken by the Justice and Community Safety Directorate and a workshop looking at intensive correction orders. This was then used by the advisory group to formulate advice to the government. The government also carefully considered the evidence

given to the Standing Committee on Justice and Community Safety inquiry into sentencing and the recommendations of the committee's report.

As might be expected from such a wide range of individuals and organisations, agreement could not be reached by the advisory group on every aspect of the new sentence. But I think it is fair to say that discussions were both open and productive. Listening to the views and perspectives of the advisory group members has been enormously informative and important to the formulation of the new sentence. In developing the new intensive correction order the government has sought to reflect where there was consensus and find the right course where there was not.

I now outline the main features of the new sentence contained in the bill. The intensive correction order is, by nature, a sentence of imprisonment. On the proviso that the offender complies with the conditions of the intensive correction order, they will be permitted to serve that sentence in the community. This means the new order sits in the sentencing framework immediately below a sentence of imprisonment being served by way of full-time detention.

It follows from this that an intensive correction order can only be imposed in respect of an offence which is punishable by imprisonment. However, there is no further restriction on the type of offence which is eligible for the order. This is because the sentencing court is itself best placed to weigh up the myriad of factors relevant to sentencing in respect of both the offence and the offender. The offender must, however, be an adult to receive an intensive correction order. The order will not be available to young offenders in light of the different considerations that apply when sentencing children and young people.

The length of the term of imprisonment that may be the subject of an intensive correction order is limited, generally to two years. This limitation is intended to ensure that offences at the more serious level, or a combination of offences which would justify a longer sentence of imprisonment, would not ordinarily be eligible for an intensive correction order. Those offences would, and indeed should, usually attract an immediate term of imprisonment in full-time detention.

However, in certain circumstances a court will be able to allow a term of imprisonment to be served by way of intensive correction order when the sentence is up to four years in length. This recognises that a two-year maximum may not be appropriate in all circumstances and provides a degree of flexibility to the sentencing court. The court is required to take into account the harm caused to the victim and the community, whether the offender poses a risk to one or more people and the offender's degree of culpability for the offence. These factors, taken together, ensure that a four-year intensive correction order will not be a common occurrence but will be reserved for those rare cases where all the circumstances make it appropriate.

The decision as to whether an intensive correction order should be imposed is one that will be a two-stage process. The first stage will require the court to decide that a term of imprisonment is the only appropriate sentence, having considered the other available penalties, and the length of that term of imprisonment. Only then may the court move to the second stage. This will require the court to obtain and have regard

to an assessment undertaken by ACT Corrective Services, which will be specific to an intensive correction order. This intensive correction assessment will involve a report for the court which will explore, in greater depth than an ordinary pre-sentence report, a wide range of relevant factors designed to gauge an offender's suitability and commitment to an intensive correction order.

An offender will have to comply with obligations imposed as part of the intensive correction order. A set of core conditions will apply to every intensive correction order. The core conditions alone are demanding and every offender will be subject to the supervision of ACT Corrective Services. The court will also be able to select further conditions to add to the order as appropriate.

In the event a court decides that an intensive correction order is an appropriate way of serving a sentence of imprisonment, the offender must give informed consent before the sentence can be imposed. An intensive correction order will impose a significant degree of personal responsibility on an offender and it is important that an offender should understand and accept that level of responsibility. This is particularly important given the serious consequences of breaching the intensive correction order.

The breach process is a significant change of approach for the territory and has been developed with the key principles of "swift, certain and proportionate" in mind, particularly in relation to breaches of conditions. The swift, certain but proportionate approach was highlighted in the review of intensive supervision orders in overseas jurisdictions undertaken on behalf of the Justice and Community Safety Directorate by the University of Canberra.

The approach was pioneered by Judge Steven Alm in Hawaii and has been adopted in other United States jurisdictions as well as jurisdictions in other parts of the world, due to its reported success in reducing the rates of recidivism. The breach process for the intensive correction order seeks to draw on the approach of Hawaii's opportunity probation with enforcement program, known as the HOPE program, to provide a robust enforcement scheme.

An alleged breach of either core or additional conditions of an intensive correction order will be heard by the Sentence Administration Board as soon possible. The consequences of breach include a short suspension of the intensive correction order which means the offender will spend the period of suspension in full-time detention as a reminder of their obligations. A breach may also lead to cancellation of the intensive correction order and activation of the sentence of full-time detention.

If the offender commits a new offence which is punishable by imprisonment while serving an intensive correction order then the courts will be required by this act to cancel the intensive correction order unless it is not in the interests of justice to do so. In other words, there is a clear presumption that an offender will be sent to full-time detention in that event. Commission of a further offence should be taken as a clear indication that the offender is no longer suitable for an opportunity to serve that sentence in the community.

The intensive correction order draws on facets of existing schemes such as community service work and probation, while introducing new features such as a curfew and a robust breach process. This combination of features will provide the territory with a valuable new sentencing option.

The second major component of this bill is the amendments to the Crimes (Restorative Justice) Act 2004. Restorative justice is a form of justice which empowers victims of crime by giving them a safe forum to express how an offence has affected them and providing an opportunity to address unresolved issues and have a say in what needs to be done to put things right. It provides offenders with an opportunity to accept responsibility for and understand the real impact of their actions and make a commitment to recognise and change unacceptable behaviour. It is entirely voluntary and consensual on the part of both victim and offender.

The amendments proposed by this bill are intended to achieve a staged implementation of phase two of RJ and provide the opportunity for a wider range of victims and offenders to access this form of justice. In 2005 the Crimes (Restorative Justice) Act introduced an innovative model of restorative justice for the ACT and created a statutory framework for a restorative justice scheme in the territory in a phased approach. The first phase was limited to restorative justice for less serious offences committed by young people, excluding sexual offences and offences of domestic violence. The second phase provides for expansion to include all offences and all offenders.

The purpose of these amendments is to introduce a staged approach to the commencement of phase two. The first stage of phase two will expand the scheme to include adult offenders as well as more serious offences for both adults and young offenders but excludes sexual offences and offences of domestic violence. The second stage of phase two will be called phase three and will expand the scheme to include domestic violence and sexual offences.

The decision to take a staged approach to phase two recognises that the expansion of the restorative justice scheme brings new opportunities and challenges. The restorative justice unit, which administers the scheme, is recruiting convenors with the necessary skills and experience and providing specialist training to existing staff.

The commencement of phase three will make domestic violence offenders and sexual offenders eligible to be considered for restorative justice. Due to the nature of these offences, sensitivities will need to be addressed by attaching certain conditions to their eligibility for RJ. Offenders who have committed serious sexual offences or serious domestic violence offences as defined by the bill will only be eligible for restorative justice after entering a plea of guilty or being found guilty by the court. Less serious domestic violence offenders and less serious sexual offenders who have not yet entered a plea or been subject to a finding by the court will only be able to be referred to RJ by the court in exceptional circumstances. In considering whether restorative justice is suitable for a less serious domestic violence offence or a less serious sexual offence, the director-general must be satisfied that exceptional circumstances exist to call a restorative justice conference.



The tiers of serious and less serious offences are clearly defined in the bill. Calling some offences less serious is not intended to lessen the serious nature of any offence nor the impact on or level of harm caused to victims but only to clarify the eligibility requirements for restorative justice.

The bill will also amend the Crimes (Restorative Justice) Act 2004 to include the Victims of Crime Commissioner as a referring entity, which will reinforce the victim-centric nature of RJ. Expanding the operation of RJ to include more serious offences and adult offenders will increase the range of victims that may now be involved in restorative justice processes. Including the Victims of Crime Commissioner as a primary referring entity is a measure that will highlight the attention being given to victims' rights and wellbeing.

The Crimes (Restorative Justice) Act 2004 prescribes a court as a referring entity. The amendments will allow the legal representative to apply to the court for a matter to be referred for RJ in the same way that the Director of Public Prosecutions can currently apply. Remembering that restorative justice is a voluntary process for all participants, allowing an offender's legal representative to apply to the court for a restorative justice referral could lead to better outcomes for victims and offenders. Both the Director of Public Prosecutions and the offender's legal representative will need to agree when the other party applies for an order that a matter be referred to restorative justice by the court, and the court will have the discretion to grant or not grant such an order.

In 2014 Australian Institute of Criminology research showed that victims have high levels of satisfaction and feel that restorative justice processes are fair. The institute also reported that emerging research shows that restorative justice may be more effective for prolific and more serious offending. These findings support the expansion of restorative justice to serious offences and endorse the ACT's cutting-edge approach to restorative justice. Both aspects of this bill seek to introduce changes that will improve the justice system for both offenders and victims. I commend the bill to the Assembly.

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

## **Orders of the day—postponement**

*Ordered that notices Nos. 5 and 6, Executive business, relating to the Health Legislation Amendment Bill 2015 and the Justice Legislation Amendment Bill 2015, be postponed until a later hour this day.*

## **Planning, Building and Environment Legislation Amendment Bill 2015 (No 2)**

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

Title read by Clerk.

**MR GENTLEMAN** (Brindabella—Minister for Planning, Minister for Roads and Parking, Minister for Workplace Safety and Industrial Relations, Minister for Children and Young People and Minister for Ageing) (11.12): I move:

That this bill be agreed to in principle.

I present the Planning, Building and Environment Legislation Amendment Bill 2015 (No 2). This is the ninth bill to be created under the government's omnibus planning, building and environment legislation amendment bill process. This process manages all minor policy, technical or editorial amendments for legislation administered by the Environment and Planning Directorate.

This omnibus bill process provides an efficient avenue for consolidation of minor amendments into a single bill. The single bill process also helps the wider community to access and understand changes being made to environment and planning legislation. This bill makes minor policy, technical and editorial amendments to the Building (General) Regulation 2008, the Environment Protection Act 1997, the Environment Protection Regulation 2005, the Nature Conservation Act 2014, the Planning and Development Act 2007 and the Planning and Development Regulation 2008. The principal amendments will ensure greater protection of public safety in the territory's nature reserves and reduce unnecessary red tape in the building approval process.

At this point, I would like to introduce a principal amendment of the bill related to the Nature Conservation Act 2014. This amendment relates to the power of the Conservator of Flora and Fauna to close nature reserves by issuing a closed reserve declaration under section 259 of the Nature Conservation Act. A closed reserve declaration may be made if the conservator believes that the continued unrestricted public access may endanger public safety or interfere with the management of the reserve. A closed reserve declaration is a notifiable instrument and the additional public notice of the closure must be given, including displaying notices in a prominent place at the reserve itself.

The bill proposes a statutory mechanism to facilitate the closure of a nature reserve on an urgent basis. The amendment will permit a closed reserve declaration to commence on a day or at a time earlier than its notification day. This will allow a declaration to commence at the time it is made and for public notice to be given subsequently, including signs erected at the reserve.

The amendment in this bill deals with the practical difficulty of needing to urgently close a nature reserve, but having currently to wait until the closed reserve declaration becomes effective on the day after notification. This can involve a lag time of a couple of days before the declaration can commence. For example, a reserve may need to be closed urgently on a weekend to prevent risk to public safety from a bush fire, snowfall or high winds.

The amendment also expands the available defence, for under section 260 of the Nature Conservation Act it is an offence to enter a closed reserve. The expanded defence means that a person will not have committed an offence if they have no

reasonable grounds for suspecting that a closed reserve declaration was in force. While the offence for entering a closed reserve is a strict liability offence, the expansion of the available defence mitigates the concern of catching the general public in an inadvertent breach of the law.

I would now like to move on to another principal amendment made by the bill. In 2014, the territory's asbestos management framework was harmonised with that of other model jurisdictions in accordance with the inter-governmental agreement for regulatory and operational reform in occupational health and safety area. The general outcome was that work health and safety dangerous substances laws regulate asbestos work rather than the construction and building laws.

The Planning, Building and Environment Legislation Amendment Act 2015 (No 1) made amendments to various pieces of building and construction legislation, which meant that builders were responsible for ensuring building work aspects complied with building and construction laws, while asbestos safety aspects of such work continued to be regulated under work health and safety laws. This result ensured there was no gap in the regulatory oversight and management of these areas.

PBAELAB 2015 (No 1) included a consequential amendment which omitted item 25 of schedule 1 of part 1.3 of the Building (General) Regulation because it related to asbestos. This item 25 had exempted the handling of asbestos cement sheets of not greater than 10 square metres from parts 3, 5 and 6 of the Building Act. Clause 4 of this bill, PBAELAB 2015 (No 2), proposes a technical amendment to the building regulation to reinstate the previous item 25 exemption of handling asbestos cement sheets, with some additional modifications.

In summary, this means that the removal of bonded asbestos or cement sheets does not require building approval under the Building Act. The amendment facilitates the removal of broken asbestos cement sheets and their replacement with an equivalent material such as fibre cement sheet provided that the work complies with the relevant work safety laws concerning asbestos work and with the Building Code of Australia, and is done in a proper and skilful way. For example, where an asbestos sheet eave on a school building is broken by a cricket ball, the broken sheet will be able to be removed and replaced with a fibre cement sheet without the need for a building certifier, building plans, a building approval, a licensed builder and a certificate of use.

The safety risk elements of this work, such as removing and handling bonded asbestos sheeting, will continue to be regulated by work safety laws and also other Building Act requirements, including compliance with the Building Code and requirements for work to be carried out in a proper and skilful way. Reinstating this exemption is necessary because it has become apparent that the effect of removing this exemption is to bring minor non-structural maintenance works under the building approval regime and impose administrative red tape that does not appreciably improve regulatory outcomes.

This bill also makes a number of other minor technical and editorial amendments to various pieces of legislation to improve the clarity of drafting, to affirm the intent of planning and environment processes, and to fix minor editorial errors. For example,

the bill proposes to add a requirement in connection with decisions on applications for development approval in the impact track. The bill makes it clear that a decision must have regard to, if relevant, any exemption from the need to provide an environmental impact statement, or EIS, and associated information.

It is important to emphasise that this does not amount to additional red tape and, in particular, does not require the proponent to produce any additional documentation. These additional matters are all relevant to the impact track development assessment process and are particularly important for the consideration of environmental impacts. This amendment is minor in nature and ensures that the environmental considerations, including the EIS exemptions, are appropriately considered in the impact track development assessment process.

The bill proposes a number of minor policy, technical and editorial amendments to acts and regulations, as an omnibus bill should. The amendments make good practical sense. The bill demonstrates this government's commitment to effective and responsible use of the omnibus bill process.

I note that in the past members of the community have expressed appreciation at being able to access one bill to monitor the minor changes that are happening to legislation in the planning, building and environment sphere. The bill also helps this Assembly to monitor the effective operation of territory laws. A single bill ensures that changes to those laws are easily accessible to all Canberrans.

I would like to thank the EPD directorate and also my officers for their work on this bill. I commend the bill to the Assembly.

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

## **Workers Compensation Amendment Bill 2015**

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

Title read by Clerk.

**MR GENTLEMAN** (Brindabella—Minister for Planning, Minister for Roads and Parking, Minister for Workplace Safety and Industrial Relations, Minister for Children and Young People and Minister for Ageing) (11.21): I move:

That this bill be agreed to in principle.

The Workers Compensation Amendment Bill 2015 is the latest instalment in the government's ongoing program to modernise the territory's workers compensation scheme. Members will recall, for example, our recent red tape reduction bill, which removed the need for ACT businesses to perform around 70,000 administrative transactions each year.

We have also brought the territory's arrangements for workers who operate across borders into alignment with those in New South Wales. This was to ensure that both all territory workers have adequate workers compensation cover and that employers need insure their workers only once, regardless of how many states or territories they perform their work in. These changes have made the workers compensation scheme more accessible and efficient for employers and will reduce insurance costs.

The changes provided for in this bill go one step further. Today we are introducing legislation that will help employers understand and comply with their workers compensation obligations and build employers' capacity to assist the injured workers to recover and return to work. These reforms are just one more way that the government will be delivering on our pre-election commitment to improve return-to-work outcomes for injured workers.

Prior to the introduction of Access Canberra, WorkSafe ACT employed workers compensation inspectors and health and safety inspectors. These inspectors operated independently of each other when it came to performing employer visits to deliver information services, conduct compliance checks or investigate complaints. However, through the Access Canberra initiative, WorkSafe ACT is adopting a more effective, holistic compliance model. WorkSafe's specialised work health and safety inspectors will be trained to conduct workers compensation compliance checks, and vice versa. Currently, employers in the ACT cannot refuse entry to WorkSafe inspectors who are checking that a work site complies with work health and safety standards. However, when it comes to workers compensation, employers can refuse to allow inspectors to enter their work site.

This can undermine the inspectorate's ability to verify that an employer has appropriate insurance in place, or to intervene or to ensure proper return-to-work supports are being provided for injured workers. By aligning inspector rights of entry powers for workers compensation with work safety arrangements, the bill will allow integrated safety and injury management education, awareness, compliance and enforcement activities to be rolled out across the territory.

This is an important reform. I have spoken with numerous employers and union representatives who are deeply concerned about the impact of workers compensation non-compliance. They are concerned because businesses that evade paying the correct workers compensation premium can gain an unfair competitive advantage over employers that do the right thing. Furthermore, where an employer has no workers compensation insurance, the cost of injury claims by their workers is often borne by other employers. More effective compliance and enforcement tools will help to create a level playing field and reduce insurance costs for all employers.

Madam Deputy Speaker, this reform is also responsive to a recommendation of the getting home safely inquiry into the construction industry and its safety there. Since the government accepted the recommendations of the getting home safely report, there have been no deaths on ACT building and construction sites and injury rates have decreased markedly.

Although we have made a good start, we cannot rest on our laurels. The getting home safely report put front and centre the importance of eradicating “sham contracting” in the territory. For those who are unaware of the practice, in workers compensation, sham contracting involves employers improperly classifying their workers as contractors in order to avoid paying workers compensation insurance or incorrectly classifying their employees in order to pay a reduced insurance premium.

The getting home safely report also concluded that, in practice, employers seeking to enter into sham contracting arrangements are likely to be looking to avoid other responsibilities, including those associated with work health and safety. One of the most effective means of policing the practice of sham contracting is through workers compensation compliance checks undertaken by WorkSafe ACT inspectors. These reforms will be integral for enabling WorkSafe to tackle sham contracting.

The bill also requires certain employers to appoint return-to-work coordinators. Most employers are doing the right thing. However, even with the best efforts and intentions, large businesses and businesses performing high-risk work are still likely to have workers injured on the job from time to time. There is a large and growing body of evidence that proves that good work is good for health and, conversely, that prolonged work absence can have negative health, social and economic consequences for workers and their families.

It is important that our workers compensation scheme offers early, effective services to assist injured or ill workers to recover while they are at work or to return to work as soon as possible following the injury. A return-to-work coordinator is an employee nominated by an employer, or a contractor engaged for the role, whose principal purpose is to assist injured workers to remain at or return to work in a safe and durable manner. Return-to-work coordinators will be able to assist employees and employers to engage with injured workers, workers compensation insurers and medical and rehabilitation providers; provide injured workers with information on the return-to-work process; and identify suitable duties, arrange workplace modifications and undertake other activities to help injured workers.

The bill will make it a requirement that self-insurers and employers that pay in excess of \$200,000 in premiums each year appoint a trained return-to-work coordinator. Some self-insurers and national employers will already have suitably qualified or experienced return-to-work coordinators who may be appointed as their ACT representative. For other employers, return-to-work coordinator training courses will be available. The minimum requirement for a return-to-work coordinator is the two-day introduction to return-to-work coordinator course, or equivalent, which aims to develop basic skills in the management of workplace injuries. The course has no prerequisites and is focused on the knowledge and skills required in the technical application of the return-to-work process.

The cost of appointing or training a return-to-work coordinator will be potentially offset by the reduced workers compensation costs and improved workforce productivity arising from improved return-to-work outcomes. WorkSafe ACT will oversee the training and exemptions of training for return-to-work coordinators and will maintain a register of return-to-work coordinators in the territory.

To allow employers sufficient time to comply with this new obligation, we will write to all self-insurers, affected employers and peak employer bodies. We will also provide a three-month transition period to ensure sufficient time to arrange necessary training for return-to-work coordinators. The tripartite ACT Work Safety Council will conduct a review 12 months after the commencement of the new arrangements to ensure that this reform meets its objectives.

This government is committed to the cost-effective and efficient delivery of a regulatory environment that drives health and safety improvements and supports workers in the unfortunate event that they are injured. It is for this reason that I commend this bill to the Assembly.

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

## **Justice Legislation Amendment Bill 2015**

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

Title read by Clerk.

**MR RATTENBURY** (Molonglo—Minister for Territory and Municipal Services, Minister for Justice, Minister for Sport and Recreation and Minister assisting the Chief Minister on Transport Reform) (11.31): I move:

That this bill be agreed to in principle.

I am pleased to introduce the Justice Legislation Amendment Bill 2015 into the Assembly today. The bill introduces a number of amendments that will allow Canberrans to represent their identity in a way that is appropriate and meaningful to them while maintaining the integrity of the births, death and marriages register and identity documentation provided by the ACT government.

The bill will amend the Births, Deaths and Marriages Registration Act 1997 and the Parentage Act 2004 to allow for: recognition of interstate parentage orders; change of name certificates; the removal of gender-specific terms; issue of recognised details certificates; and proof of identity cards.

The bill will enable parentage orders made in other Australian jurisdictions to be recognised in the ACT. This change will mean that if a baby is born in the ACT but a parentage order relating to any surrogacy arrangements for the child is made in another jurisdiction, the parents will be able to be recorded as the parents for the child on their ACT birth certificate. I want to be absolutely clear that this change does not relate to commercial surrogacy arrangements. These arrangements remain prohibited under the Parentage Act 2004.

Currently, a person born in the ACT who marries overseas and wants to have their name officially changed has to apply to change their original birth name on the ACT

birth register. When the birth certificate is reissued, the name at birth is replaced with the new name. This has caused considerable distress to those who want to retain their birth name on their birth certificate. The proposed amendments to the Births, Deaths and Marriages Registration Act 1997 will allow local residents who choose to marry overseas to change their name officially without their original surname being removed from their birth certificate. The new surname can be noted on the back of the birth certificate.

I am pleased to say that the bill will continue the good work advanced by the government through the *Beyond the binary* report and the consequent amendments in terms of recognising gender diversity. It contains amendments that will remove gender-specific terms in relation to parentage in both the Births, Deaths and Marriages Registration Act and the Parentage Act. The terms “mother” and “father” are replaced with “birth parent” and “other parent”. Importantly, these changes do not prevent the terms “mother” and “father” being used on birth certificates. Parents can still choose to use these terms if they prefer.

As gender diversity has become more widely acknowledged there is more evidence to demonstrate that parents are gender diverse. For example, in 2013-14, Medicare reported 54 instances of individuals who identified as male giving birth in Australia. The emergence of gender diverse parents means that gendered terms such as “mother” and “father” are no longer true of all parents. Removing gender-specific terms from the legislation recognises the gender diversity of parents and removes any mislabelling of parents during the registration process. This continues the commitment the ACT has made to create a socially inclusive community by expanding the legal recognition of gender diversity in our community.

In another amendment that will support legal recognition of gender diversity, the bill creates a new identity document for the ACT, called a recognised details certificate. Canberrans who do not possess an ACT birth certificate currently have no way of having a change of gender identity formally recognised by the ACT government. The ACT government is unable to alter birth certificates issued in another jurisdiction and changing a birth certificate in the jurisdiction of birth can be difficult. In some cases, another jurisdiction may have different eligibility requirements, such as surgery, that the applicant does not meet. In other cases it can be difficult for applicants to produce the necessary evidence that they have changed their gender, particularly if their birth certificate was issued overseas.

Recognised details certificates will officially acknowledge people who are residents in the ACT, but were not born in the ACT, and who meet the criteria for change of sex in the territory. Importantly, the evidence that will be required to be eligible for a certificate will be similar to that required for a person applying to have their sex changed on their birth certificate—that is, a statutory declaration by a doctor or a psychologist certifying that the person has received appropriate clinical treatment for alteration of their sex or that they are an intersex person.

Finally, the bill contains amendments that will change the proof of age card to the proof of identity card. I have had representations from some Canberrans, notably older Canberrans, that the proof of age card does not feel appropriate to them. This



change will allow all Canberrans a form of identification that meets their needs, particularly those who are unable to use a drivers licence as identification.

This suite of amendments refines and improves the ways by which people are recorded and identified in the ACT. They uphold the integrity of the births, deaths and marriages register and various identification documents provided by the ACT government. They recognise the diversity of the Canberra community, a place where everyone belongs and is able to be recognised for who they are.

I would also like to draw members' attention to the timeliness of the tabling of this bill, with tomorrow being 20 November, the international Transgender Day of Remembrance. Tomorrow is a day to remember those from the transgender community who have lost their lives due to violence. It is an opportunity to acknowledge the violence and discrimination experienced by so many in the transgender and gender diverse community and for the transgender community to celebrate its strength and diversity. I have personally attended memorial events in previous years, and on the eve of the memorial day I would like to acknowledge those transgender and gender diverse people who have been the victims of violence and discrimination in our community. I commend the bill to the Assembly.

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

## **Health Legislation Amendment Bill 2015**

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

Title read by Clerk.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for the Environment and Minister for Capital Metro) (11.38): I move:

That this bill be agreed to in principle.

The bill I am presenting today provides for amendments to the Civil Law (Wrongs) Act 2002 to protect people who may be impaired by a recreational drug from civil litigation when administering Naloxone in an emergency situation. It repeals part 3A of the Health Act 1933 to remove the provisions relating to the establishment and functions of the Local Hospital Network Council, the LHNC. And it makes amendments to the Health Records (Privacy and Access) Act 1997. These amendments involve revising the definitions of carer, child, guardian and young person in line with the definitions of those terms in the Children and Young People Act 2008 and the Guardianship and Management of Property Act 1991. The revised definitions will affect a number of provisions in the HRA—for example, sections 7(4), 12(2), 13B(3), 25 and 31(1). The amendments will also clarify the application of the act to records held by the Health Services Commissioner.

Turning to each amendment in turn, the government seeks to amend the Civil Law (Wrongs) Act to protect “good Samaritans” who administer Naloxone in

life-threatening situations. Amendments to this act are consistent with the government's policy on harm minimisation and our statement on social inclusion.

As members would be aware, the ACT Naloxone program, which began in March 2012, was Australia's first to provide Naloxone to reverse the effects of an opioid overdose, on prescription to potential victims. This allows people other than health professionals to administer the drug in a timely manner to overdose victims, helping them to save lives. Final evaluation of the program demonstrated it has been a genuine life saver. It also identified some opportunities for improving the program which the government is committed to.

The amendments to the Civil Law (Wrongs) Act will provide an exemption such that the good Samaritan provisions currently in the act apply to people administering Naloxone with the aim of resuscitating someone who has overdosed whether or not the good Samaritan is significantly impaired by a recreational drug, including alcohol.

Currently, section 3 of the Civil Law (Wrongs) Act provides that a person who gives assistance to another person who is injured or in need of emergency medical assistance does not incur personal civil liability except for in certain circumstances. These circumstances include if the person rendering assistance is significantly affected by a recreational drug, which includes alcohol.

It is possible that a person who administers Naloxone under the overdose management program could themselves be affected by drugs or alcohol. While the risk of long-term or serious harm caused by Naloxone is low, it is important for the success of the overdose management program to promote this uptake by reducing the risks of participants being subject to civil liability in these limited circumstances. The perception of the risk of liability may also be a disincentive to people to participate in the program, and this highlights the need for the exemption.

The repeal of part 3 of the Health Act is necessary as the review report of part 3A that was tabled in the Assembly in February this year recommended that the government reconsider the ongoing role of the Local Health Network Council.

The national health reform agreement required states and territories to agree to LHNCs, local health network councils. They were intended to provide more local and flexible governance arrangements for hospital management. Amongst other things, LHNCs were expected to deliver agreed services and performance standards, monitor LHNC performance, and improve local patient outcomes.

The government was committed to establishing a LHNC by signing up to the national health reform agreements. However, the changes to health funding announced in the federal budget in 2014-15 seriously undermined the need for LHNCs. Consequently, the requirement to continue with them no longer exists, and these provisions in the act are now redundant.

The proposed amendments to the Health Records (Privacy and Access) Act will bring the definitions of this act in line with the definitions for carer, child, young person and

guardian in other legislation. The amendments will also clarify the application of the act to records held by the Health Services Commissioner.

The Human Rights Commission has raised concerns about the way in which the health records act refers to young people and the complex way that it deals with access to health records of children and young people. The government agrees that these issues should be clarified in the legislation, and the terminology used in relation to children and young people and guardianship should be made consistent with other legislation.

Currently the Human Rights Act provides in subsection 10(6) that where the consumer is less than 18 years of age, the right of access to their health records is exercisable “(a) if the consumer does not have the status under this Act of a young person—by the consumer personally” or “(b) in any other case—on behalf of a consumer by a guardian of the consumer”. In order to make sense of this provision, it is necessary to refer to the definition of young person in the dictionary of the act, which provides:

... **young person** means a person under 18 years of age, other than a person who is of sufficient age, and of sufficient mental and emotional maturity, to—

(a) understand the nature of a health service; and

(b) give consent to a health service.

The government considers that this definition of young people is confusing and inconsistent with other relevant legislation such as the Children and Young People Act.

In relation to defining a young person for the purposes of health or medical records, there are two issues—firstly, the definition of what a child or a young person is, and secondly a legislative standard of maturity for access to their health or medical record. The government believes it is more appropriate to adopt the accepted definitions of child and young person as contained in the Children and Young People Act and to separately identify those young people who meet the legislative standard of maturity as set out in the bill in relation to accessing records.

While the government supports the use of the principle from the Gillick case, it is the government’s view that it would appear disrespectful to suggest that a young person is by definition immature and unable to understand the nature of a health service or to give consent to it. In relation to access to health records, the government believes the issue should be whether the person is currently of sufficient maturity and developmental capacity to understand the nature of their request to access health records and the nature of the record itself, rather than whether they have the capacity to consent to a health service at the time it was provided.

The government is also of the view that to make it easier for health service providers to understand their obligations under the act in relation to providing access to the health records of children and young people, the relevant information regarding children and young people should be set out in one place in the act. The government

has proposed that a specific section in the act be designated to accommodate the issues surrounding children and young people. The proposed section replaces subsection 10(6) of the act and provides that where a consumer is a child or young person as defined in the Children and Young People Act, the right of access to their health records would be exercisable (a) if the consumer is a young person who is sufficiently mature, mentally and emotionally, to understand the nature of the request to access the health record and the nature of the health record, by the consumer personally, or (b) in any other case, on behalf of the consumer by a person with parental responsibility for the consumer. This would mean that young people would be able to directly access their health records or refuse to allow parental access where they have sufficient maturity to understand the nature of the request to access the record and the nature of it.

In addition, the government believes that the concept of “guardian” used in the act in relation to young people should be consistent with other relevant legislation such as the Children and Young People Act and the Guardianship and Management of Property Act. The act currently provides:

... *guardian* means—

- (a) for a young person—a parent, a legally appointed guardian of the young person or someone else with parental responsibility for the young person under the *Children and Young People Act 2008* ...

The government is aware that this act no longer provides for the appointment of guardians for children and young people. In order to avoid confusion, therefore, the government has recommended that it would be preferable to refer only to the concept of a parent or person with parental responsibility for a child or young person, and that the concept of a “legally appointed guardian of the young person” should be removed from the act. The government also believes that it would be appropriate to include a definition of carer in the act to make it clear that a carer is not intended to include people such as school principals, teachers, or early childhood educators providing short-term care for a child. The definition of carer in the Guardianship and Management of Property Act has been adopted in the bill to address these concerns.

The government also considers that it would be appropriate to provide in the act that the Health Services Commissioner is not obliged to provide complainants with clinical records and should have the discretion to refer requests for access to health records back to the health service provider. These amendments have also been included in this bill.

There has been considerable consultation undertaken in relation to these amendments, especially the amendments to the Civil Law (Wrongs) Act and the health records act. Consultation has been undertaken with the Alcohol Tobacco and Other Drug Association, ATODA, in collaboration with the Canberra Alliance for Harm Minimisation and Advocacy, CAHMA; the Human Rights Commission as represented by the Health Services Commissioner, the Children & Young People Commissioner and the Human Rights Commissioner; and the secretariat of the Local Health Network Council.

All agencies and key stakeholders were consulted through the circulation of an exposure draft of this bill, and further targeted consultation occurred during the drafting stage. The Health Services Commissioner has provided valuable feedback on the draft bill, and has been consulted regularly throughout the final drafting stages.

This bill supports the government's red tape reduction reforms by simplifying the administration of certain legislation and excising redundant legislative provisions. The amendment to the Civil Law (Wrongs) Act progresses the government's commitment under its social inclusion statement, as it supports practices that respond to social exclusion and inequality.

I commend the bill to the Assembly.

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

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

**MRS JONES** (Molonglo) (11.51): I move:

That this Assembly requests that the Standing Committee on Administration and Procedure investigate how the Assembly instigate a system whereby breastfeeding women have the option to vote from within the Assembly by proxy, as well as having the option to vote in the Chamber with their baby, as preferred by the mother based on the needs of her baby and report back to the Assembly by the first sitting week in May 2016.

I am pleased today to move this motion requesting the admin and procedure committee to investigate how the Assembly can instigate a system whereby breastfeeding women can have the option to vote from within the Assembly precinct by proxy, as well as have the option to vote in the chamber with their baby, as preferred by the mother at the time based on the needs of her baby, and to report back to the Assembly by the first sitting week in May 2016.

If we went out today to any high school in Canberra, or indeed around the nation, and asked children what they think breastfeeding women are and are not allowed to do in the parliaments of their city and their country, I think they would assume that breastfeeding was allowed wherever a breastfeeding woman was, as long as it was safe. But if we look around Australia's parliaments today, we see that that is not the case.

According to a paper prepared by Slater and Gordon, in Victoria some rules have been relaxed to allow breastfeeding since 2003. New South Wales also allows breastfeeding in its parliament. It is not specifically legislated for but it is allowed. The ACT Assembly and the Senate are the only two chambers where babies are allowed to enter and are specifically exempted from the rules regarding strangers on the floor. In all other parliaments—in Western Australia, the Northern Territory, Queensland, Tasmania and South Australia—there are no provisions for breastfeeding mothers.

This is a matter that affects not only women parliamentarians but women aspiring to be parliamentarians and women throughout the community who are thinking about what they would like to do with their lives and how their work lives will intersect with their family aspirations.

The House of Representatives are currently considering changes to their own methods. They have an option in the House of Representatives whereby women can vote by proxy from their offices, presumably when they are breastfeeding and a division is called and women are required to come to the chamber. So they have that option, and they are now considering whether to also allow breastfeeding in the chamber.

Our situation, though better than most parliaments, is still quite out of step, I would imagine, with community expectations. If we are to tell young women today that the world is their oyster and they can succeed, and if we do not change these systems so that they work really well, we do not mean what we say.

I do not think anyone today would argue that breastfeeding is not important for babies and for mums. The World Health Organisation and the National Health and Medical Research Council recommend exclusive breastfeeding for six months or more where possible. By three months, 60 per cent of mums, for many reasons, have had to stop breastfeeding—either they have had to or they have chosen to stop exclusively breastfeeding—and by five months about 85 per cent of mums have chosen to or found that they had to stop breastfeeding. This can be something that makes women feel content. It can also be a very distressing experience. The process of stopping breastfeeding as well as the actual decision that has to be made are both quite exhausting and difficult moments in a mum's life, on the whole.

If breastfeeding rates decrease, babies are less protected in many cases against infection. If we have a lower breastfeeding rate, we see more infections in the first year of life, more doctors visits due to such infections, and high antibiotic use and hospitalisation.

For older children, we see lower infection rates, as part of the population as a whole for kids who have been breastfed for longer, such as ear, nose and throat infections. We also see a better effect on the rates of overweight and obesity. Nationally, it is estimated that between \$60 million and \$120 million could be saved annually across the Australian hospital system just for these childhood illnesses.

In my submission to the federal parliament's procedure committee on their investigation into breastfeeding practices in their parliament, I wrote:

Babies come with a variety of behavioural patterns, and mothers have a variety of breastfeeding experiences. I was fortunate to have been quite an experienced mother and breastfeeder by the time I had my fifth baby and was working as an elected member in the ACT Legislative Assembly. However, many parliamentarians who have babies were elected before beginning to have their children. As a result, they are experiencing the ups and downs of managing the baby's behavioural patterns and learning breastfeeding skills for the very first time.

I stated that some children are born with a tendency to be noisier than others. Some might be experiencing discomfort—for example, colic—so that, when you feed the baby, it cries, and there is very little that can be done about that particular situation, except that the baby has to continue to be fed in order to grow and to thrive. My submission continued:

Some babies are born better able to be fed, and some mums just have a better milk supply than others. Sometimes, breastfeeding is easy and comfortable, and sometimes it is very difficult and requires grit and determination.

Basically, before a baby is born no one can predict how it will feed. As a mum develops confidence and skills, which are not as simple as one might think, she will know how to best manage her child, along with the responsibilities to her workplace.

My proposal is that in parliaments around Australia women should be able to vote from their offices by proxy, from the breastfeeding room by proxy, or to take their baby into the chamber as they see fit, based on the needs of their baby. It should be entirely up to mothers to decide if the baby should be fed in the office or the chamber. There should not be unnecessary restrictions put on the management of her baby and its health needs. I think that in 2015 most women, as I say, will be surprised to find that there are such specific rules set about when a tiny baby can sit with his or her mum for a few minutes in the chamber while a vote is taking place.

Mothers in parliament will of course want to get this balance right. It should not be up to anyone who knows her baby less well to determine how it is best to be managed. Parliamentarians should be in a position where they can confidently have a family as well as a career; otherwise we will miss out on some great citizens for the next generation and some great women for our parliaments, and we will not be setting a very good example to the rest of society.

Research tells us that returning to work can have a negative effect on breastfeeding duration. I can attest to that. I have taken three of my babies to work in order to breastfeed. Job characteristics such as working flexible hours and so on are associated with higher breastfeeding rates.

The benefits of breastfeeding a baby are not limited to the child alone. Mothers benefit, as do employers and the wider community. Research shows that mothers who have breastfed their babies require less time off from work to care for sick children who are in another form of care. Mothers who have breastfed also enjoy better physical and mental health, therefore requiring fewer days off on sick leave.

Employers who have supported mothers to breastfeed have consistently reported improved employee morale, along with better workplace satisfaction and higher rates of productivity. Women who have been supported by their employer to breastfeed their babies are more likely to return to the workplace, therefore reducing attrition rates in workplaces.

One of the keys to ensuring the benefits of breastfeeding for babies, mothers, employers and the broader community is to set up situations where mothers are, where safe, able to breastfeed their baby, ideally until six months of age or longer. To do this, we need to have a range of options available, including breastfeeding rooms, allowing them to take breaks to breastfeed their babies during work hours, and providing flexible work hours.

Workplaces, where possible, should provide breastfeeding rooms. We have one here in the Assembly. Our breastfeeding room here in the Assembly does not have a lock on the door, so while most women feel comfortable to breastfeed a baby there, it is not really appropriate for breast pumping, when a woman is half-naked. It is really quite difficult to relax in a position of breast pumping when you do not have a lock on the door. Women feel that they would be more comfortable in the toilets of the Assembly while breast pumping rather than in the breastfeeding room because it is not set up quite right.

With such significant benefits to babies, mothers and the broader community, I urge the administration and procedure committee to investigate how the Assembly could instigate a system which seems to work in the federal House of Representatives so that breastfeeding women can have the option to vote from within the Assembly precinct by proxy, as well as having the option to vote in the chamber with their baby—as preferred by the mother, based on the needs of her baby. I am of the opinion that here in the Assembly we should be leading the way to make it possible for mums to be able to breastfeed as needed.

Slater and Gordon's Vicky Antzoulatos wrote in a statement recently:

I understand there is a concern that a “dangerous precedent” could be set by introducing proxy voting for nursing mothers in parliament. I struggle to understand how anything that reduces the stigma around breastfeeding could be described as “dangerous”.

Again I remind those in the chamber, those listening and those who will read the *Hansard* containing this debate that if we do not continue to make changes to make the system more workable for breastfeeding mothers, rather than just having a basic capacity for mums to feed, and if we do not continue to improve the system then we do not really mean it when we say that women and their babies are welcome.

Currently a breastfeeding mother can have a baby in the chamber if she is breastfeeding, but if, partway through feeding the baby in her office, the bells ring for a division, she will need to stop feeding and leave the baby or carry the baby down to the chamber to continue feeding. Sometimes babies will not continue feeding when they have been interrupted like that.

Not being able to vote by proxy certainly impacted on my decision to stop feeding at 4½ months. If I stopped—and I am a very determined woman—then how many other women have had to make similar decisions? How many women in other workplaces have felt the need to make such decisions? It would be better for the baby not to have



to stop feeding because it is not actually vitally necessary for that to happen in order for the parliament to continue to function and for that woman to be able to vote.

Here in the ACT we have great representation of women in the Assembly. We have seven women and 10 men. However, in order to continue to attract more women and more mothers to represent their communities, and women who want to be mothers to represent their communities, and to participate in politics and other workplaces, it is vital that we continue to remove barriers that might hinder them.

We need to continually adapt old systems which were set up for men to truly accommodate the realities of women's multifaceted lives. When the standing orders were written for the House of Representatives and notions such as "strangers in the chamber" were defined, there was not any thought given to breastfed babies. Breastfeeding women were not considered. Breastfeeding was thought to be a private matter, and that women would do so cloistered in their homes. Life after birth was much restricted and women politicians were not really even thought of.

When Dame Enid Lyons was elected to our federal House of Representatives there were not even toilets for women. They had to adapt one of the men's toilets and put "wo" in front of it, and it was located only at one end of the parliament. So there has been a lot of change, and there needs to be more.

We should not settle for near enough being good enough. This means initial changes are not always the final changes, and we cannot just say, "That's good enough." Let us get the details right. If a proxy system can work in the federal chamber then it should be able to work here. We should value women as they are and not expect them to go through unnecessary distress. It leaves us all poorer when women are torn between their responsibilities and when we do not have systems that support them. We need to show that we truly value mothers and babies and our future here in the ACT by making changes that recognise the real lives of women and babies.

Babies are a normal, basic, natural and much desired part of many women's lives. Many would be surprised that we are still sorting this out. However, we must. Here in the ACT let us lead the way by making our Assembly reasonable, better and more friendly for our working, breastfeeding mothers, and all women, all parents and all families will benefit, so that when we tell our daughters that they can aspire to any job in any field of work that they want, we really mean it by our actions, not just by our words.

**MS BERRY** (Ginninderra—Minister for Housing, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Community Services, Minister for Multicultural Affairs, Minister for Women and Minister assisting the Chief Minister on Social Inclusion and Equality) (12.05): I wish to speak to this motion, and I also wish to move an amendment which has been circulated in my name:

"(1) notes:

- (a) the ACT Government's commitment to breastfeeding friendly work and community places through both legislation and policy initiatives; and

- (b) provisions in the standing orders and Companion document which provide for a Member to breastfeed their baby in the Legislative Assembly; and
- (2) refers to the Standing Committee on Administration and Procedure the following matters for consideration and report back to the Assembly by the last sitting day in May 2016:
  - (a) options and flexibility for breastfeeding women;
  - (b) emergency care for family members;
  - (c) accepted practice in regard to pairing arrangements; and
  - (d) consideration of proxy voting.”.

I thank Mrs Jones for bringing this motion to the Assembly, and I welcome the opportunity to consider how this government can further support MLAs to both breastfeed their babies and meet their responsibilities as members. I also welcome the chance to continue this conversation for ACT government employees and all other employers to support their employees in meeting their responsibilities as parents and carers.

The ACT government is committed to ensuring that all women have the opportunity to breastfeed. Breastfeeding is an important process, and we know that it supports the growth and development of babies. As a government, we are committed to giving all children in our community the best start in life, and breast milk contains important antibodies which build up a baby’s immune system.

The whole-of-government framework relating to breastfeeding in the workplace, both for public and private sector, is provided in the ACT breastfeeding strategic framework 2010-15, which was developed by the Health Directorate and launched in 2010. The overall aim of the framework is to identify strategies to increase the number of infants being exclusively breastfed from birth to six months and to encourage ongoing breastfeeding with complementary foods until at least 12 months of age.

The framework is the outcome of an extensive consultation process with health professionals, including general practitioners, key stakeholders, policymakers from government and non-government organisations, as well as mothers, fathers and grandparents. However, we also need to acknowledge that breastfeeding is not easy for all mothers. Government and community must do everything they can to support women to breastfeed, if they can, including when they return to the workplace, and also to support those parents who, for whatever reason, do not or cannot breastfeed.

Creating a supportive environment for breastfeeding mothers to breastfeed their babies or express their milk during the day can be the difference between persevering and giving up on breastfeeding or persevering and giving up on paid work. As an employer, the ACT government has considered breastfeeding-friendly workplace

accreditation in all directorates, and currently the Chief Minister, Treasury and Economic Development Directorate, the Health Directorate, the Environment and Planning Directorate and the Community Services Directorate have all gained breastfeeding-friendly workplace accreditation.

Both accredited and non-accredited workplaces have put in place mechanisms to support breastfeeding in the workplace, including adapting private areas to be used for breastfeeding purposes; providing breastfeeding facilities in multiple locations where relevant, including shared facilities in the event different entities share a single location; and providing toolkits housing further information for those in managerial positions about providing appropriate facilities and support for nursing mothers while they are working.

We have seen the success of this strategy, with over 99 per cent of women who were on maternity leave in 2012 and 2013 having returned to the workforce. This statistic further demonstrates the supportive work environment that the ACT public service provides to its working mothers.

As Mrs Jones has drawn attention to, the ability of nursing mothers to represent their community is tied to the practices and procedures of this place being flexible. I am seeking to expand the scope of this conversation through my amendment to Mrs Jones's motion in the admin and procedures committee to recognise the need to ensure that the unique work environment here in the Legislative Assembly does not prevent any person elected from performing their duties or discouraging a diverse range of candidates from seeking that privilege.

I have brought this amendment here today because I know personally that caring responsibilities were a significant consideration in my own decision to seek election in 2012. The ACT Assembly had for many years worked over long and highly variable sitting hours in this place. Reform undertaken by Jon Stanhope and Katy Gallagher to standardise sitting times was an important reform, and while it still can be a juggle, I did not have to choose between being available for my kids and fulfilling my duty as a representative. This aligns with community expectations.

The community's understanding of parenting, family and caring has changed. The rising prevalence of households where all adults are in paid employment outside the home has forced our community to tackle the cultural notion that behind every worker there is someone taking care of children, elderly parents, or any of the network of care that for most of us extends beyond the people that we share a roof with.

As well as providing flexibility for women who historically took on caring roles, it has had benefits for the whole workforce. We now expect people to be able to leave their employment if their child is injured or if someone they have caring responsibilities for is sick or if their parent is sick. It means that more people share the burden, but also that more people are able to build the connection that comes from being part of their family's major life events.

There are so many types of families: adopted and foster families, step-families, one-parent families, families with two parents of the same sex, as well as families

with parents from the opposite sex. There is more work to do in our community to deliver on flexibility for all workers and their families, no matter what their caring responsibilities are.

For 17 years I worked with low paid workers: cleaners, security guards, childcare workers, aged-care workers and hospitality workers. In those industries, flexibility is too scarce. Casual workers are often unable to leave their employment for financial reasons or for fear of impacts on future rostering. Full-time workers often face enormous pressure not to take their entitlements. We should continue to do that work across all of our community.

As we move towards a larger Assembly, we should also ensure that the unique circumstances of this place never prevent Canberrans from seeking to represent their community. I thank Mrs Jones for bringing this motion to the chamber, and I look forward to reading the report on its return from the admin and procedure committee.

**MR RATTENBURY** (Molonglo) (12.12): I welcome the opportunity to consider the issues that have been raised by Mrs Jones in the motion she has brought forward today. I think we all aspire in this place to have an inclusive environment where everyone in the community feels they can come to this workplace and feel safe and feel free from any sort of discriminatory or harassing behaviour. As we move to 25 members in this place there will be more people coming to the Assembly and the potential for a range of different needs arising from that. In that context, I particularly appreciate the amendment from Ms Berry that invites the admin and procedures committee to consider perhaps a broader range of matters in addition to those raised by Mrs Jones.

As we move to a bigger Assembly it is important that we consider those things. We need to be clear about what the barriers are to members who might come to this place. Then we can focus on what the solutions are. I think the amendment put forward by Ms Berry does a good job of considering that.

As one final matter, Madam Speaker, you may have heard Mrs Jones's observations about her concerns about the provisions of the breastfeeding room in the Assembly and the lack of a lock. I ask that you might take note of that. I am sure that representation to our excellent maintenance crew in this building might see that matter resolved very quickly for the comfort of those who wish to use that room.

**MRS JONES** (Molonglo) (12.13): I welcome the government's support of the motion. The amendment to the motion takes out the reporting timeline, which I think is a shame. It also does not require specifically for breastfeeding women that the concept of proxy voting be a part of the outcomes in relation to breastfeeding women. I hope the procedures committee will have enough understanding from the debate we have had today of what it is we are seeking. I really hope that as a part of the report we will see a direct and specific recommendation around what would need to be done in order to make that specific outcome possible.

As this parliament evolves, I think one of the great things that we have in this place is we do not have a fear of something a bit different. We do not have a fear of trying something new. As I have said many times when talking about this matter publicly, it

really should not be a left wing or a right wing thing; it is just about our children flourishing and as mums being able to represent the people whom we want to represent and whom we were elected to represent here.

I welcome the government's support and mention of the breastfeeding strategic framework. As I say, I think great effort has been made over the past. When Chief Minister Gallagher left this place I wrote to her and thanked her for the changes that she had made into the operations of this parliament which made my life as an MLA and a mother more manageable. I rate those changes, and in some ways they should not be something that is only ever put up by one or the other side.

I agree there is a great deal more still to be done. I am really glad to hear Minister Rattenbury suggesting that we look at the concept of the lock on the door. At the time that that breastfeeding room was built I was an employee in the building for a short time with a new baby. I rang downstairs to someone in the administration of this building, and I said to them, as an employee with a breastfed baby, "Why is there no lock on the door? I want to breast pump and that room is not appropriate. I would be happier in the toilets." I was told it is a safety issue. It is not a safety issue if you lock the door to go to the toilet, but apparently it is a safety issue if you lock the door to breast pump. I really hope that can be resolved as well as part of this debate.

Finally, I recommend to the admin and procedures committee that if there is any possibility of them opening this debate to submissions, I am sure the Australian Breastfeeding Association would love to put in some information to the debate. I assume Slater and Gordon, who have been very active on this issue—I commend them for that—would want to put their information in. Perhaps there could be a hearing. There is no harm in airing this whole thing. The whole point of this debate is not just about the needs of MLAs; it is about the fact that the Assembly sets the agenda in many ways for workplaces around the ACT for what is normal, for what is acceptable and for what a breastfeeding mother or a pregnant mother feels that she can demand or ask for within her workplace.

The Sex Discrimination Commissioner's national report last year about breastfeeding and pregnancy discrimination showed the sad reality that when women face discrimination at this time of their lives and are made to feel that they are not welcome in their workplaces—which does happen, sadly, that report shows us on a regular basis—they really are not in a great position at that point in time to be demanding outcomes. I would welcome that they should, but often women do not feel they are in their strongest position when they have just had a baby or when they are about to go on leave and have a baby. In a way, it is a vulnerable time, and we need to proactively set up systems that already cater to them so that women do not have to feel disempowered anymore.

I accept the amendment. I really hope this debate is not just a debate but that it ends up with some outcomes that can then be spun off into the community for everybody's benefit—every family, every mother, every father, every child, every future politician, every future woman in parliament. I hope we will start to see a culture which welcomes babies more in this country.

As I have said before, we have a sad habit in Australia about questioning people about their choices on children and of talking down people's hopes for family once they get past the first baby and so on. I really think we need to do everything in our power to welcome the babies, to work together across parliaments and across parties to make this city and this country more welcoming of mums and their babies, and dads, too.

Amendment agreed to.

Motion, as amended, agreed to.

## **Standing orders—proposed new standing order**

Debate resumed from 29 October 2015, on motion by **Dr Bourke**:

That the following new standing order be inserted in the standing orders:

### **“Referred to committee**

99A. A petition or e-petition with at least 500 signatories from residents/citizens of the Australian Capital Territory shall be referred to the relevant Assembly standing committee for consideration. In the event that the subject matter of the petition makes it unclear which committee it should be referred to, the Speaker will determine the appropriate committee.”.

**MR SMYTH** (Brindabella) (12.19): The Liberal Party has considered Dr Bourke's amendment to the standing orders and thinks it is reasonable. The public go to a lot of trouble to put these petitions together. The petitions often come to this place and do not seem to go much beyond that. We at least now have the provision that ministers respond. This provision will allow committees to make a decision on whether or not they want to take an issue further, and it has our support.

**MR RATTENBURY** (Molonglo) (12.19): I am cautiously supportive of this proposal, although I have some reservations about how it might practically proceed, and that is something that no doubt the passage of time will inform us on. I think this will provide an interesting opportunity for members of the public that should trigger a discussion in the Assembly.

Members will know my support for that because it is only a matter of weeks ago that I brought to this place a proposal to allow members of the public to put forward topics of discussion as a matter of public importance. As members will recall, I was unable to garner support for that but I note that this proposal will allocate potentially far more of the Assembly's time to issues triggered by the public. If any of the reservations before were about the time it would take, this is an interesting development.

Obviously I support the notion that members of the public should have issues addressed by the Assembly but I reflect on a couple of the practical issues that may arise here. Certainly the text of the motion does not include any checks or conditions on the topics that are proposed, for example a topic that triggers privacy issues, a topic

that is already being considered by a committee or a topic that does not have implications for the wider community or public policy.

I mention that because of the way that the proposal is framed. It is a simple, mandatory requirement that any petition with at least 500 signatures shall be referred. I think it would be useful to have some kind of filter, as I proposed on the MPI standing order, where the Speaker would apply criteria. We do not have that here, and that is something we may need to be mindful of in the future, depending on the nature of the petitions that come forward.

One of the other issues is the timing of when a petition will go to the committee. It is immediately once it is tabled. I wonder whether there would be some benefit in waiting until there is a government response to a petition before an inquiry is established, particularly when the government may have a very material view on the consequences of the petition.

Having said that, the counter argument is that it can be useful to have some of the considerations of the issue away from government decision making to inform the government decision making. I acknowledge that there is a tension there but I reflect on the recent example around the Lyneham oval development. A government decision might overtake the committee process if we use that as an example. The petition was tabled. The government, in this case I as the responsible minister, was on a time line to take a decision some weeks later. Normally a committee would not respond in such a time. I think it raises a question as to whether there may develop an expectation that government would not make a decision until after a committee had reported, and one can imagine that being the case.

I predict now that it will not take long until somebody says, “How dare you take a decision on this? There has been a petition that is now before the committee.” It may be judicious for the government to proceed with a decision which may negate or address the concerns that a petition has raised.

I am happy to support this initiative today, but somewhat cautiously, as I continue to hold some reservations about how it will operate. I assume that in trialling this process we will make some assessment of that over the coming months. I look forward to seeing the first petition come in and how the committees address those matters.

**DR BOURKE** (Ginninderra) (12.23), in reply: I begin by thanking members of the admin and procedure committee for their support for this change to the standing orders, as reported to the Assembly by you recently, Madam Speaker. Also the Canberra Liberals, thank you for your support. The somewhat guarded response from Mr Rattenbury is interesting. I am sorry that he took the opportunity to re-prosecute his MPI case. He can say what he thinks, I suppose.

*Mr Rattenbury interjecting—*

**MADAM SPEAKER:** Order, members! Dr Bourke has the floor.

**DR BOURKE:** I am being interrupted by laughter. This proposal, contrary to the assertions by Mr Rattenbury, means the petition goes to the committee where it can do what it sees fit with the petition. If it is a matter that is already being considered by the committee then the committee will deal with it appropriately. Perhaps Mr Rattenbury has not been on enough committees lately to know that this is the sort of work that committees do. He does not seem to have enough faith in the committee system to realise that committees can probably work out if they had actually considered something before. I am not going to go on and dissect Mr Rattenbury's arguments any further, except to say that this motion, this change to the standing orders, does augment the connection for Canberra citizens to the Assembly by bringing those petitions that have been highlighted into the committee process.

It is part of the response, I think, that we made to the inquiry into the Latimer House rules, which was dealt with recently. That inquiry considered the way in which the Assembly reaches out to the community. And this process is going to augment that, for petitions which have attracted substantial interest. A petition which has got 500 signatures on it does. It has excited or engaged our community and our voters.

As I said, when the committee examines the petition, it can decide what it wants to do. It is up to it to decide if an inquiry is needed, whether it wants to conduct a hearing, whether it needs more information or whether it wants to interrogate the minister, hold a briefing, do whatever it is it wants to do in the usual fashion that committees do these things. I remind Mr Rattenbury that this is a procedure in the Australian Senate, the Western Australian Legislative Council, the New Zealand parliament, the Scottish parliament and the UK House of Commons.

I commend this motion to the Assembly. I see petitions as a valuable exercise in our democracy. The process thereafter with a petition can also—Mr Rattenbury may be surprised—clarify the petitioner's understanding of an issue and focus on why there might be community support for what they believe, because that threshold of 500 signatures will be very useful in that process.

I welcome this opportunity for Canberrans to have their grievances aired in the Assembly through positions that we have just strengthened. The issues will now receive additional consideration by not just the executive in the manner that we usually have but also by members of the committee. I commend the motion to the Assembly.

Motion agreed to.

**Sitting suspended from 12.28 to 2.30 pm.**

## **Ministerial arrangements**

**MR BARR** (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Urban Renewal and Minister for Tourism and Events): I advise members that Minister Burch will not be present during question time. I will endeavour to assist members with questions in relation to Minister Burch's portfolios.



## **Questions without notice**

### **ACT Health—Civic clinic**

**MR HANSON:** Madam Speaker, I have a question for Minister Corbell. The ACT Health website describes services at the Civic community health centre located at 1 Moore Street Canberra. The following 11 services are currently available: alcohol and drug services, breast screening, a continence clinic, dental, mental health, nursing, nutrition, physiotherapy, podiatry, social work and women's health. Minister, on Tuesday you announced that all Health staff at 1 Moore Street will move to Woden next year and the building will be sold. Minister, where will each of the current 11 Civic-based health services be delivered when the health centre at 1 Moore St closes?

**MR CORBELL:** I thank Mr Hanson for his question. The announcement on Tuesday was actually in relation to administrative staff of ACT Health, not service delivery or healthcare staff. The relocation to Woden involves administrative staff, as I would have hoped he would have noticed. In relation to the healthcare-related services that Mr Hanson refers to, they will continue to operate at Moore Street for the time being. Moore Street—in terms of its identified sale date, that has not been determined at this stage, but it would be fair to say that we have a couple of years at least to make that decision in relation to the relocation of those services within the city area before any relocation of those healthcare services is needed. The bottom line is that there is plenty of time to work through those matters, and the government will be doing that over the coming period. The announcement on Tuesday related to administrative staff only, headquarters staff, not front-line health care delivery.

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

**MR HANSON:** Minister, will you guarantee that no health services currently available in Civic will be either closed or relocated?

**MR CORBELL:** Clearly, they would have to be relocated somewhere else within Civic.

**Mr Hanson:** Out of Civic.

**MR CORBELL:** Within Civic, Madam Speaker.

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

**MR DOSZPOT:** Minister, will you commit to recycle funds from selling the City Community Health Centre to build a new health facility?

**MR CORBELL:** I do not have administrative responsibility for the sale of government assets. Those are matters for the Treasurer.

**MADAM SPEAKER:** Supplementary question, Mr Doszpot.

**MR DOSZPOT:** Minister, are you selling the Civic Community Health Centre in order to get commonwealth asset recycling money?

**MR CORBELL:** I think that is a matter of public record, Madam Speaker. Of course, the point to be made about that is that the support the federal government provides through the asset recycling initiative frees up the territory to use its own resources for investment in other infrastructure, and that includes healthcare-related infrastructure.

**ACT law courts—preferred proponent**

**MR SMYTH:** My question is to the Attorney-General. Minister, on Friday, 23 October this year, you and the Chief Minister put out a joint media release concerning the new \$150 million ACT law courts being one step closer with the announcement of a preferred proponent. As the government keeps saying that it supports ACT businesses and ACT industry expertise and innovation why was an outside consortium chosen as the preferred proponent to deliver the ACT's first public private partnership?

**MR CORBELL:** I thank Mr Smyth for the question. Fundamentally, it was value for money for ACT taxpayers. I would have thought that was a pretty important consideration. Nevertheless, it is the case that the winning consortium for the law courts project will be heavily engaged with the building industry and will be engaging with and supporting many local contractors and subcontractors who will get work, who will get investment and who will get economic opportunity as a result of this government's investment in the most significant rebuild and expansion of our justice facilities in the history of self-government.

**MADAM SPEAKER:** Supplementary question, Mr Smyth.

**MR SMYTH:** Minister, how many Canberra or ACT companies or partnerships were invited to bid for this preferred proponent initiative?

**MR CORBELL:** It was an open process: any Canberra-based consortium or company could choose to participate.

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

**MR WALL:** Attorney, how many Canberra businesses submitted a bid to undertake the preferred proponent role for this project?

**MR CORBELL:** I will check the record to be absolutely precise but, from my recollection today, there was at least one Canberra-based consortium involved in the initial expression of interest phase.

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

**MR WALL:** Attorney, how many Canberra businesses have the skills and professionalism to undertake the preferred proponent role in such a project?

**MR CORBELL:** It is not for me to speculate on that. That is determined through the market testing process. As I said earlier, there was at least one Canberra-based consortium that came forward in the expression of interest process.

### **Hospitals—emergency waiting times**

**MRS JONES:** My question is to Minister for Health. Today's AIHW report on emergency departments around Australia for 2014-15 shows that over the past five years the ACT has had a slower average growth—3.7 per cent—in emergency presentations than the rest of the country—4.5 per cent. Despite these increases elsewhere, the rest of the country has continued to improve ED waiting to 74 per cent on time this year. Meanwhile, the ACT has seen waiting times get worse—61 per cent on time last year and only 59 per cent on time this year. In the ACT we have worse ED waiting times that are getting even worse while the rest of the country has better performance which is getting better. Minister, how can ACT ED wait times continue to get worse when demand is not increasing as fast as in the rest of the country?

**MR CORBELL:** I welcome the release of the AIHW report today. I thank Mrs Jones for the question because it does highlight where the challenges are in our hospital system and where we are doing well. The bottom line is that we are doing well, particularly in the highest priority cases where timeliness is being achieved and national targets are being met. In some of the lower acuteness categories we are not meeting those national targets.

One of the factors we are seeing at play is that we see a large number of category 5 presentations—the lowest acuteness category—in our hospitals compared to the national average. That is more people coming to the ED with the least serious of matters compared to the national average. Obviously low acuteness is a longer waiting time and a longer target, so that is a factor.

But I want to be clear that I am not interested in making excuses about where we are not meeting our targets; I am interested in fixing them. We are doing this in two ways: the first is that we are expanding the emergency department by 30 per cent—an extra 21 treatment spaces. That is underway right now and is due for completion at the end of next calendar year. The second is to look at how the systems and processes inside the hospital can be better engineered and better delivered to support the work of our clinicians and nurses and other health staff inside the emergency department so that people wait shorter periods of time to be seen and people are able to be admitted into the hospital more quickly, freeing up space in the emergency department for someone else to be seen.

These are the issues that my directorate has been heavily focused on in the past three to four months in particular. I am very pleased with the progress that has been made to date, and the government will be saying more about that and what steps can be taken in due course.

I also highlight that we have seen significant improvement in the past few years. Two years ago we were sitting at only around 50 per cent overall of timeliness compared to

the national average; we are now at 59. We were at 61 last year, as Mrs Jones said. We have seen a significant improvement over a short period time, but there is more work to be done. The steps that I have outlined in earlier comments point to the commitment the government has to taking those steps.

**MADAM SPEAKER:** Supplementary question, Mrs Jones.

**MRS JONES:** Minister, other than a higher number of lower acuteness presentations, what is the difference with ACT's ED that means that we are worse than the rest of the country when we are seeing proportionally fewer people?

**MR CORBELL:** I thank Mrs Jones for the supplementary. This is precisely why the government has undertaken the detailed analysis that has been undertaken by the Health Directorate over the past two to three months, which has looked at what is going on—inside the ED, in the rest of the hospital, what is happening with admission, practice, bed availability, what is happening with decision-making around access to treatments, access to scans and other things that need to be done that inform a decision around admission.

All these factors add up in determining whether or not someone is seen on time or not. So the government has done this work. We have identified the steps that need to be taken. Shortly we will be talking further about how that will be implemented, how we will support the doctors and nurses in our ED to improve timeliness and make sure that the hospital as a whole works better, as well as improve overall capacity by expanding the emergency department with the \$25 million project that is now underway there.

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

**MR HANSON:** Minister, why have ED wait times gone from some of the best in Australia in 2001 to now the worst in Australia under this Labor government?

**MR CORBELL:** I refer Mr Hanson to my earlier answers.

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

**MR HANSON:** Minister, when will Canberrans have ED wait times that at least match the rest of Australia?

**MR CORBELL:** The government will be making further announcements in due course that will outline the very practical steps that we believe can be taken to significantly improve performance against the national emergency access targets.

**Mr Hanson:** When?

**MR CORBELL:** I am not going to make an announcement of government policy today. It is not appropriate that I do so. The government is very focused on this. I simply say to Mr Hanson that he will see very shortly the steps the government is going to take in this regard so that we see further access and we see better time limits,

because that is our commitment. That is my focus as health minister—better access, better timeliness and more people getting the care they need in the time frames that they need it.

**Mr Hanson:** When will it be at the national average?

**MR CORBELL:** I will outline those things in due course.

### **Planning—statement of intent**

**MS FITZHARRIS:** My question is to the Minister for Planning. Minister, you recently announced a new statement of planning intent. Could you please outline for the Assembly the purpose and process of developing the planning intent?

**MR GENTLEMAN:** I thank Ms Fitzharris for her interest in planning across the territory, particularly in Gungahlin. The purpose of developing the statement of planning intent is to provide the community with information on the government's intentions and also to seek their feedback on the development policies of the ACT government whilst also laying out clear structures for which the development can be planned and carried out without unnecessary delay.

Under the Planning and Development Act 2007 the responsible Minister for Planning may set out the main principles that are to govern planning and land development in the ACT. This is through a written statement, the statement of planning intent. The Environment and Planning Directorate, EPD, when performing its functions, must always take the statement into consideration and act accordingly. The last statement was prepared in 2010 for the then Minister for Planning, Mr Andrew Barr.

This year, after extensive consultation with a wide variety of Canberrans I have had prepared a new statement. This current statement builds on modern ACT government policies and studies set out in the 2012 ACT planning strategy, transport for Canberra, the climate change strategy and the action plan for the territory, AP2, with the aim of building a better Canberra.

The community were invited to have their say on the development of the statement of planning intent over a six-week period from 25 February till 8 April 2015. A conversation starter paper, outlining the challenges that Canberra is facing and posing three focus questions to guide discussion and feedback, was also prepared.

A report on the outcomes of consultation together with the outcomes on the six stakeholder workshops was developed from the results of this consultation and was used to inform the preparation of the final statement. Following the complete amalgamation of the reports, the statement was presented to the economic development and urban renewal subcommittee of cabinet on 1 October this year.

The statement establishes the key planning priorities for the ACT government for the next five years as well as the means of developing these goals. A series of proposed actions with time frames for implementation against four priorities have also been identified. These high priority aims are pursued with the simple goals of better

developing Canberra's town centres and suburbs. Quarterly community updates on progress to implement the statement will be made to ensure that these aims are being reached and the best outcomes are those that are occurring.

The statement seeks to address contemporary planning challenges and issues in a way that respects and responds to the unique characteristics of local Canberra and business attitudes. It enables us to respond to new challenges and update our priorities in response to key issues including a recent downsizing of the commonwealth public service and the consequent reduction in business confidence, while at the same time acknowledging the ACT government's recent transformative projects such as capital metro light rail, urban renewal initiatives and large scale renewable energy facilities which are attracting new investment to the territory.

There is also a strong role for ACT government directorates, industry groups and the broader community to play to achieve the goals of the statement of planning intent. It is through the cooperation of the government departments as well as the private sector that the ACT can build on the work of previous planning statements to ensure that the best city will be built for the benefit of all Canberrans.

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

**MS FITZHARRIS:** Minister, what are the key actions contained in the statement of planning intent?

**MR GENTLEMAN:** I thank Ms Fitzharris for her supplementary. The following four priorities for planning in the ACT over the next five years are identified in the statement. The first is creating sustainable, compact and livable neighbourhoods with better transport choices, allowing for ease of access and short commutes to work. The second is delivering high quality public spaces and streets through place making, ensuring that suburbs and town centres are ideal places to live, raise families and do business. The third is delivering an outcome-focused planning system to reward design and excellence in innovation, which would ensure the longevity of utilisation of these spaces as well as gaining the best possible value out of the planning system. Lastly, the statement has sought to engage with the community, business and research sectors to optimise planning outcomes, ones which will satisfy and exceed the requirements and expectations of all members of the community.

For each priority in the statement, a series of actions is identified, with clear time frames for delivery in the immediate term—the next 12 months, the short term—two to three years, and the medium term—four to five years, all with the goal of ensuring the best lives for Canberrans.

Some of the immediate actions which will be implemented in the next year are: to identify demonstration precincts across the city that will undergo an innovative precinct planning process; to develop a place-making policy in collaboration with the community to assist government and also the private sector to deliver better public places and streets across the city; to establish a single design advisory panel that will be responsible for consolidation and will report directly to me; to use visual tools to better convey design planning outcomes for the city, such as digital planning, and

provide the public with clear examples of the aims of the projects; and to adopt more interactive and flexible engagement approaches, including improved online techniques and increased use of social media to reach out to the broader community. *(Time expired.)*

**MADAM SPEAKER:** Supplementary question, Dr Bourke.

**DR BOURKE:** Minister, what role did the community play in the development of the statement of intent?

**MR GENTLEMAN:** I thank Dr Bourke for his supplementary. While there was no formal requirement for consultation on the statement, I considered it to be of the utmost importance to engage with the community and key stakeholders to find out their views on what the planning priorities for the ACT should be over the next five years. I was particularly happy to receive a large amount of correspondence from the younger generation of Canberrans, a number of whom have engaged for the first time in the political process.

The statement as a whole was developed following extensive community and stakeholder engagement over that six-week period I mentioned earlier. Individual workshops were held with community groups, peak industry and business groups, researchers and academics, senior officials of government, agencies, older people and the younger generation. A range of online opportunities was also provided for the broader community to be involved, including a conversation starter paper and the kitchen table conversation technique as well as feedback forms and individual submissions. More than 120 targeted stakeholders attended the six workshops with me. In addition, over 50 individuals and organisations submitted their comments and suggestions via feedback forms and written submissions to my office.

The engagement process revealed a wide range of consistent messages across the community, business and research sectors. While there is broad support for the existing strategic planning framework, there is less confidence in planning delivery and the implementation of outcomes on the ground in our buildings and public spaces. Concerns expressed included matters such as lack of design quality, sustainability and innovation in individual developments and beneficial contributions to the wider precinct. The four priorities of the statement responded to this message from the community and seek to address the concerns of Canberrans by providing a clear, innovative plan for the future of development.

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

**MS PORTER:** Minister, in the sessions with young people and old people were there any views expressed that were different from other groups?

**MR GENTLEMAN:** I thank Ms Porter for her supplementary. While the key messages from older people focused on age-friendly city concepts and ageing within the community, many of the planning priorities raised were similar between young and old. Many residents expressed the need for more compact housing choices near services and local centres, good public transport and pleasant open spaces, particularly

in the form of low cost and affordable high density homes that would take the pressure off the suburbs. They also expressed the need to foster a transition from a car-dependent city to convenient public transport, especially in the form of buses and the capital metro. Lastly, all generations wanted to retain urban growth and build from the city centre outwards, and focus on the quality of public open spaces and streets to attract people to urban infill.

As mentioned in my previous answer, I was impressed by the response of the younger generation, who sought to make their voices heard on the future of Canberra. Their feedback focused strongly on a number of areas, including prioritising active travel options—namely, light rail—and ensuring easy access to the city while Canberra's population continues to grow; providing living options near work or public transport, especially in the form of easily affordable housing for first homebuyers; delivering green and energy efficient housing options, in particular medium density; and creating better streets and places to activate the city, link to waterways and facilitate affordable incubator spaces for business start-ups and creative events.

The views of both generations shared the common theme of seeking to make Canberra the most livable city it could, where facilities can be easily accessed and there is a clear plan for the future. The statement seeks to take all of this consultation into account and creates a model for the future where the community remains connected and the best result is ensured.

### **Icon Water—assets**

**MR COE:** My question is to the Treasurer. Treasurer, is Icon Water considering the sale of the Cotter Dam or other dam assets?

**MR BARR:** No, I do not believe so, Madam Speaker, no.

**MADAM SPEAKER:** Supplementary question, Mr Coe.

**MR COE:** Have the two shareholders been briefed about the possible sale of Icon Water assets in order to attract the commonwealth asset recycling bonus?

**MR BARR:** I do not believe so, no.

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

**MS LAWDER:** Minister, has your directorate or Icon Water had any discussions with any prospective buyers of Icon Water assets?

**MR BARR:** I cannot speak for Icon Water. I would need to take that part of the question on notice. But—apart from what we have put in the public arena in relation to streetlighting assets that we are seeking expressions of interest on—no, we are not actively looking outside what has already been announced in terms of asset sales.

**MADAM SPEAKER:** Supplementary question, Ms Lawder.



**MS LAWDER:** Minister, is the ACT government or the board of Icon Water considering the sale of their share of ActewAGL?

**MR BARR:** No, Madam Speaker.

### **IGA East Row House—funding**

**MR WALL:** My question is to the Chief Minister. IGA East Row House has been established to assist people who must travel to Canberra for medical care. The charity has already raised considerable support and profile from the business community but it is yet to receive land on which to construct a building, despite your commitment to do so. Chief Minister, when will the government be providing a block of land for the IGA East Row House project?

**MR BARR:** Once the due consideration process has concluded.

**MADAM SPEAKER:** Supplementary question, Mr Wall.

**MR WALL:** Chief Minister, what is the decision-making process for making land available at the University of Canberra or near Calvary Hospital?

**MR BARR:** Land at the University of Canberra would be a decision for the University of Canberra council. Land at Calvary Hospital, depending on where within the Calvary Hospital precinct it is, would either be the responsibility of Calvary or, if there was adjoining land that was either commonwealth or ACT government owned, there would be the appropriate processes either through the commonwealth or through the territory.

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

**MR COE:** Chief Minister, what is the due process that you referred to in answer to the first question about when a block of land for IGA East Row House will be provided?

**MR BARR:** There is an assessment process undertaken within government and a recommendation made to me, as minister. There is also consultation with the planning minister, and then cabinet would make a final decision.

**MADAM SPEAKER:** Supplementary question, Mr Coe.

**MR COE:** Minister, in light of that, what is the status of this particular proposal for IGA East Row House, and when do you expect that that land will be made available?

**MR BARR:** I refer Mr Coe to my earlier answers.

### **Health—services for women and children**

**DR BOURKE:** My question is to the Minister for Health. Minister, can you update the Assembly on women's and children's services provided at ACT health facilities?

**MR CORBELL:** I thank Dr Bourke for his question. This Labor government remains very committed to providing comprehensive access to services for everyone in our community but particularly for those assisting women and children. The community paediatric and child health service provides for the investigation and/or management of young people with suspected or established developmental delay or disability and suspected medical developmental causes of behavioural or emotional disturbance.

The child at risk health unit provides medical examinations, health screens, education, consultation and therapy for children and their families and carers where there are concerns of child abuse or neglect. We offer child health checks via our maternal and child health nurses. Regular checks are needed to monitor how a child is developing and to offer early intervention if that is needed. MACH nurses are also able to assist parents by working in partnership to provide support, information and advice.

We have an excellent paediatric service at the Centenary Hospital for Women and Children which is providing evidence-based quality care for children and adolescents in the ACT, for both those with acute conditions and those with chronic conditions. The women's health service sees women who have significant difficulty in accessing health services. It runs the excellent well women's clinic, providing counselling, education and specialised medical services.

Maternity services at the centenary hospital offer a very diverse range of programs to women during pregnancy, during birth and during those early parenting periods. Last financial year there were over 6,700 women cared for by the Centenary Hospital for Women and Children and there were over 3,300 births at the hospital. We have 210 full-time midwife equivalents working in ACT Health. We have a very strong program of midwifery care, including care for women who have obstetric or medical complications. A very strong level of service is provided in these areas for women and children at ACT facilities.

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

**DR BOURKE:** Minister, how is the government helping to address perinatal depression and anxiety?

**MR CORBELL:** I thank Dr Bourke for the supplementary. This is a timely question given that it is Perinatal Depression and Anxiety Awareness Week. It gives us an opportunity to raise awareness about this condition in our community. We do have as a government, through ACT Health, a perinatal mental health consultation service to support women with perinatal mental health issues, including but not limited to perinatal depression and anxiety.

This multidisciplinary team consists of a registered nurse, a social worker, occupational therapists and psychologists. There is also a consultant psychiatrist and a psychiatric registrar who provide services during the week. The Perinatal Mental Health Consultation Service provide for consultation and liaison. They also offer short-term therapy for women in the perinatal period, which is from conception through to 12 months after birth, and therapeutic support around the mother-infant

relationship. They work with women who have pre-existing mental health issues, as well as those whose mental health concerns emerge during that perinatal period.

The consultation service is working with other agencies, such as midwives, GPs, maternal and child health nurses and other mental health services. Referrals to the service are mostly through those individuals that I just mentioned. Routine and universal screening for perinatal depression of all women who use our maternity services is undertaken using the Edinburgh postnatal depression scale and the perinatal psychosocial assessment.

The government, both at the ACT level and federally, have contributed funding for the national parental depression initiative since 2008. While the commonwealth funding for this initiative has now regrettably ceased, the ACT continues to fund some projects in these areas. *(Time expired.)*

**MADAM SPEAKER:** Supplementary question, Ms Porter.

**MS PORTER:** Minister, what services does QEII provide to mothers and babies, and with what support from the ACT government?

**MR CORBELL:** I thank Ms Porter for her supplementary. QEII is one of those services where women experiencing perinatal depression and other mental health conditions are able to be cared for in a more intensive, supported environment.

The fantastic work that is done by the Canberra Mothercraft Society is something, I think, that all members in this place should commend. They have a long history and a proud history of providing support for mothers and infants in our city, dating back to as early as 1929.

The facility of the QEII hospital at Curtin is an excellent one. There is a variety of services for mothers and their babies, including those with complex lactation issues, unsettled babies, babies that are failing to thrive, mood disorders, parenting support and education. QEII is unique in Australia because it is integrated into the broader operations of ACT Health, and in the last financial year there were over 1,600 admissions to the service.

The government is providing additional support to expand QEII. I was delighted to be out there a month or so ago to see the new facilities being put in place. In the most recent budget, the government provided over \$2.2 million to expand QEII. That is across a range of neonatal services, including an additional neonatal intensive care bed; \$300,000 for the expansion of postnatal care community based options; and also \$676,000 for expansion of services at QEII. There will be six beds in three new family suites at QEII as a result of this. That is going to help families, help mothers and their newborn kids, make that transition, which can often be very challenging following a birth, and help them with education with things like vaccination and other things like that as well. *(Time expired.)*

**MADAM SPEAKER:** Supplementary question, Ms Fitzharris.

**MS FITZHARRIS:** Minister, could you please update the Assembly on childhood vaccination rates in the ACT?

**MR CORBELL:** I thank Ms Fitzharris for her supplementary. As I was mentioning, facilities like QEII do help families with a broad range of services, including vaccination. Here in the ACT vaccination rates are at a very good level. Immunisation data for children under seven years is collected by the Australian Childhood Immunisation Register. Coverage rates show that the ACT sits across all three cohorts at between 91 to 93 per cent compared to the Australian average, being somewhere between 89 and 92 per cent, so much, much stronger vaccination rates here than in the rest of the country.

We continue to work to improve this coverage. We do this through a range of ways, including the immunisation webpage, promotional campaigns to highlight the importance of immunisation, liaison with immunisation providers and the immunisation inquiry line. We also do regular reminders to parents of children—quarterly mail outs—who are recorded in the Australian Childhood Immunisation Register as overdue for immunisation.

It really does highlight the collaborative effort between public and private immunisation providers, ACT Health, the Capital Healthcare Network—formerly Medicare Local—and commonwealth departments to make sure we can keep vaccination at a very high rate here in our community.

### **Gaming—casino**

**MR DOSZPOT:** My question is to the Minister for Economic Development. It relates to projects in and around the city. Minister, what discussions have you had with the owners of the casino about their intentions to expand the facility considerably?

**MR BARR:** The owners of the casino have presented a proposal to government. They have made that publicly available through various media outlets and provided a brief presentation of their intention at the Canberra Business Chamber dinner last night.

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

**MR DOSZPOT:** Minister, what discussion has your office or directorate had with representatives of the casino about committing to legislative changes to allow poker machines?

**MR BARR:** The casino's proposition to government has been put on the public record. They, like every other operator of the Canberra casino over history, have made an approach to government seeking access to poker machines.

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

**MR SMYTH:** Chief Minister, what is the status of the stadium in the city proposal and is it linked to the casino expansion going ahead?

**MR BARR:** It is a project that is progressing under the city to the lake umbrella. No, it is not directly linked to the casino's proposal.

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

**MR SMYTH:** Chief Minister, is it still the government's intention to lower Parkes Way or are you considering constructing bridges over the existing road grade?

**MR BARR:** I do not see how that particularly relates to the casino.

**MADAM SPEAKER:** The last question was about city to the lake.

**MR BARR:** Not really, Madam Speaker.

**Mr Smyth:** If I can prompt the Chief Minister? The original question was to the Minister for Economic Development relating to projects in and around the city. That was the opening line.

**MADAM SPEAKER:** I will allow the question—

**MR BARR:** That is fine, Madam Speaker.

*Mr Smyth interjecting—*

**MADAM SPEAKER:** Mr Smyth, thank you. The last question was about the city to the lake.

**MR BARR:** My answer was, actually, Madam Speaker; but, yes. I thank Mr Smyth for the question. The government continues to explore options for lowering Parkes Way and is looking at a range of bridging options as well.

### **Diversity ACT—FOI request**

**MS LAWDER:** My question is to the Minister for Community Services. Minister, has your office been involved with any further discussions with Diversity ACT representatives since my questions yesterday?

**MS BERRY:** No.

**MADAM SPEAKER:** Supplementary question, Ms Lawder.

**MS LAWDER:** Minister, are you aware of a board member of Diversity ACT receiving an unannounced visit to his home this morning at 7.30 regarding my FOI request?

**MS BERRY:** No, I am not.

**MADAM SPEAKER:** Supplementary question, Mr Smyth.

**MR SMYTH:** Minister, did a member of your staff and a Labor Party official visit the home of a board member of Diversity ACT this morning at 7.30 to discuss Ms Lawder's FOI request?

**MS BERRY:** Members of my staff? I have said no a number of times—no. If there are other people who have gone and visited Diversity ACT this morning, I do not know about that either. I am just hearing about it here today; I have not heard anything.

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

**MR SMYTH:** Minister, will you now check with your staff and come back before the close of business today and guarantee that your staff did not go to the home of a member of Diversity ACT this morning at 7.30 to discuss Ms Lawder's FOI request?

**MS BERRY:** I will answer the question now. I had checked with my staff yesterday afternoon when the question was asked. None of my staff has had any interactions with Diversity ACT.

**Mr Smyth:** What about 7.30 this morning?

**MS BERRY:** Or this morning. I have already answered the question.

### **Transport—light rail**

**MS PORTER:** My question is to the Chief Minister. Can you outline the importance to the ACT economy of the capital metro project?

**MR BARR:** I thank Ms Porter for the question, and with great pleasure I will outline the benefits to the ACT economy of the capital metro project. Stage 1 capital metro will have a significant benefit for the ACT economy. As the business case clearly states, the benefits exceed \$1 billion. They include, amongst other things, \$222 million of transport time saving benefits, \$240 million of land use benefits, \$198 million of wider economic benefits and \$140 million of infrastructure efficiency savings benefits.

But, more importantly, the flow on of investment in this project will create 3,500 jobs through the construction phase. This includes more than 2,000 indirect jobs from a range of sectors that will help support the project. This includes engineers, architects, truck drivers, cleaners and, of course, there will be spillover benefits to local shopkeepers, hotel operators and the like.

We want to work with local businesses to maximise these benefits. This is beyond just the successful construction company or operator but also the jobs that flow on to businesses supporting the project and from the increase in economic activity in Canberra. This will include many entry level jobs, helping young people transition into the workforce. It will be a magnet for new skills into the ACT economy. It

certainly appears from early indications in terms of interest in real estate along the stage 1 corridor that the community is welcoming light rail arriving in this area.

We want to work with businesses to maximise the benefit. We are already seeing increased activity in Gungahlin along the corridor. The Real Estate Institute of the ACT has reported and commented that good public transport connections are an extremely important issue for buyers and that light rail will make Gungahlin even more appealing.

The government is getting on with the job of delivery of this project, transforming our city and boosting our city's economy in the wake of the federal Liberal government's job cuts. This is a project that is going ahead after decades of talking. It is interesting to look back on some of those decades of talking. There was a time when the Canberra Liberals issued a policy document entitled *Time to take light rail seriously*, where they said that the community are crying out for vision and for something to be done on this issue. Well, I am pleased to report to the Canberra Liberals that, yes, there is a government with vision and there is a government that is actually going to do something about this. That is this government, and the time is now.

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

**MS PORTER:** Chief Minister, how can local businesses benefit from this project?

**MR BARR:** I am delighted to be able to advise the Assembly that this morning I announced a very important partnership between the ACT government and the Canberra Business Chamber. The Canberra Business Chamber is on board with the government to partner with industry to maximise the benefits of this important project for Canberra business.

The chamber recognises the enormous economic benefits of this important infrastructure project and will be working closely with local businesses and the government. They will strengthen local business capacity to participate in the project, improve engagement and help explore and identify a range of new opportunities and new business models for Canberra business. I thank the Business Chamber for their strong support of the project, their engagement and their partnership with the ACT government in its delivery. I cannot think of a better partner to assist us to work with local businesses.

I am pleased to advise that construction on the project will commence next year and that many local businesses will be participating in the project. Many are already participating through their work directly with the Capital Metro Agency or with individual consortia. This will be a great project for Canberra, and we look forward to delivering it in 2016.

**MADAM SPEAKER:** Supplementary question, Ms Fitzharris.

**MS FITZHARRIS:** Chief Minister, are you aware of any concerns raised by the business sector about the security of government contracts for the capital metro project or any other major infrastructure project?

**MR BARR:** Yes. I happen to be aware; I do. I did receive a copy of a letter from the Business Council of Australia, the Australian Industry Group and Infrastructure Partnerships Australia to the Leader of the Opposition which was cc-ed to his deputy, urging them to reconsider his plan not to honour contracts.

Whilst we understand that those opposite are intent on building on their reputation as economic lunatics—

*Opposition members interjecting—*

**MR BARR:** We know they are intent on building on their reputation as economic lunatics, and day after day—

**Mr Hanson:** You are a coward.

**MADAM SPEAKER:** Withdraw, Mr Hanson. Sit down, Mr Barr. “Coward” is unparliamentary; withdraw.

**Mr Hanson:** I withdraw.

**MADAM SPEAKER:** On the supplementary question, Mr Barr.

**MR BARR:** Day after day the Canberra Liberals are intent on building on their reputation as economic lunatics—

*Mr Hanson interjecting—*

**Mr Corbell:** Point of order. I would assume that the comments made by Mr Hanson just now are also unparliamentary and I ask you to invite him to withdraw, Madam Speaker.

**MADAM SPEAKER:** Sorry—

**Mr Hanson:** I would ask you to rule on whether the word “chicken” is unparliamentary.

**MADAM SPEAKER:** I will consider that. As members know, I am loath to rule words out all over the place. I will consider that and I will come back and make a ruling. In the meantime, I will ask members, although they might feel that the Chief Minister is goading them—can you stop the clock. If you feel the Chief Minister is goading you, you can desist. And I will not tolerate animal noises.

**MR BARR:** Madam Speaker, one would only expect animal noises from those opposite.

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



**DR BOURKE:** Chief Minister, what would be the risk to the territory if the project did not go ahead?

**MR BARR:** According to the Business Council of Australia—

**MADAM SPEAKER:** Could I go back?

**MR BARR:** Can we stop the clock at this point?

**MADAM SPEAKER:** Yes, stop the clock. We will actually restart the clock because I want to ask Dr Bourke to rephrase the question so that it is in order and does not raise hypothetical matters. I will give you the opportunity to rephrase the question.

**DR BOURKE:** Thank you, Madam Speaker. What would be the risk to the territory economy if the capital metro project did not go ahead?

**MADAM SPEAKER:** I will allow it.

**MR BARR:** According to the Business Council of Australia, the Australian Industry Group and Infrastructure Partnerships Australia:

If the light-rail contract was cancelled, the cost and risk of doing business in the Territory would rise.

All future ACT government infrastructure projects, all future ACT government procurement, would have a big cloud over them because of the position of those opposite, who are described by their own federal colleagues as “economic lunatics”.

Let us also look to the human cost of such a decision—the 3½ thousand jobs that would be lost in this community, the people who would be thrown out of work by a decision of those opposite. That is the human cost. There is a billion dollars of benefit to the territory economy that would be lost.

*Opposition members interjecting—*

**MR BARR:** The territory’s reputation would be significantly tarnished and our capacity to ever again attract significant investment or significant interest in ACT government projects would be placed at great risk. For those reasons, it is incredibly important that this territory not put its reputation at risk through such economically irresponsible actions.

The economic lunatics, the animal noise group, the people who decide that it is appropriate to make animal noises in this chamber—their level of contribution to public debate is to squawk like a chicken.

*Opposition members interjecting—*

**MR BARR:** If that is the best the Leader of the Opposition can contribute on this final day of sittings in the Assembly—constant interjections and making chicken noises—it demonstrates that the Leader of the Opposition is not even fit to lead his own party, let alone to be the Chief Minister of the territory.

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

### **Supplementary answers to questions without notice**

#### **Diversity ACT—funding**

**MS BERRY:** In question time yesterday I offered to get further advice about Diversity ACT and Ms Lawder's FOI request. There was no demountable building purchased by Community Services or Diversity ACT and the withdrawal of funding included funding for the planned demountable.

In relation to the FOI request, I understand that Ms Lawder requested a remission of charges which was not granted by the decision maker, which is CSD. She has now sought an internal review of this decision and has been advised that the internal review decision maker is currently considering this request. I am also advised that the directorate staff responsible for the management of FOI applications did not contact Diversity ACT in relation to Ms Lawder's FOI application.

#### **Transport—planning**

#### **Transport—light rail**

**MR CORBELL:** On Tuesday in question time, in response to a question, I stated that I had not had responsibility for transport planning since 2012. That was an error. I would like to correct the record and apologise to the Assembly. I have not had responsibility for transport planning since July 2014.

Yesterday in question time I was asked were any non-conforming bids submitted by consortia or members of a consortium in response to requests for proposals put forward by the Capital Metro Agency. The answer to the member's question is no.

### **Legislative Assembly—accommodation**

#### **Statement by Speaker**

**MADAM SPEAKER:** I would like to give a final update for the year on the accommodation project for the expanding Assembly. The first phase of the project, which involves fitting out approximately 600 square metres of office space on level 1 of the North Building, is on schedule. I am advised that completion is anticipated in the week starting 7 December. I had the opportunity to inspect the fit-out earlier today and I am sure it is going to be a very well designed and functioning workspace for the 35 OLA staff who will be based there.

Over the course of the week starting 7 December, certain OLA staff will progressively move across Civic Square. This involves Hansard, the Library, HR and Finance. Also in that week, some other building occupants will be relocated within the Assembly

building to clear the refurbishment zone, such as IT and technical staff and the media. The project control group will keep members and other building occupants informed of the relocation program and how it might impact temporarily on support services.

The second phase of the project will start slightly ahead of schedule during the week starting 14 December. This will involve works to the Assembly building. To isolate the construction zone, internal hoardings will be erected to levels 1 and 2 and the ground floor. This will be a no-go zone until May 2016. Alternative public access arrangements will be made for that period as the hoardings on the ground floor encompass the entrance, staircase and lift well.

Also in the week starting 14 December, some initial demolition work will take place, but it is not expected to cause any significant disruption. After that, construction work will suspend for the Christmas break and restart on Monday, 4 January. At that time, the demolition work will continue. Also from 4 January, the recarpeting and repainting program will start in the ministerial corridor and suites. Our aim is to refresh all of the level 2 corridors and most ministerial suites by the third week of January. Any remaining ministerial offices will be refreshed between February and April along with the rest of the building which is not being renovated.

Members, I am also pleased to announce that savings in the original project budget have been identified. With the Treasurer's agreement now to hand, for which I thank him, these savings will let us undertake some other building refurbishments—doing them in a more cost-effective and less disruptive way. This will involve an upgrade of ageing elements of the heating, ventilation and cooling system, a refresh of the general bathrooms, and a refresh of the reception room kitchen. I am advised that these additional works will extend the timetable of the project from May to August 2016.

I can also advise that the Standing Committee on Administration and Procedure has agreed to a design to accommodate 25 members in the chamber. This was quite challenging work and I am happy that we have achieved a good outcome that will be cost-effective as well as complementary to the existing furniture design layout.

In essence, a new table will be built for the centre of the chamber which will be slightly separated from the existing Clerk's desk. The Chief Minister, Deputy Chief Minister, Leader of the Opposition and Deputy Leader of the Opposition will sit at this table. The mace will be placed in front of the Clerk's desk. There will be no other changes required to the current horseshoe configuration or to the fittings in this place. For information, I will arrange for sketch plans for the design of the chamber layout to be distributed to members. I will update members again on the project during the first sitting week of 2016.

For now I would particularly like to thank OLA staff, and in particular Ian Duckworth and Celeste Italiano, for their good work in managing this complex project. I am confident of a good outcome for the new Assembly after October next year.

## Papers

**Mr Barr** presented the following papers:

Estimates 2015-2016—Select Committee—Report—*Appropriation Bill 2015-2016 and Appropriation (Office of the Legislative Assembly) Bill 2015-2016*—Update in response to Recommendation 56.

Financial Management Act, pursuant to section 47—Instrument of approval of guarantee—Ararat Wind Farm Pty Ltd, dated 17 November 2015.

**Mr Corbell** presented the following paper:

ACT Criminal Justice—Statistical Profile 2015—September quarter.

## Property crime reduction strategy—progress report Paper and statement by minister

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for the Environment and Minister for Capital Metro): For the information of members, I present the following paper:

Property Crime Reduction Strategy 2012-2015—*Canberra: a safer place to live*—Progress report 2014-2015.

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

Leave granted.

**MR CORBELL:** The government is committed to ensuring that residents benefit from living in a fair and safe community and that we all have the confidence to participate fully in community life. The 2014-15 progress report on the ACT property crime reduction strategy presents to members the continuing evidence that we are delivering in reducing property crime in our community. I am pleased to confirm today that we are well on our way to achieving the targets in the ACT property crime reduction strategy.

The report is focused on the 2014-15 financial year, which is the third complete financial year period of the strategy's operation since its launch in May 2012. The 2014-15 report is the final progress report that will outline the achievements and progress made against the action plan. A report providing the final results against the targets set to reduce property crime will be completed next year.

The strategy's vision is to make Canberra a safer place through a collaborative whole-of-government effort to produce an enduring reduction in burglaries and motor vehicle thefts. Its target is to reduce reported burglary crime by 10 per cent and motor vehicle theft by 20 per cent by the end of this year from a 2010 baseline.

The strategy is driven by three key objectives: stopping the cycle of offending; engaging the disengaged; and creating a safer, more secure community. Underpinning

these objectives is a comprehensive action plan that identifies 68 programs, projects and actions that drive crime reduction and improve crime prevention.

These objectives and corresponding action items are based on breaking cycles of offending and the associated cycles of vulnerability. They are about working with vulnerable and at risk youth to engage them in education, to engage them in training, to engage them in employment, and to ultimately choose education and a job over the choice to commit crime. They are about providing support and crime prevention information to victims and making buildings and public places safer by design that help discourage crime.

The 2014-15 progress report that I am tabling today shows that we are continuing the fight against property crime by implementing these projects. It includes a comprehensive analysis on the progress of the strategy, including information on key achievements and progress. All but one of the 92 tasks in the strategy have been progressed during the reporting period. The majority, 84, relate to ongoing programs or services. One, related to school participation and retention rates, cannot be reported as this measure, which was based on an ABS survey, has been discontinued. I have been advised that a new national performance measure for year 12 or equivalent outcomes is under development by the ABS.

The report demonstrates the whole-of-government effort that has been put towards achieving the strategy's target to produce, from a 2010 baseline year, a sustainable reduction in property crime by reducing burglary crime by 10 per cent and motor vehicle theft by 20 per cent by 31 December.

The latest results against the strategy's targets are drawn from the Australian Bureau of Statistics' "Recorded Crime—Victims, Australia, 2014" publication. This was released at the end of June this year and reports on offences in the previous calendar year. The 2014 publication reports that in 2013 there were 2,230 victims of burglary, 2,010 fewer compared to the 2010 baseline year of 4,240 victims. This translates to a decrease of 47.7 per cent in the level of burglary in our community. I think that is a fantastic result—to see burglary down by over 47 per cent over the two years since the strategy was first implemented.

Similarly, victims of motor vehicle theft have decreased by 579, from 1,331 victims in 2010 to 752 in 2013. That is a decrease in the number of motor vehicle thefts of 43.5 per cent. These are great results. They show the collaborative whole-of-government effort that has been implemented to reduce property crime and improve community safety.

They have been achieved through a number of milestones and targets being met during 2014-15, and that includes the continuation of ACT Policing's crime targeting team; the implementation of the priorities contained in the blueprint for youth justice and, in particular, the enhancements to the Bimberi Youth Justice Centre educational and training programs; the provision of the ACT engine immobiliser scheme; the delivery of the ACT home safety scheme; and the continuation of options development to incorporate crime prevention through environmental design in our planning codes.

The report also shows how agencies have built on the financial and social investment that the government has made in recent years within our criminal justice system, including the commissioning of the Alexander Maconochie Centre, the development and implementation of the 10-year blueprint for youth justice, and the creation of a holistic support system or one-stop shop for victims of crime in the ACT.

Like all volume crime, burglary and motor vehicle theft are susceptible to fluctuation. The information in the report identifies that, while we have seen significant reductions, as I just mentioned, since the commencement of the strategy, in 2014 we saw a slight increase in burglary for the first time in three years, as well as motor vehicle theft. We need to sustain the downward trend. Work on the implementation of the strategy will be continued.

The government remains committed to ensuring that ACT residents benefit from initiatives designed to reduce property crime, and I look forward to continuing to report to the Assembly on future initiatives in relation to the delivery of this important strategy.

## **Papers**

**Mr Corbell** presented the following papers:

Coroners Act, pursuant to subsection 57(5)—Report of Coroner—Death of Mr Mark Rodney Jolliffe—Report, dated 30 June 2015. Government response.

Australian Health Practitioner Regulation Agency—Annual report 2014-15—Your regulatory scheme: maintaining professional standards for practitioners and managing risk to patients.

National Health Practitioner Ombudsman and Privacy Commissioner—Annual report 2014-15.

A Framework for the Management of Aggression and Violence—Mental Health, Justice Health and Alcohol and Drug Services 2015.

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

### **Report 6—government response**

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for the Environment and Minister for Capital Metro) (3.37): For the information of members, I present the following paper:

Health, Ageing, Community and Social Services—Standing Committee—Report 6—Inquiry into the exposure draft of the Drugs of Dependence (Cannabis Use for Medical Purposes) Amendment Bill 2014 and related discussion paper—Government response.

I move:

That the Assembly take note of the paper.

Today I am tabling the government's response to report No 6 of 2015, inquiry into the Drugs of Dependence (Cannabis Use for Medical Purposes) Amendment Bill 2014 and related discussion paper, which was released by the Standing Committee on Health, Ageing and Community Services on 13 August this year. The report made seven recommendations in relation to the Drugs of Dependence Amendment Bill and discussion paper. I will outline these and the government's response in further detail.

The response I table today reinforces the government's support for the compassionate intent behind the introduction of a medicinal cannabis scheme. However, the practical implementation of a scheme as proposed in the draft bill would be extremely challenging. Prior to any such scheme being implemented, many issues would need to be addressed.

The government fully supports a national approach to this issue and is committed to ensuring that any medicinal cannabis scheme has at its core a reliable, quality controlled supply and regulatory framework. I will explain in further detail some of the work being done in other jurisdictions in this area.

The committee report contains seven recommendations, some of which contain more than one point. The government looks forward to addressing a number of the insightful recommendations contained in that report. The government agrees with the committee's recommendations that more could be done to promote schemes that enable access to pharmaceutical products such as Sativex, and I will be writing to the commonwealth Minister for Health to request that she consider including Sativex on the pharmaceutical benefits scheme, that the special access scheme process is streamlined where possible and that approved pharmaceutical cannabis products are expanded for additional indications where new evidence reflects this need. I will also be writing to the federal minister, therefore, to request that she consider rescheduling other non-psychoactive non-addictive cannabinoids into a lesser schedule, as has been done for cannabidiol in order to facilitate research and development of medicinal cannabis.

The ACT will also continue to work with state, territory and commonwealth governments in the area of clinical trials and facilitate ACT patient access to the upcoming New South Wales trials where that is appropriate. I would like to note that the government has already been actively engaged with New South Wales in the development of a framework for the New South Wales clinical trials, and we support this initiative. We will also work with our counterparts in other jurisdictions to progress a national medicinal cannabis scheme noting that the government gave in-principle support to the cross-party Regulator of Medicinal Cannabis Bill 2014, a bill which I will talk about further shortly.

I would like to briefly outline to members what is occurring in other jurisdictions of Australia and also work being undertaken nationally. In July this year the New South

Wales government announced the commencement of a medicinal cannabis trial for terminally ill adults. The trial will be conducted in two parts. Part one will be conducted at the Calvary Mater Hospital in Newcastle and will involve approximately 30 participants. Depending on the results of part one, there may be scope to expand the trial in due course to incorporate a much greater pool of study participants. In addition, the New South Wales government is continuing to work with interested researchers on the development of trials relating to the use of cannabis in the treatment of paediatric epilepsy and in the chemotherapy-related areas that cause nausea and vomiting.

In June of this year New South Wales announced funding of \$12 million over four years for a centre for medicinal cannabis research and innovation to be headed up by the New South Wales Chief Scientist, Mary O’Kane. The centre will work alongside partners such as the Lambert Initiative, which was established in June this year following a \$33.7 million donation to the University of Sydney from Barry and Jo Lambert for clinical and scientific cannabinoid-related research in the hope of ultimately producing cannabinoid-based medicines.

The New South Wales government has developed a terminal illness cannabis scheme to extend compassion to adults with a terminal illness. The terminal illness cannabis scheme provides guidelines for New South Wales police to assist them in determining appropriate circumstances in which to use their discretion not to charge adults with terminal illness who use cannabis to alleviate their symptoms and carers who assist them. New South Wales residents who are aged 18 years and over who have a terminal illness are eligible to be registered for the scheme.

Turning to developments in Victoria, it has also been heavily involved in medicinal cannabis matters. In December last year the Victorian government announced its intention to legalise medicinal cannabis for individuals with terminal illnesses or life-threatening conditions and referred the matter of options for implementing the reforms to the Victorian Law Reform Commission. The VLRC were tasked with advising on how to define the exceptional circumstances in which a person should be allowed to be treated with medicinal cannabis and how the law could be amended to enable an authorised person to receive the treatment they need while continuing to prevent unauthorised access in other circumstances by other persons.

The VLRC’s report was tabled in the Victorian parliament in October this year. It included 42 recommendations and addressed key issues including cultivation, manufacture, supply, patient eligibility, clinical oversight and the need for clinical trial research. The Victorian government fully accepted 40 of the recommendations and they accepted a further two in principle. As a result, the Victorian government has announced it will legalise access to locally manufactured medicinal cannabis products for use in exceptional circumstances from 2017 in a way significantly different from the approach proposed by the draft bill put forward by Mr Rattenbury. We are awaiting further developments from Victoria with interest.

Nationally, as I mentioned previously, a cross-party Regulator Of Medicinal Cannabis Bill—the national bill—seeking to legalise the possession and use of cannabis for medicinal purposes and certain conditions was introduced into the Senate in



November last year. The national bill proposed that an independent office of medicinal cannabis be established to oversee the regulation of supply, distribution, possession and use of cannabis at a national level. The national bill was referred to the legal and constitutional affairs legislation committee for inquiry and a report was presented by that committee in August this year.

A number of recommendations were made, particularly surrounding issues identified in relation to legal matters. Subject to the recommendations, some of which are complex and onerous, the committee recommended that the bill be passed. The introduction of a national bill represents an important step in developing a national approach to this important issue, and developments in this area will be watched closely by the ACT government.

Another significant recent development is that the commonwealth government announced in October this year that it will seek to amend the Narcotics Drugs Act 1967 to allow the controlled cultivation of cannabis for medicinal and scientific purposes in Australia. This could facilitate the establishment of a domestic cannabis industry which would assist with the production and supply of a high quality, regulated product for people requiring medicinal cannabis in Australia.

As you can see, Mr Assistant Speaker, the issue of medicinal cannabis is being thoroughly discussed throughout Australia. The ACT government supports the compassionate intent behind Minister Rattenbury's bill. However, the practical implementation of the scheme as proposed in the bill would be extremely challenging. Instead, we reiterate our support for a national approach and the supply of a regulated, quality controlled product.

We also note that there is scope for further investigation of appropriate means for making medicinal cannabis available in the ACT. As I mentioned previously, the Victorian government's intention to license the cultivation of cannabis for distribution under the authority of medical practitioners is a significant development. If there is to be a commercial supply of cannabis grown in Victoria, this may facilitate the provision of a standardised product in the ACT, although it remains the government's position that a process for the provision of a standardised cannabis product occur on a national basis.

The ACT is also supportive of the use of medicinal cannabis in a clinical trial setting. Palliative care is a potential area of interest in which clinical trials could be performed in the ACT. The government is giving consideration to exploring this further. The government is also supportive of further investigation into the feasibility of a terminal illness cannabis scheme—a TIC scheme—such as that operating in New South Wales. Another area where the ACT could lead in the development of a compassionate medicinal cannabis scheme is the education of our medical professions as to the appropriate indications and methods of using medicinal cannabis. I will be pursuing all of these matters as Minister for Health and discussing them further with colleagues, in particular, with Mr Rattenbury.

In summary, although the government agrees with the committee's recommendation that the Assembly not agree to the proposed Drugs of Dependence (Cannabis Use for

Medicinal Purposes) Amendment Bill, there are other options available to us for capacity building which could assist people in accessing medicinal cannabis in the ACT. The government will work to explore these options in relation to this important issue. I would like to thank the standing committee for their report, and I commend the response to the Assembly.

**MR RATTENBURY** (Molonglo) (3.48): I will take this opportunity to make some remarks on this issue of medicinal cannabis in light of both the committee's report and the government response tabled by the Minister for Health. Although there is nothing wrong with the government's response itself, I must be clear that it was not a response I was able to endorse when it came before cabinet. This is because it is not a response that will see anything really change in the ACT; it will not see sick or terminally ill people allowed access to medicinal cannabis any time soon. Members would know that my approach to this issue would be different, and I believe we can take a much stronger, more decisive and timelier pathway than is being canvassed.

This discussion stems from the legislation that I released in July 2014, almost 18 months ago. That legislation would have allowed for the first time sick and dying people in the ACT to legally access medicinal cannabis as a treatment for their illness. I have already said this many times before: people who are ill and dying or enduring chronic pain or debilitating symptoms should be able to access appropriate treatments to help alleviate their symptoms. Cannabis can be one of those appropriate treatments. Its use as a medical treatment is supported by strong medical evidence. This is backed up—as we have no doubt all seen—by considerable anecdotal evidence. This has been reinforced repeatedly by the numerous committee inquiries held recently, such as the one here in the Assembly and also the federal Senate inquiry.

I note that the response talks about waiting for a federal government response rather than taking action at the ACT level. I do not believe that this is an adequate response. If we acknowledge that this is a real issue that is not being dealt with and that we should take a compassionate approach to people who are sick and dying, including people in the ACT, then we should act. We should not hope that someone else will come and fix the problem, especially when the indications are that the federal government's historical inaction may well continue. We in the Assembly have a responsibility to respond for Canberrans who need this change.

The government response to this issue so far, as outlined in the committee report, has been minimalist. It has agreed to recommendations in the report which basically entail writing to the commonwealth about several issues. Nothing is inherently wrong with these actions; it is just they are not really making any progress on the issue in the time frame that we should be. I do believe everyone in this Assembly understands the need to change the laws around medicinal cannabis, and I believe members here do feel sympathy and empathy for people who cannot get access to this treatment. We need to act on those beliefs. We should not be hamstrung because regulating is a challenge. That is not an excuse. Look how nimble and responsive we were able to be in the ride sharing space, for example. Here in the ACT, despite being a small jurisdiction, we can respond to regulatory challenges quickly and effectively when we need to.

I have talked to people who are actually suffering from illnesses or, like Lucy Haslam, whose loved ones have passed away in the time that governments have been procrastinating on this issue. It is unfathomable to them that governments continue to dither while their loved ones suffer. There are several concrete actions we can take. I have talked about these before, and I will reiterate them again now. I will continue to raise these issues in the Assembly, including by putting proposals to the government and by tabling revised legislation in the Assembly. If any members want to work with me on this issue, I of course invite them to contact me at any time.

Firstly, we can set up what is called a compassionate access scheme. In New South Wales this is referred to as the TICS, or terminally ill cannabis scheme. The scheme provides guidelines for New South Wales police officers to help them determine the appropriate circumstances in which to use their discretion not to charge adults with terminal illness who use cannabis and/or cannabis products to alleviate their symptoms and carers who assist them. New South Wales residents aged 18 years and over who have a terminal illness are eligible to register for the scheme.

There are many forms such a scheme could take, and I would suggest we could do better than the New South Wales one, which is quite strict and which I know many people do not think goes far enough. As it stands, we do not even have a simple access scheme for terminally ill people. I have previously written to the government seeking that they move quickly on this issue as a basic interim measure. The scheme I proposed in my legislation was basically an expanded version of a TIC scheme, but it was legislated rather than presented as guidelines for police. It applied to a wider range of people than just those who are terminally ill, and it tried to address the supply issue by allowing people to cultivate small amounts of cannabis strictly for this purpose.

A second action—and this is the path I think we should now be taking—is to create our own ACT government-run scheme to supply medicinal cannabis to people who need it. To clarify, this involves the ACT government either growing or importing a consistent medicinal cannabis product and become the supplier for eligible patients. There would, of course, still be various strict criteria for people to be eligible and the involvement of medical professionals in assessing these people, but the government would be the supplier.

Importantly, it appears that this is now a legally available option. Previously there has been a maze of frustrating federal barriers that prevented the ACT and other state jurisdictions from being able to set up an effective state-controlled model of supply for medicinal cannabis. These barriers dictated the details of the model I proposed last year, but it now appears the landscape is much more conducive to a model of government supply.

The federal government has recently announced that it will remove barriers that prevent states and territories from growing cannabis for medicinal purposes. The details will be important, but it appears the changes will open the door for the ACT government to both grow and supply medicinal cannabis. We have seen that Victoria has now gone down this path. It will establish an office of medicinal cannabis within

its Department of Health and Human Services to oversee the manufacturing, dispensing and clinical aspects of its promised medicinal cannabis framework. We can and should do the same thing.

My desire is to work with the government and other members of the Assembly to have a similar framework operating in the ACT as soon as possible. I have said already that I intend to introduce legislation to the Assembly that will be similar to Victoria's scheme. The ideal outcome will be if the government is willing to work with me to present an agreed model.

The third action point can be separated from the question of how and whether we supply medicinal cannabis to people suffering medical conditions. It relates to how we encourage and support the industry of medicinal cannabis, including both cultivation and research. There are a range of interested and innovative businesses and researchers who are keen to work and invest in this area. There are great opportunities for the ACT both in terms of cementing ourselves as a city with leading and cutting-edge research programs, but also in terms of diversifying our economy. With the growing interest in medicinal cannabis research and the inevitability that at least some Australian jurisdictions will legalise medicinal cannabis, businesses are looking to invest in production facilities, training programs and other services related to a medicinal cannabis industry. My view is we should be on the front foot, engaging with this developing industry and ensuring the ACT creates the right environment to attract and support them.

Those are three concrete actions that we can and should be taking. We are not doing any of them yet, but the opportunities are there. Unusually for the ACT, which is usually such a progressive jurisdiction, we are starting to get left behind even in the Australian context. The ACT has taken enough baby steps for now; it is time to face up to this issue and make real and responsible progress. I implore all members of the Assembly to give this issue further consideration to see if we can find common ground to make progress for those in the ACT who would benefit from the provision of medicinal cannabis.

Question resolved in the affirmative.

## **Paper**

**Mr Corbell:** presented the following paper:

Climate Change and Greenhouse Gas Reduction Act, pursuant to subsection 15(3)—Minister's annual report 2014-15.

## **Leave of absence**

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

That leave of absence be granted to all Members for the period 20 November 2015 to 8 February 2016.

## **Standing orders—suspension**

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

That so much of the standing orders be suspended as would prevent the adjournment debate for this sitting continuing past 30 minutes.

## **Planning and Development Act—statement of planning intent 2015**

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

**MR GENTLEMAN** (Brindabella—Minister for Planning, Minister for Roads and Parking, 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 16(2)—Statement of Planning Intent 2015.

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

Leave granted.

**MR GENTLEMAN:** I am pleased to table the statement of planning intent that has been prepared to identify the key priorities and associated actions for planning and land development in the ACT over the next five years. The work that has been undertaken to prepare this, my first statement of planning intent, has also assisted me to identify and clearly focus my aspirations for the planning portfolio. Planning is fundamentally about people and communities, so it was very important to me that the statement of planning intent reflect the community's opinions as Canberra continues to mature and grow as a major city.

It was, therefore, appropriate that the community be provided with an opportunity to have their say in the development of this statement of planning intent. To enable this, I consulted extensively with community groups, peak industry and business groups, researchers and academics, heads of government agencies and older people. I also consulted with generation Y, our young people, as it is the younger generation we are ultimately thinking about when making decisions on the potential directions we want this city to take into the future.

Like many other cities, Canberra faces a growing number of challenges as it transitions into a major city. They include managing urban growth, reducing traffic congestion, accommodating a changing population, improving economic productivity and social inclusion, creating healthy and connected communities and addressing the implications of climate change.

My statement addresses these challenges and builds on our wonderful planning legacy that began with Walter Burley and Marion Mahoney Griffin's plan. I have been

inspired by the insights that individuals and groups have shared with me in shaping the important issues for the statement of planning intent to consider. They showed genuine enthusiasm to help make Canberra a city that will confidently grapple with the challenges of a maturing city.

The messages I heard from the Canberra community recently were clear. We can no longer afford to significantly expand our urban fringes. There was consensus among young and old, industry, research and community groups that the government should continue to focus on urban renewal. Intensification around the city centre, major town and group centres and along transit corridors is seen as an important step towards becoming a more compact and vibrant city.

However, our community is also challenging us to see this planning vision and strategy implemented and delivered on the ground. Our community wants to see design excellence showcased in our built form so that it clearly demonstrates what this government stands for, including well-connected, mixed-use and active neighbourhoods; precincts with green credentials and healthy lifestyle choices for every Canberran; more transparent transport choices with excellent public transport networks; and a safe pedestrian and cycling environment. And design and planning for people was a key message as well.

The statement of planning intent 2015 responds to key messages which I heard from the community and stakeholders, and it clearly tackles the contemporary planning challenges for our city and identifies four planning priorities for the ACT government over the next five years. Those priorities are: creating sustainable, compact and livable neighbourhoods with better transport choices; delivering high quality public spaces and streets through place making; delivering an outcome-focused planning system through more design excellence and innovation; and engaging with the community, business and research sectors to optimise planning outcomes.

A number of actions against each priority have been identified together with the expected time frames for these to happen over the next five years. The key action under priority 1—creating sustainable, compact and living neighbourhoods with better transport choices—through the outcomes of community engagement, highlighted the desire for neighbourhood precincts throughout the city to provide housing choice and improvements to public spaces, streets, infrastructure and services. Our neighbourhoods have to cater for our diverse community for ageing in place, for first home buyers and for young families.

The creation of neighbourhoods with strong identity and character is considered highly desirable. The community endorsed the idea of a diverse range of destination precincts akin to New Acton, Braddon and the Kingston foreshore or recent greenfield examples such as Crace. An immediate action under the priority will be identifying demonstrated precincts across the city that will undergo an innovative precinct planning process to guide change and sustainable development where innovation and alternative housing options in partnership with industry can be progressed. Another action identified is to facilitate affordable incubation spaces for business start-ups, pop-up shops and creative cultural activities to activate underutilised spaces across Canberra.

With regard to the actions under priority 2, the community emphasised with me the need to adopt a place-making approach that focuses on people first when designing and managing public spaces and development. I quote from the not-for-profit Project for Public Spaces organisation, first established in 1975, when I say:

Placemaking is the art of creating public places of the soul that uplift and help us connect to each other.

High quality streets, pathways, parks and publicly accessible open spaces are essential for quality of life in a more compact city. We need to better integrate these spaces in the overall design of our new developments and in our urban renewal projects to make them more user friendly. In our constrained budgetary environment, this will require us to look into alternative delivery and maintenance models, an important action identified under this priority. My statement responds to this important challenge by recommending that a place-making policy be established to guide the delivery of better public spaces and streets across the city.

With regard to the actions under priority 3, many people indicated to me during the community engagement that they thought the current planning system's reliance on codes and regulations stifled innovation and inhibited good urban outcomes. The community and industry are seeking a more performance-based and outcome-driven planning system. Put plainly and simply, this means more innovation and less regulation. In response, actions in this statement recommend the revision and simplification of some of the territory plan codes. I also take this opportunity to establish a single urban design advisory panel for Canberra to improve the quality of development outcomes and the public realm as well.

The actions under priority 4 include the strong desire from community stakeholders and groups for government to provide early and ongoing engagement through the planning and subsequent development processes. Planning issues are close to the hearts of many Canberrans and many have indicated they would like to see improved planning delivery with better quality, on-the-ground outcomes. We also need to ensure there is a clearer understanding of the ACT planning process, greater transparency and more information made available on planning and development decisions.

This statement of planning intent supports actions to adopt a more interactive and flexible engagement approach, including improved online techniques and an increased use of social media to reach out to broader segments of the community. The statement also recommends an inquiry-by-design approach for significant planning projects to bring together diverse stakeholders and the community in a genuine planning and design process.

In conclusion, Canberrans want to live in a city that is truly sustainable, is underpinned by a prosperous economy and provides an excellent quality of life. With its national institutions, creative entrepreneurs, beautiful landscapes and a highly educated community, Canberra is uniquely placed to deliver this vision. This new statement of planning intent creates innovative pathways for Canberra to further grow

as a smart and progressive city widely acknowledged for its vibrant and distinctive civic lifestyle, sustainability and prosperity.

While the statement will primarily be taken into account by the Environment and Planning Directorate in performing its planning duties, there is also a strong role for all ACT government directorates, industry groups and the broader community to play and achieve the intent that I envisage. If we are truly serious about achieving the type of transformational change in our cities and for the environment that future generations should richly inherit, we must not talk about the problems but ensure that we collaborate on the solutions as well.

### **Mature workforce strategy—statement of intent Paper and statement by minister**

**MR GENTLEMAN** (Brindabella—Minister for Planning, Minister for Roads and Parking, 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:

Mature Workforce Strategy—Statement of Intent.

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

Leave granted.

**MR GENTLEMAN:** This statement was developed by the ACT government in collaboration with the Illawarra Retirement Trust Foundation and the Australian Human Rights Commission. Canberra's ageing population will provide some significant challenges in the future as older Canberrans and older Australians as well enjoy the benefits of a longer and more active life and a better standard of health than ever before. These benefits will influence the decision making of older workers to remain in the workforce for a longer period, well after they reach the current traditional retirement age.

Continuity of employment in the lives of mature age workers can foster new levels of self-worth to an individual and develop a valuable flow-on effect in the workplace with the productive output of mature age workers contributing to economic prosperity. Older Canberrans may wish at some point to transition from paid work to other productive activities such as supporting their families or volunteering and getting involved in community activities. It is with this in mind that the ACT government recognises the importance of making sure government, business, community organisations and individuals value the benefit of older people participating in economic and social life.

Members would recall the release of the intergenerational report by the commonwealth Treasury on 5 March this year. The report contained critical data about Australia's ageing population and established that the longevity revolution is underway in every jurisdiction. It identified that life expectancy is expected to significantly increase. The number of Australians aged 65 is projected to double by



2055 and will include over 40,000 people aged 100 years or older. By 2055 men can expect to live on average to at least 95 years and women to 96 years of age.

We have an obligation to respond to this challenge. In the context of mature age employment, we will find that many older Canberrans will want to remain in the workforce until their late 70s or perhaps beyond. Our range of mature age employment initiatives in the ACT must also ensure that valuable corporate knowledge, skills and work expertise are not prematurely lost.

The statement of intent endeavours to create a collective framework with the focus on activities in the ACT which have the potential to deliver improved employment outcomes across the age spectrum and which maximise active engagement, access to and independence of the workforce in the ACT.

The statement of intent brings together the ACT government, Illawarra Retirement Trust Foundation, the Age and Disability Discrimination Commissioner and the Ambassador for Mature Age Employment, the Hon. Susan Ryan AO, to work collaboratively on a range of projects to tackle the issue of age discrimination in the workplace. This will include projects identified as possible areas for development such as the mature age workforce roundtable for employers, a career check-up program for mature workers and the intergenerational job share initiative.

The government cannot work in isolation to develop priorities for older people living in the ACT, and the statement of intent will add to the body of knowledge that will encourage thought and action among government, businesses, recruitment entities and employment agencies and individuals as well. I thank the staff at the ACT Office for Ageing, the Hon. Susan Ryan as well and Mr Toby Dawson, IRT Foundation manager, and look forward to seeing our intent to work together producing some positive benefits for the ACT's mature age workers. I commend the ACT mature age workforce strategy statement of intent to the Assembly.

## **Active ageing framework 2015-18**

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

**MR GENTLEMAN** (Brindabella—Minister for Planning, Minister for Roads and Parking, 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:

ACT Active Ageing Framework 2015-2018.

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

Leave granted.

**MR GENTLEMAN:** As the Minister for Ageing, I table the ACT active framework and associated action plan for 2015-18. The previous strategic plan for positive ageing, which has served as the blueprint and guidance document for our ageing policies since 2009, expired at the end of 2014. The active ageing framework 2015-18 and

associated action plan, which I will be releasing today, was developed after extensive community consultation. The framework and plan express and provide guidance principles that illustrate the government's priorities for the ageing spectrum over the next four years. Importantly, the framework and action plan serve to demonstrate our continuing commitment to Canberra being a sustainable age-friendly city.

The framework is intended to provide ideas and enable government agencies and non-government organisations to think about how they can best support older Canberrans. The action plan lays out how the framework's aims will be realised. It covers areas including employment, social participation, community and health services, housing and transportation. Some of the practical outcomes identified in the action plan are: the ACT government and health service providers partnering to encourage awareness of elder abuse; supporting seniors to develop and maintain healthy lifestyles; strengthening opportunities for employment, training and volunteering for mature age workers; and improving access for older Canberrans within the community.

The substance of the framework was informed by the second older persons Assembly held in October 2014 as well as a number of community consultations which were held in June and July 2014 and involved over 15 community organisations, ACT government agencies and, of course, older Canberrans. Other valuable feedback coming from the ACT ministerial mature age workers roundtable held on 20 March this year also influenced the substance of the framework.

The framework sets out the government's priorities and fully embraces age-friendly principles and features. An age-friendly city or community activity supporting the values and continued participation of its older citizens encourages them to fully participate in an active, socially inclusive and productive community life. To make this a reality, government and community need to adopt new approaches and thinking that will ensure that the needs of our older Canberrans remain in constant focus, especially in the context of social, urban and recreational planning in our city.

We want to enable older Canberrans to have opportunities for productive and meaningful lives with the added social ingredients of dignity and respect and to be valued by their community. In the past two decades, the World Health Organisation has called upon all governments to optimise opportunities for health, participation and security in order to enhance the quality of life of older people as they age.

Making our cities and communities age friendly is considered the most effective policy approach to respond to an ageing demographic. Our physical and social environments are the key determinants to enable older people to remain healthy, independent and socially connected long into their old age. The framework will create opportunities for the public and private sectors to recognise and support mature age workers to maintain or gain employment, providing older workers with greater economic participation and contributing to their overall wellbeing, sense of self-worth and independence within the community.

The primary objectives of the active ageing framework and associated action plan in the next four years will include providing services and programs that are inclusive,

empowering and responsive, recognising the diversity of seniors and their right to safety, security and informed decision-making; ensuring that opportunities exist for seniors to be socially connected and active partnerships in community life through lifelong learning and social and economic engagement; ensuring that the needs of seniors are recognised by supporting good urban planning for user-friendly environments that benefit all ages; and providing volunteering and employment options for seniors and retirees, including training and/or reskilling options for mature age workers.

As a government we have the responsibility to ensure that our policies and planning for Canberra's future will provide a solid foundation to construct, support and implement positive change and the social advancement of every older Canberran now and into the future. The framework and the action plan will provide new pathways and a significant catalyst to enhance the lives, employment prospects and social inclusion of our older Canberrans now and into the future. I commend the ACT active ageing framework and associated action plan for 2015-18 to the Assembly.

## **Multicultural framework 2015-20**

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

**MS BERRY** (Ginninderra—Minister for Housing, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Community Services, Minister for Multicultural Affairs, Minister for Women and Minister assisting the Chief Minister on Social Inclusion and Equality): For the information of members, I present the following paper:

ACT Multicultural Framework 2015-2020.

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

Leave granted.

**MS BERRY:** I am very happy to table the ACT multicultural framework and action plan for 2015-20. I acknowledge the Community Services Directorate Community Participation Group, who have worked very hard in bringing this framework together. I thank them for their hard work and for their patience.

Recent events in Paris and events all over the world this past year give us cause to reflect on the importance of reaffirming this community's commitment to diversity. As the Chief Minister reminded us on Tuesday morning, violence such as the world saw over the weekend is an all too common reality. Driven by a desire to create division and fear, incidents like those we have seen in Paris and Beirut offer our small, progressive city a reminder of the weight and importance of our commitment to diversity and harmony.

Here in the ACT we have a very diverse population. The 2011 census showed that 24 per cent of ACT residents, or 86,000 people, were born overseas, representing over 180 countries across the globe. Almost 44 per cent of all ACT residents have indicated that their mother, their father or both parents were born overseas. The

success of our multicultural project is reflected every day in the friendships and community that we share against the backdrop of our different experiences and backgrounds. But the harmony we know in this community has not come without work, and as a government and a community we have a duty to be vigilant against racism and intolerance.

As a government, we know that the tolerance we aspire to is built through education, through laws that protect all and through communities that are empowered to embrace the diversity of our experiences. This is why I am glad to have seen the ACT multicultural framework and action plan for 2015-20 developed through an extensive consultation process that engaged the whole community. That process drew on the collective ideas and initiatives provided by hundreds of people across the capital: everyday Canberrans as well as community leaders and members of our business community and government. Coming together brings out surprising, innovative and exciting ideas, and I would like to take the chance to thank everyone who participated in the consultation process.

The creativity and inspiration reflected from the consultation process is well reflected in the framework and action plan documents. The plan is built around three broad themes: supporting our multicultural communities, providing the tools and resources for all Canberrans to reach their full potential, and ensuring that all can benefit from the fruits of our rich and vibrant cultural diversity.

At the core of these themes is the intention over the next five years to further increase the level of participation and community connection in the capital by strengthening the fabric of our culturally diverse way of life. This will be achieved through the first action plan. As the enabling component of the multicultural framework, the first action plan has been crafted to clearly express the guiding principles that will shape and influence our strategic outcomes, allowing for an accurate measurement of the effectiveness and quality of our programs and services to the ACT multicultural community. The framework and first action plan will also provide guidance to ACT government agencies by enabling them to deliver more effective services to people from culturally and linguistically diverse backgrounds. This will also enable the ACT government to promote a more inclusive and harmonious community for all Canberrans.

The framework is a guidance document that has been carefully crafted through extensive consultation. It expresses the government's and the community's priorities and directions for multicultural affairs over the next five years and builds on a strong history of engagement.

Indeed, Canberra's multicultural journey has evolved over many decades. Successive ACT governments have worked in a collaborative and productive partnership with Canberra's multicultural communities and the wider community to nurture and develop the solid foundations of cultural diversity and cultural celebration within our community. Our schools, workplaces, neighbourhoods, community centres, clubs and community events all radiate the strong spirit, social values and message of cultural diversity, harmony and understanding.

The completion of this framework is timely. Yesterday I was able to welcome the leaders of Canberra's Islamic community into the Assembly. We were coming together to discuss the way public perception of events in Paris and across the world had impacted on their community. In a wide-ranging conversation we kept coming back to the same point: the leaders all reflected that when people are given an insight into other cultures and an opportunity to understand, they respond. They reflected that engagement can happen anywhere: it can be online, at events like the Multicultural Festival, at multicultural morning teas in our schools or on tours of embassies, churches and mosques. As long as it brings people together, it has the potential to drive change.

This framework exists to guide the complexities of how we foster that engagement and provide tools that support the diversity of this experience in this city. It is my hope that the framework and the action plan will help us build on those successes and ensure that they are felt by every group in our community. It is also my hope that it will guide this community on its multicultural journey to stamp out exclusion and build understanding now and into the future. I formally commend the ACT multicultural framework and action plan for 2015-20 to the Assembly.

### **ACT public service—staff culture**

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

**MR ASSISTANT SPEAKER** (Dr Bourke): Madam Speaker has received letters from Dr Bourke, Mr Doszpot, Ms Fitzharris, 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 Mr Smyth be submitted to the Assembly, namely:

The importance of good staff culture in the ACT Public Service.

**MR SMYTH** (Brindabella) (4.24): Just when you think it could not get any worse for the government on the way they handle staff culture in the ACT public service, there is another article in the *Canberra Times* detailing that 20 per cent of the staff in the Environment and Planning Directorate felt that they had been bullied in the previous 12 months.

The government, I am sure, will be pleased that it is down from 27 per cent in the previous year. So in the previous year it was a quarter; this year, a fifth of all staff in one of our directorates feel that they have been bullied and/or harassed. That comes on top of the litany of stories that we have heard, whether it was in TAMS, whether it was in CIT, whether it was in a number of areas in the Health Directorate, whether it was in ACT Fire & Rescue or whether it was in the ACT Ambulance Service. This is a government that has presided over a bullying regime in the ACT public service, and they have presided over it for way too long.

The number of contacts regarding bullying or harassment received by agencies' RED contact officers went up by 118 per cent from 2013-14 to 2014-15. The number of

contacts regarding bullying or harassment that were received directly by the HR departments in the directorates went up by 84 per cent from 2013-14 to 2014-15: not a particularly good record. Yet the number of misconduct investigations involving bullying and harassment decreased by some 73 per cent. The government brags about the fact that 100 per cent of all agencies now have a formal reporting system in place; yet what is the point of having this when allegations are up but investigations are down?

Let us face it; the problem is that the senior executives entrusted to manage staffing issues also have a vested interest in maintaining the status quo. Hence we need an independent public service commissioner—someone that members of the ACT public service can go to because of their independence, not somebody who is also an assistant director-general in the Chief Minister's department. No matter how good a person is in that role, they will always have the conflict of interest of being in the Chief Minister's department and trying to be an independent commissioner.

If we look at the history of the public service commissioner in the ACT, I have not asked recently, but for years I asked how many independent investigations the commissioner had undertaken, and the answer was always "nil". Yet when I wrote one year to ask whether there had been an investigation into some allegations that had been made to me, I was told that I had to go to the Chief Minister to ask the commissioner to make that investigation. Like that was going to happen!

We have a problem, and what we do not seem to have is a solution. I will read from the *Canberra Times* article from 17 November. And well done to Mr Coe, who brought this out in the hearings. It states:

Liberal deputy leader Alistair Coe questioned Ms Ekelund about the survey in parliamentary hearings on Friday, revealing that bullying has been an issue for at least two years in the directorate.

In a 2014 survey, 27 per cent of staff said they had been subjected to bullying and harassment. In February this year, numbers had improved, but still 20 per cent of staff claimed bullying in the previous 12 months

Staff also complained that "political decisions" were affecting satisfaction and creating additional stress—but what they meant by this has not been detailed.

Ms Ekelund told Mr Coe there had been no formal or informal reports of bullying to senior staff or the human resources section in the 2014-15 financial year.

And therein lies the rub and the proof of what I have said. Twenty per cent of the staff feel harassed or bullied but nobody complains. And nobody complains because most people do not believe you get an answer—an adequate answer. Most of the staff do not believe that they will actually get justice. So they put up with it or they go. That is the problem when you do not have a good staff culture in the ACT public service.

There are assurances from the government and from senior bureaucrats that they are taking it seriously, but you have only to go through the litany of events. We had the

famous statement by former health minister Gallagher about the 10-year war in obstetrics. How is it that the government can be aware of a problem of this nature for 10 years and do nothing about it? We have had recent allegations of bullying aimed at the surgeons. So it would appear that it would continue in Health unabated.

The question is: what are the government doing, why is what they are doing so ineffective, and what will they do, what will they change, to provide people with the sort of workplace that they deserve and the sort of workplace that we would all expect them to have to go to each day?

There are a number of factors here. Firstly, for the individual involved, their own personal wellbeing is at risk. But then there are the people that they are looking after. Whether they are a service provider directly or whether they are running an area behind the scenes, it affects the reputation and the effectiveness of the ACT public service, and it must change.

Of course, it is not the individual that is affected. There are financial costs to this. It is interesting that it is not just about jobs; it actually affects staff's mental wellbeing. In Senate estimates last year Comcare noted that the ACT public service recorded 3.6 mental health claims per thousand workers. This surpasses the 1.9 claims per thousand workers in the Australian public service. The number of claims in the ACT public service is almost double. That is a very grim reputation that the Chief Minister has to answer for. Compare this to the private sector, where the figure is 0.4 claims per thousand. So it is double the figure for the Australian public service, and it is nine times the figure for the private sector—the claims for mental health issues against the ACT public service.

Through the annual reports hearings we have identified PIDs that have, let us face it, been finessed by the system and then left unresolved. For some years now we have asked the question: how many PIDs were there? There is a direction, in the Chief Minister's directions for annual reports, that PIDs have to be reported on; not just that they had some, but what they did, how they were responded to and what was the outcome. We have all had approaches from individuals who know that if you make a PID, in many ways you are ending your public service career. It becomes unbearable for people while the claims are being investigated because there is no-one independent to do that investigation.

Let us look at work culture in the Emergency Services Agency. How is it that, in the ACT Ambulance Service—not in my words but in the words of the union—"a toxic management culture" was allowed to exist? The failure to investigate bullying in the ACT Ambulance Service led to a provisional improvement notice by the ACT work safety commission. Allowing bullying in the ACT led to a complaint being lodged with the Fair Work Ombudsman. We had the failure to upgrade, for instance, the ACT Ambulance VACIS electronic case management system, which put additional stress on workers. We had the ongoing six-year failure to procure new uniforms for ACT Ambulance Service personnel. We had the failure to procure fully functional defibrillators.

That was just the Ambulance Service, Mr Assistant Speaker. I know of cases of three or four individuals where someone was suspended from work on claims of disciplinary matters that were not resolved for 70 or 80 weeks. That is just appalling in this day and age. The adage that justice delayed is justice denied is very true and has left a number of individuals damaged. Indeed a number of individuals simply gave up and left the service. One can only surmise that that was the approach taken by management. I am not going to judge whatever the allegations were that led to the disciplinary action, but surely it is not beyond the ability of these people in charge of the ACT Ambulance Service to get to the bottom of these issues. And if they are lasting for this long, what is wrong with the system?

That is just the Ambulance Service. Let us look at the ACT Fire & Rescue Service, which allowed a bullying, sexist and misogynistic culture to exist. We had the allegation of a firefighter taking illegal photos, inappropriate photos, of a female work colleague. My understanding is that he went off on stress leave and he got compensation as he left the service. You commit the crime and you get paid to go away. I suspect that it has left a very bad taste in the mouths of the majority of firefighters in that it was so clouded—because of government obfuscation and refusal to release reports—that people feel very bitter.

We then had issues concerning the deployment of the Bronto during the Sydney Building fire. Did the commissioner tell somebody to move it or not? Did the station officer tell the commissioner to go away? People have told me that it happened for sure; the minister keeps denying it. How can you have a good staff culture when that lack of basic trust exists? There are still concerns regarding the integration of the four ESA organisational components, the incomplete enterprise bargaining arrangements for ESA staff, concerns over the centralisation of the ESA commissioner's power, and the extra layer of bureaucracy.

Staff are looking for extra assistance on the front line. Staff are looking for resolution for things like proper medical training, because Fire & Rescue have often responded when there is not an ambulance. They respond to mental health cases occasionally. Other jurisdictions get training and an allowance for it, but not in the ACT.

Again it is about the work culture. We have a government interested in their legacy and their glory projects, but not actually in delivering more front-line services for taxpayers, ensuring that particularly the front-line officers have a workplace that allows them to do their job properly. Particularly for those in contact directly with the public, whether it be nurses in the emergency department, whether it be firefighters, whether it be ambulance paramedics, they should have a safe environment in which they can operate. The shame here is that nothing seems to get better. When we look at the CIT, for instance, there were 42 cases of bullying in the CIT that were supposedly thoroughly and independently investigated, but none was proven, even though Comcare felt that the case was strong enough to make compensation.

So there is a real question there about the processes that this government runs. The ACT government is meant to be the model litigant in the sense of a court case. Why can't they be the model employer and make sure that these issues are dealt with, that



they are dealt with swiftly and that they are dealt with effectively, so that people have confidence that, as a member of the ACT public service, they will not be left hung out to dry; that if they seek a remedy to bullying they actually get the assistance that they need? Indeed the bully should get the assistance that he or she needs so that they can work effectively in the workspace with both their juniors and their senior employees. We need to reduce the dreadful record that the ACT public service has, with its 3.6 mental health claims per 1,000: more than double that of the APS and nine times that of the private sector.

No staff at CIT were stood down, and to our knowledge none was moved. That was a few years ago, and CIT claimed to have put in place a huge swag of initiatives to change the culture. Yet this year the education committee is now hearing similar complaints from yet another faculty at the CIT. This is the problem. When you do not have a good staff culture and when you do not actually address it, you can put in all the processes and programs that you want, but if they do not deliver results and they do not give people confidence that they can come to their superiors in the service, then what you will get is festering. As we found out, that is what happened in the toxic culture in ambulance, the 10-year war in obstetrics, and we now have the survey that says 20 per cent of staff in EPD feel that they have been harassed or bullied.

In education, it is just as bad. The minister's own union ran a no-confidence motion against her because of the handling of several issues. We have a systematic failure and a system-wide failure of this government to provide a good staff culture in the ACT public service and to provide effective remedies for those affected. There seems to be in place the RED framework, which may or may not be working. Time will tell. But if people do not have confidence—and it would appear in EPD that even though 20 per cent felt they had been bullied or harassed, clearly, no formal complaint had been made. So we fudge it again. It is an informal complaint or a formal complaint. I think for many people it is just too hard, and the pressures that apply are just so intense that it is easier to either put up with it or leave. What we are then doing is crippling people, and the mental health claims would prove that the ACT public service has a great deal of work to do.

One of the interesting things from the estimates last year was the questions asked by Mrs Jones, and I commend her for it. (*Time expired.*)

**MR BARR** (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Urban Renewal and Minister for Tourism and Events) (4.39): A positive staff culture within the ACT public service is essential to effectively serve the Canberra community. All ACT public service staff deserve to work in a mutually respectful environment where their contributions are recognised, where their ideas are considered and where they know exactly what is expected of them. Bullying, harassment, intimidation, racism, sexism and homophobia have no place in the ACT public service or in the territory.

Since becoming Chief Minister I have stressed to our public sector leaders that they have an opportunity to shape our corporate culture. I want the government to be about finding 100 ways to make something happen rather than 100 reasons to say no. That is why I have insisted that public sector leaders encourage their teams to share ideas

with senior management about improving internal processes and engagement with the public. I have emphasised that I will always back our public sector in trying to find a new way to make something work for this city. That will strengthen a culture of ideas, support and positive interactions both within and across agencies. I want to thank the Head of Service, Kathy Leigh, for her leading efforts to create a one service approach, sharing the values and priorities for the benefit of this city.

This MPI has clearly been proposed following recent reports about the findings of staff culture surveys, but it is this very reporting and the action government is taking in response that shows the seriousness we bring to strengthening our workplaces and to transparency and activity. In an organisation the size of the ACT public service, which has approximately 21,000 people, with a unique governance structure and a diverse range of roles, it is essential to encourage consistently positive workplace cultures right across the service.

Strong messaging and initiatives to embed a positive staff culture have been very successful within the service in recent years, particularly since the formation of the one service approach in 2010. A comprehensive set of workforce strategies and practical tools is being created to help leaders across government lead by example and prevent inappropriate workplace behaviour. A series of regular workshops for executives that support skill development in the creation of productive teams and a positive workplace culture began earlier this year.

Innovative working practices among the leadership cohort are also being undertaken. Increasing mobility through rotations and secondments allows executives to grow their skills and knowledge through experiencing different perspectives. The ACT public service's flagship diversity strategy, the respect, equity and diversity framework, together with the ACT public service code of conduct and our values and behaviours document have been embedded into workplace language and culture across the service and have become synonymous within the organisation with fair and respectful working practices.

An in-depth review of the RED framework was completed in late 2014—and tabled in the Assembly earlier this year—outlining that the RED framework has set the foundation to help prevent, identify and act upon unacceptable workplace behaviour. The review made six recommendations to assist the ACT public service to further improve positive workplace culture. Work already completed to address these recommendations includes new resources to assist managers and supervisors to proactively manage everyday workplace performance or behaviour issues. The ACT public service manager's toolkit provides practical resources and assistance in operational workplace contexts and is fully accessible to all ACT public service managers online. Talking to staff about expectations of their work behaviour is critical. Following on from the RED review recommendations, bullying and harassment guidelines are being streamlined. The outcome will be focused on giving managers the skills to address bullying claims and issues at the earliest possible point.

Guidelines are also being developed to support staff at the local level to respond to and manage situations where they feel bullied or harassed. This work will be finalised by the end of this year. The release of the ACT public service performance framework

in 2013 introduced a behavioural component into measures of work performance and required ACT public servants to demonstrate ACT public service values and signature behaviours in their workplaces.

The government has also made considerable changes to the bullying and harassment and misconduct-related provisions of ACT public service enterprise agreements. Under the agreements, bullying and harassment and discrimination of any kind are not tolerated and changes made to the EAs give prominence to counselling and dispute resolution through, amongst other things, the introduction of a preliminary assessment of allegations stage, which can be expected to significantly cut down on the number of matters that formally go to investigation. All changes were fully supported by staff and their union representatives.

The ACT public service is also seeking a better representation in our staff of the community in general. It is through the diversity of views and background that we can better serve the community. In February this year the Head of Service advised all directors-general of revised, directorate-specific annual diversity targets. Combined with service-wide employment initiatives, the targets will support workforce diversity, Aboriginal and Torres Strait Islander cultural awareness and disability confidence within the ACT public service.

An inclusion employment pathways program has begun a pilot phase of operation. The program is a centrally coordinated program focusing initially on traineeships, cadetships and school-based work experience programs for Aboriginal and Torres Strait Islander people. The program will be expanded to include similar pathways for people with disability in the coming months and will include mentoring and an IEP network. The broad diversity focus has been extended further through lesbian, gay, bisexual, transgender and intersex inclusion initiatives, including joining the pride in diversity campaign.

The ACT community has justifiably high expectations of its public service. They can be assured that the government is working with the service to be more agile, collaborative and innovative in its organisation and respond more effectively to the needs of the community. I recognise, of course, that in any organisation of this size there will be room for improvement. It is simply not a task that you can fix and forget; it must be embedded across the service.

The ACT public service does offer an exciting and rewarding career. We are leading Australia and, in many instances, the world in developing and implementing progressive and consumer-focused policies. The examples of Access Canberra and our regulation of ride sharing services are two that come to mind. This is only possible by having the best minds right here in Canberra working constructively together.

In closing, I would like to take this opportunity to thank all of our hard working public servants for the work they do for the community every day. I wish all of our public servants a safe and happy Christmas and summer holiday period. We will continue to work with them to ensure that they have the best careers possible, that they achieve important things for our community and that they keep the territory going. We are not

in the business of talking down to them or talking down their work, like those opposite seem to spend most of their time in this place doing. This is an exciting and rewarding time to be an ACT public service, and I am pleased to advise ACT public servants that this government will always back them to achieve more for our community.

**MR HANSON** (Molonglo—Leader of the Opposition) (4.48): You heard the spin there, did you not, Madam Assistant Speaker? Everything is sunshine and lollipops. It is only the opposition that have something negative to say about what is a wonderful culture here in the ACT public service. But that is just simply not the case. I commend Mr Smyth for bringing this matter of public importance forward, and he has outlined where this is systemic across so many areas of the public service.

You heard the waffle from the Chief Minister. Let me quote from the recent KPMG review. Let me tell you what an independent review says: it needed to be commissioned because so much direct reporting of problems was coming out of ACT Health that areas were losing accreditation. Let me tell you what the reality is compared to the spin. Let us have a look at a quote from page 13 of the report:

A culture where workers are fearful of speaking up because of fears of victimisation.

That is the reality. That is what is happening in the Health Directorate after 15 years of this government. Do not come to this place and say that it is all good, that you care about the staff and it is those opposite that do not when the reality is so different. The reality is that under this government not only have the performance indicators got worse in health but the staff are being bullied and victimised and are working in a culture of fear. That is not me asserting it; that is from the government's own KPMG review.

The report finds there is a lack of provision of support mechanisms and strategies to assist those who wish to raise an issue of complaint and there is evidence from various reports and literature indicating a culture that accepts and condones bullying. Mr Barr comes in here and tries to suggest that the only problem is that the ACT opposition is scaremongering when that is the reality of his own report. Has he read this? Did he bother to pick this up? It does not sound like he has. If he had, then he would be misleading the Assembly, I am sure, because he would know that what he has been saying is complete rubbish.

There is a culture that accepts and condones bullying. Seventy-six per cent of contributors of written submissions who responded to this question indicated they had observed and witnessed behaviours that would indicate the culture of condoning and accepting bullying, discrimination and/or harassment. That is what is being said by KPMG in this review. I will quote again:

Perceptions exist that, in some instances, inappropriate interpersonal behaviour was considered as normal in a workplace and, therefore, accepted or excused.

Perceptions exist that some staff were fearful of speaking up due to ... detrimental consequences (such as their employment contract not being reinstated....

So if you speak up, you are going to get sacked. That is what staff in Health think. If you speak up, you will be sacked. That is very different from what the Chief Minister just said when he tried to suggest the only problem was the opposition's scaremongering.

Contributors to the review reported a lack of support. I will go on:

*A culture of acceptance established over time:* There is a view that the culture has emerged over time is a result of behaviours that were perceived to be acceptable in the past ...

*Awareness and understanding:* There was a reported low level understanding of the bullying, discrimination and/or harassment policies and staff's obligations under them.

You can see where that lack of understanding starts. If the Chief Minister comes into this place and is living in a complete sense of denial about what is going on in the front-line services of this government, then no wonder there is such a problem of denial, of understanding and awareness. It goes on:

Many Review contributors indicated that the current strategy to resolve bullying, discrimination and/or harassment had not resulted in any significant changes of behaviour.

We know that the AMA has come out and said that the strategies the government has announced as a result of this review will not actually have the desired effect. I think it is pretty clear to see when you read this report that it is management that has allowed this to be perpetuated, that it is management that has in many cases condoned this sort of behaviour and that the Chief Minister and ministers have buried their heads in the sand and tried to blame this on the opposition. It continues:

Half of the respondents indicated that the formal report strategy was either not effective at all or not very effective. There was indication that few have witnessed a formal complaint being made and, of those who said they had witnessed it, they said it was very stressful, time consuming and with little reward.

It goes on. There is positive reinforcement for aspiring bullies. Some of the respondents indicated there are examples of overt inappropriate behaviour, public threats of physical violence and more subtle examples. There were recurring behaviour themes or a lack of action given to resolving inappropriate behaviour, no consequences for wrong doing, lack of effective communication, inappropriate personal interaction and lack of compliance with legislation and policies. These are the facts. This is what is going on in Health and, as we know from other reports and as outlined by Mr Smyth, the sorts of things going on in other directorates.

A few expressed a view that managers and leaders thought they were beyond regulation and subsequently inappropriate behaviours manifested in the workplace. A large proportion of respondents identified that there was a lack of clear leadership. A lack of clear leadership: where does that emanate from? Those in leadership roles were:

...either unwilling or unable to lead. In terms of describing leadership behaviours that were not conducive to health environments, this included public humiliation; shaming of others; lack of respect towards other staff, yelling and swearing.

I am glad the health minister has arrived. I imagine he has read this report and understands, I hope—clearly the Chief Minister does not—how grave the situation is across the public service, particularly in the ACT Health Directorate. The report, sadly, goes on and on: problems with consequences and repercussions about limited support, less than desirable interpersonal skills, lack of and ineffective and untimely action, leaders and managers reported as lacking skills in conflict management and so on.

We have had much to say about bullying and poor staff culture in the ACT public service before. I have spoken many times about the problems in Health that emerged in 2010 when we had the problems in obstetrics. Then we saw that that flowed through to problems in the emergency department where a director was fabricating emergency department records. Some 11,700 records were fabricated because of what she described as a culture of fear.

Every step along the way since 2010 when this has been an issue and we have raised it in the Assembly what we have heard are assurances: “It’s all being dealt with. There’s nothing to see here. There’s not a problem.” I remember Katy Gallagher saying, “It’s all just doctor politics. It’s all just mudslinging. There’s nothing to see here.” It was always described as opposition scaremongering.

I invite Mr Rattenbury to read this report—I hope he has so he can get some understanding of what is going on in the culture deep inside Health. These are people who should be getting the government’s full support. So many times I have been in this place and I have raised problems about emergency department waiting times or elective surgery waiting times and I get told, “Oh, you’re just saying things that are going to upset staff. You’re not looking after the staff.” Well, let me tell you who is not looking after the staff: this government under this Chief Minister and this health minister.

We read in the KPMG review how disgraceful it is, how disgusting it is that our front-line staff have been put in such extraordinary circumstances, working in an environment of fear and intimidation and bullying, and what do we get from this government here today? Rather than an acceptance of the problem, an admission of the problem and a commitment to resolve the problem, what we get from the Chief Minister is denial and smear of those opposite him to say that it is somehow our problem. Read this report, Madam Assistant Speaker. After 15 years of this government, what we find is that our front-line staff in Health under this government are working in an environment of fear and intimidation and bullying.

*Discussion concluded.*

## **Executive business—precedence**

*Ordered that executive business be called on.*

## Gas usage—proposed review

**MR RATTENBURY** (Molonglo) (4.59): I move:

That this Assembly:

(1) notes that:

- (a) the Australian Energy Regulator (AER) is due to make a draft determination on the revenue allowances for ActewAGL's ACT gas distribution for the period 2016-2021 in November 2015;
- (b) that ActewAGL Distribution has proposed an investment of \$115.7m in capital expenditure for the period 2016-2021 which is 27.5% higher than the actual expenditure in the 2010-2015 period;
- (c) that the largest component of this capital expenditure forecast is market expansion which ActewAGL has submitted is an increase of 46% over the 2010-2015 period;
- (d) that this capital expenditure will be recaptured from ACT gas consumers;
- (e) that public submissions to the AER have raised concerns that projections for market expansion of gas in the ACT require review due to the likelihood of medium density developers not to install gas, the increased efficiency of electric heating technologies and the move towards renewable energy in the ACT;
- (f) a 2014 research study undertaken by the Alternative Technology Association and reviewed by the COAG Energy Council indicated that "it is no longer economic for any new home, or existing all-electric home, located anywhere in the ACT to connect to mains or bottled gas – as compared with installing and operating efficient electric appliance alternatives";
- (g) predicted gas price rises in the medium to long-term could leave some gas consumers disadvantaged;
- (h) battery technology for residential properties will soon be cost effective and will impact negatively on the cost effectiveness of gas for home heating;
- (i) that the ACT Government has greenhouse gas emission reduction targets of 40% reduction of 1990 emission levels by 2020, 80% reduction of 1990 emission levels by 2050 and zero net greenhouse gas emissions by 2060; and
- (j) that the ACT Government has not made a submission to the AER in regards to the gas distribution determination; and

(2) calls on the ACT Government to:

- (a) undertake a review of the future use of gas in the ACT taking into account the development of new suburbs, the financial viability of gas as fuel for new and established homes, likelihood of increases in gas prices in the medium to long term, and the ACT's emission reduction targets;
- (b) report back to the Assembly on the outcomes of this review in the first sitting of 2016; and
- (c) submit to the AER the outcomes of, and recommendations from, this review prior to the closing date for public submissions on the determination on 4 February 2016.

I am pleased to have the opportunity to discuss this motion today as I think that today's debate will start a conversation that we need to have in the ACT about the future role of gas in our energy mix.

The pertinence of this conversation becomes apparent when we consider that the Australian Energy Regulator, the AER, is right now preparing a draft decision on gas in the ACT for the period from 2016 to 2021. This decision will, amongst other things, give some indication of the amount of money that ActewAGL distribution will be allowed to invest in capital expenditure, including money to be spent extending the gas network across our city.

This is an important conversation for our community for a number of reasons. Firstly, we are a city with ambitious greenhouse gas reduction targets, so we should be giving consideration to the future role of gas in our energy mix. Secondly, we have committed to rolling out climate change policies in a socially just way. We need to ensure that, with consumers potentially starting to move away from gas, we do not leave those most vulnerable using an expensive fuel with no capacity to shift technologies. Thirdly, we need to ensure that gas consumers across this city are not going to end up cross-subsiding expensive new infrastructure that is likely to end up being redundant in the decades to come, especially when there are other options.

Natural gas is commonly used in the ACT for home heating, hot water and cooking. We used between 18 and 21 gigajoules per capita between 2009 and 2013, although the rate of usage does vary significantly depending on the weather. In terms of the greenhouse gas profile, gas is the third highest contributor in the categories of greenhouse emissions we have. It is smaller than the categories of electricity and transport fuels but it still accounts for 10 per cent of our total emissions annually, especially when you add in emissions from natural gas leakage.

Given that the ACT's policies on renewable energy will deliver us to 100 per cent renewable electricity by 2025, gas becomes a substantial part of the residual stationary emissions that need to be dealt with to ensure we transition fully from fossil fuels to genuinely sustainable energy in our city. This is not to negate the significant challenge we have with transport fuels but, in terms of stationary energy, it is the next big thing.



The Australian Energy Regulator is currently in the process of reviewing the revenue allowances for ActewAGL ACT gas distribution for the period 2016 to 2021. A draft determination is due this November, and then, after a period of public consultation, a final determination will be made in April next year. The period for the determination will commence in July 2016. The job for the AER is to determine how much revenue ActewAGL distribution is allowed to effectively charge gas consumers for the cost of the network and supply. The point of interest is particularly around the investment in the gas network across Canberra, especially given the changes in the gas market and the changes in technology that are emerging.

There are two markets at least where this could be in a state of flux: users who are already on the gas network but are looking to fuel switch to electricity for one of several reasons; and, secondly, new development areas where new gas infrastructure would ordinarily be installed and where new residents may not take up gas at such high rates as in the past, again for a range of reasons.

When new suburbs are developed in Canberra, currently there is no cost passed on to developers for the installation of gas network infrastructure. This means that developers are not asking themselves any questions about whether the future residents of an area are going to sign up to gas or how much gas they are going to use. It means that all developers are saying, “Yes; please install,” as there is still a public expectation that natural gas will be available to new residences in Canberra and it costs them nothing.

ActewAGL distribution generally retrieve the cost of that infrastructure over a long period of time—say 20 years—through domestic gas charges and connections charges paid by the people who sign up and are using the new infrastructure. But what happens if the take-up rates for gas in new developments are lower than expected? What happens if the take-up is not enough to pay for the cost of the infrastructure? Then the network development costs are equalised across all gas consumers in the ACT, so everybody who is on the gas network in Canberra will pay for it.

But imagine if it was done the other way around and ActewAGL had to raise the capital up front for the infrastructure, pushing the assessment of value for money onto the developer and, therefore, the consumer. It is likely that under such a scenario a developer might change their mind and decide not to have the gas network connected.

Of course, delaying and equalising the cost of infrastructure over many years for consumers can work if you know that the consumers are going to be there. But the risk we have here is that consumers may move away from the gas, the infrastructure will be underutilised and the cost will be pushed onto other gas customers.

What factors are going to push people away from gas? Firstly, gas prices are rising, which makes other electric technologies more competitive. Gas prices have been mooted to rise dramatically in the face of Australia’s opening up gas export markets. This is not so much an issue of there being less supply in Australia but rather that gas producers will be able to get around three to four times the price per gigajoule for their production in offshore markets such as Japan. Indeed, some market analysts

predict that in New South Wales a crash in gas usage is more likely than a shortage of supply as some users are forced out of the market by rising prices and others shift modes to electricity because of efficiencies.

In the ACT some of the benefits of switching to electricity in terms of cost are exaggerated by the low cost of electricity as compared to other states, although our chilly climate probably offsets some of those savings. However, this brings me to the second reason that people might make the switch: a 2014 research study undertaken by the Alternative Technology Association called *Are we still cooking with gas*, reviewed by the COAG Energy Council, indicated that “it is no longer economic for any new home, or existing all-electric home, located anywhere in the ACT to connect to mains or bottled gas—as compared with installing and operating efficient electric appliance alternatives”.

This was basically a study that compared home heating with gas versus home heating with efficient electric heat pumps such as split systems and found that the latter stacked up very well. The study also looked at comparisons across hot water and cooking. It was the first detailed piece of research that considered the impact of future gas price rises on Australian households. On top of this, households are likely to give increasing consideration to whether it is not more efficient to avoid what can be expensive monthly connection fees and consolidate all their accounts into one electricity account.

The second reason people might be swayed into not connecting to gas is government or developer incentives that drive them towards electric or solar technologies. Rebates for specific technologies, such as efficient heat pumps or solar hot water, could drive people further in that direction. The mandating of solar hot water in the new suburb of Coombs in Molonglo will at least lower the consumption of gas in that suburb, if not the take-up rate. This, in itself could affect the capacity to recoup costs on the infrastructure that has been put in place.

A third reason is that people actually want to be more sustainable. The ACT is heading for 100 per cent renewable electricity by 2025, and one can imagine that many people may wish to have 100 per cent electricity as a way of being 100 per cent renewable at home. People will better understand soon that the renewable energy target is actually a renewable electricity target and they will remember that, even though gas was branded natural in days gone by, it is not a renewable resource; it is, in fact, a fossil fuel. Canberrans will understand the need to reduce our reliance on fossil fuels and will choose electricity over gas so that their homes can be run off renewable electricity provided through the ACT’s large-scale feed-in tariff.

As gas prices are predicted to go up in the medium term and electric home heating becomes more efficient, many Canberrans will choose to make the switch away from natural gas, and yet we are still rolling out expensive gas infrastructure in our new suburbs. Of course, the demand for gas can place more pressure for supply, potentially, and this will drive coal seam gas exploration. We know the impact that that has on our rural land use and water.

The cumulative effect of this reduction in the uptake of gas is that it becomes harder for the distributor to recoup the costs of the infrastructure from new customers. This means that the costs of the network are pushed onto the rest of the ACT's gas consumers. But, even more importantly, as gas prices rise, those who can afford to switch to electric will do so, leaving those who have less financial capacity to install new heating systems worse off, paying higher costs for their gas to subsidise the remainder of the network as well as the higher prices of the gas itself. Once again, those who have the least capacity to withstand the change could be left with the highest fuel costs over a long period of time.

The ACT government, I believe, needs to be clear about the policy direction on gas and consider if it is good value for us to roll out expensive infrastructure that might be out of date before it is paid off. The last thing we want to see is gas consumers across Canberra having to pick up the tab for gas infrastructure in new suburbs that the residents there do not want or need. I believe that the ACT government could play a valuable role in providing information to the AER about our energy policy settings and what the vision or plan is for gas in the territory. That way, the AER can include that information in their assessment of revenue for Actew distribution.

It is clear that we have ambitious renewable energy targets, with greenhouse gas emission reduction targets of 40 per cent on 1990 emission levels by 2020 and zero net greenhouse gas emissions by 2060. We should be clear about how our use of gas impacts on those targets and what might need to change in terms of our gas consumption.

So far we have not had a clear signal about what to do about gas either in response to climate objectives or in response to the desire to protect consumers. Obviously, however, the government has already moved to implement sustainability measures in new suburbs that might affect the rate of uptake of gas. Is that a policy objective, to move people off gas where possible? It appears not, because in other parts of government there are specific incentives to encourage people to install new gas appliances, albeit efficient ones. Take the list of eligible activities under the energy efficiency improvement scheme. It has a range of new eligible activities that earn efficiency rewards and that are effectively cross-subsidised by ACT energy consumers, such as replacing high resistance electric space heaters with efficient gas ducted systems and the like.

I completely acknowledge that there are energy efficiencies to be made by replacing inefficient electric space heaters, but we need to think about whether gas is the way to go. Only last week the government announced that the wood heater replacement program would include electric heating as an option. I think that is a good initiative, and it reflects the fact that we need to move away from gas.

The Greens do not believe that gas has a role as a transition fuel any more in the climate change debate. We acknowledge that this is a shifting debate. It was only four or five years ago that the ACT government was still talking about building peak gas-fired power stations in and around the ACT. We did not support that then, and I note that the ACT government does not support that now. That is a sign of the

development of thinking around this. It is fair to acknowledge that this is a rapidly moving debate.

Our times have changed, the climate debate is more urgent, renewable technologies have continued to develop, and the price of gas is rising. However, the bottom line is this: as gas prices are predicted to rise in the medium term, and electric home heating becomes more efficient, many Canberrans will choose to make the switch away from natural gas. And yet we are still rolling out expensive gas infrastructure in our new suburbs. Why are we doing that, and who is going to pay for it? And in the bigger picture, how are we going to protect people who cannot make the shift from gas to electric?

They are the questions that I think are out there in this fast-moving debate. It is why I wanted to have this debate today as an opportunity for the Assembly to think about this emerging issue. My motion seeks for the government to undertake some work, and for us to engage in the process with the Australian Energy Regulator to make sure that when the regulator makes their decision they make it in full knowledge of the emerging discussion that is taking place. I commend the motion to the Assembly.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for the Environment and Minister for Capital Metro) (5.12): Labor members will not be supporting this motion today because it is a silly motion. It is a silly motion because, fundamentally, decisions about whether or not people use gas are going to be driven by consumer choice. Some of the precepts of Mr Rattenbury's argument in this debate simply do not stand up to any serious scrutiny. Let us deal with each of those claims in turn.

The first is that somehow as a territory or as consumers we are going to be lumbered with the cost of infrastructure that is expensive and that we will have to pay for because lots of people are switching off gas. Let us deal with that argument. First of all, if people switch off gas, they are switching off gas because it is too expensive for them and there are better, cheaper and more efficient sources. It is the government's view that, based on the analysis to date, that is going to happen. More people are going to switch off gas, because gas is subject to shifts in the international export market price. If the export market price rises, that will be reflected in the domestic tariff price and people will go to the cheaper alternatives that we know are there. Electric space heating, particularly electric space heating powered by renewable energy such as that secured through the government's large-scale renewable energy agenda, will be cheaper than other sources of electricity.

It is the case that more people will switch off gas. But does that mean that consumers or the territory will be lumbered with some cost of gas infrastructure? The simple answer to that is no. First of all, if people do not like the cost of the gas tariff, they just stop using gas and use something else. Secondly, the efficient cost recovery of infrastructure is not determined by the government. It is determined by the Australian Energy Regulator. The Australian Energy Regulator will decide whether or not the gas infrastructure that ActewAGL would like to roll out is reasonable and if the cost of it is able to be recovered from consumers in gas tariffs. That is the safeguard and the check. It is wrong to say that in some way this means that there will be an

ever-dwindling number of customers who have to pay more for gas. There are still the checks and the balances associated with the role of the Australian Energy Regulator.

The Labor government's view is that this is a matter for consumers to decide. It would appear to me that the Greens are verging incredibly close to saying that we should ban gas. That is not my view and it is not my colleagues' view. It is a misguided view. Let me be very clear. This is the wrong way to approach this issue. Let us make sure consumers have good choices and let us make sure consumers are able to save energy and reduce their energy costs. That is exactly what this government is doing. We are giving them choice by making sure that we are switching to what we know is, long term, a cheaper and more reliable form of energy through large-scale renewable energy generation. We are deploying energy efficiency savings into tens of thousands of Canberra households which is reducing their costs. A lot of that is being done in low income households, the very people that Mr Rattenbury is saying he is concerned about. That is the way to handle this issue. Consumers will ultimately decide but, as a Labor government, we are not interested in an agenda which would seem to be suggesting that we ban gas.

There are some other issues of concern with this motion. The first relates to the request in the motion that there be a submission to the Australian Energy Regulator. It is not the view of the government that the government should be telling the regulator what the tariff should be for gas or electricity. That is why we have an independent regulator. We do not want to go back to the bad old days where the government decided what the tariff was for these types of essential utilities. That is why we have an independent regulator. The government is not interested in being in the business of suggesting to the regulator what the price should be.

Furthermore, some of the time frames in this motion are completely unreasonable. I note that Mr Rattenbury has conceded that with his very late amendment. His initial proposal was that not only should the government make a submission to the AER but also it should do it over the Christmas-new year period and make it available by the beginning of February. Quite frankly, Mr Rattenbury's office should know better. Trying to get something done over that time frame was completely unreasonable. They have conceded the point, belatedly, but it disappoints me that that proposition was raised at all.

The bottom line is this: we need to give consumers choice to decide the energy source that is most efficient, most economic and most effective for them. We should do that in a way that also helps them to save money in their homes and reduce their energy consumption. That is exactly what we are doing as a jurisdiction. We can be very proud of the work that we are doing in establishing large-scale renewable energy generation for our city. We know that that step change will see more and more people not use gas and instead use electricity. But we do not believe that we should simply close off the use of gas to the community, which is the proposition, effectively, that we are hearing from the crossbench. My Labor colleagues and I will not be supporting this motion today either in its original or amended form.

**MR SMYTH** (Brindabella) (5.19): With that strong opening by Mr Corbell, I am not sure whether I am here as a marriage counsellor or a divorce lawyer. There appears to

be unrest in the household opposite. Perhaps it has got a little bit to do with 331 days from now when we are going to have an election and there is somebody sitting on the crossbench who is a bit anxious about his brand differentiation because there is not one anymore. He is well and truly wedded to the government; he is well and truly part of the government. There he is, suddenly realising, “Oh my God, there’s an election and all I’ve done is give the government what they want. So now I’m going to pick an issue that I can stand up for and be different to the government on.” What a silly issue. What an approach to take where he now disregards most of the facts and does not put an alternative case. All he wants to do really is affect the cost of living of many Canberrans who are already connected to the network. Some of the points in the motion are quite extraordinary, for example:

predicted gas rises in the medium to long-term could leave some gas consumers disadvantaged.

My understanding is that the price is coming down. The gas price often follows the petrol price quite closely. We know that the pressure is off on crude and gas prices are coming down. There is talk about capacity. The Darwin pipeline is soon to be finished and that will provide extra capacity. If your issue is price and capacity, in some cases they are being addressed.

Then there is the notion that gas appliances are not energy efficient. Like all serious providers, the firms have been looking at what they can provide. I am told that in some cases they have dropped to 30 per cent of usage of gas for the same output of heat. There are options here. The problems still exist. I do not know anybody who does not like the idea of sustainable energy resources coming into play, but you have still got peak load. At times like that, having a percentage of your population on gas can actually assist with sharing the burden, whether it be a gas hot water service, gas heating or indeed gas cooking in your home, particularly at the two peaks—morning and night—when it is hot and when it is cold and when it is starting to get dark and when it is starting to get light. You have the peaks and troughs. We look at things like the increased efficiencies of electric heating technologies. There are increased efficiencies in gas heating technologies as well, which the member refuses to speak to.

You have to question what the point of this is. It is very late in the piece. In fact, the draft decision comes out on Thursday. It is pretty effective to put a motion in the Assembly to talk about the future of gas and gas infrastructure in the ACT, as Mr Corbell points out, right before the Christmas break! I think it is next Thursday that the draft determination comes out. If you were genuinely interested in this, would you not have tried to influence the draft decision instead of trying to play catch up? He has either taken his eye off the ball and is too busy with other things or suddenly realised that, with less than a year to go, a little bit of brand differentiation is required.

We will not be supporting the motion today, particularly in a climate like the ACT and the ability to have some of the pressure taken off the electricity grid. Let us face it: Canberra has extremes. It is very hot in the summer and very cold in the winter. It is important that we have options. I can remember years ago that we doubled the capacity of the pipeline into Canberra. In the late 1990s, or maybe early 2000s, there were some supply problems. The pipelines that come from the gas fields actually

become storage units as well. The bigger the pipeline, the more you can store, so in the demand peaks, which again are morning and night—hot and cold—you can have the extra storage. Those facilities were put in place at great expense.

There are so many failures of good process in this motion—they start with the timing and some of the disingenuous ways that only the Greens’ chosen view of the world is presented as the only solution moving forward—that it must be rejected.

The tiff is on. Perhaps the gentlemen opposite could get together with some counselling and work out this sort of stuff before bringing it out in the public. I suspect that between now and 15 October next year there will be a whole lot more lovers tiffs—some real, some fabricated, some concocted. There will be a lot of brand differentiation, particularly between the two green warriors opposite, over who is more green and more friendly to the environment than the other. But it will always be done at the expense of the people of the ACT, the taxpayer. These two in particular are the ones most happy to spend taxpayers’ money on things they believe in. The benefit is always to their egos, but the cost is always to the taxpayer. You add it all up and it is claimed that it is only a cup of coffee a day or a bottle of sparkling water—it is not about dinner: there is a lot of coffee and water being consumed in the ACT—to fund the policies of those opposite. We will not be contributing to that by supporting this motion, so we shall vote against it.

**MR RATTENBURY** (Molonglo) (5.26), in reply: That has been quite a discussion. You know that you have brought up an interesting issue when the bulk of the response is personal derision and insult. But what we are really talking about here are serious issues of policy about our energy future in this territory. Whilst the invective is being directed at me, I will for the benefit of members quote from a number of submissions that other organisations have made to the submission process. I admit, as Mr Smyth observed, that I have come to this a bit late; and, yes, this issue has come on my radar, but that does not mean it is not still an important issue to discuss. There is still time to influence the final determination. If I had read the right report six months ago I would have got onto it, but the important point is that we need to talk about it now.

Let me quote from some of the organisations that have actually brought this issue to my attention. ACTCOSS, for example, in their submission to the gas distribution pricing determination said that their advocacy is based on certain principles, and one of those is:

Customers should not have to pay for infrastructure development that will not be able to be used for non-fossil fuel energy sources.

They go on to say:

ACTCOSS notes that the ACT has a policy and regulatory environment that anticipates 90% renewable energy sources by 2020. The strategy outlined by ACTEWAGL to build customer usage in areas that already have distribution infrastructure makes commercial sense in the coming price period. The plan to build distribution in new areas does not make sense, because this will potentially expose customers over the longer term (post 2020) to the risk of having to pay for “stranded infrastructure” that will not be useable once the 90% renewable target is required and/or when a carbon price is imposed.

That was ACTCOSS's comment on it. I then take the opportunity to turn to the submission by Care to the same price determination. They make the following observation.

Care has concerns about the high costs of gas pipelines and associated infrastructure as these can potentially end up as 'stranded assets'. This access period is for five years and gas assets have an approximate fifty year life span: consumers in the future, particularly those on low incomes should not be made to bear the costs of paying for assets that have become unviable.

Members, these are serious suggestions put forward by organisations that I know the rest of you have quoted in this place at times. We need to ask ourselves why we are building this kind of new infrastructure that lasts 50 years when it may not be needed in just five or 10 years time.

I believe the government has a role in addressing this issue and participating in decisions that affect this issue. This is a conversation that we should be focusing the public's attention on but, unfortunately, today members have chosen to go down the path of derision rather than serious discussion. So often the ideas that the Greens have brought to this place have been mocked. We have been called all sorts of things. And then within a few years these ideas are quietly mainstreamed into the policy platforms of other parties in this place. I am disappointed at the response we have received today but, nonetheless, I trust that members will take the time out of this place to perhaps think about the issue with a little more care.

Motion negatived.

## **Planning, Environment and Territory and Municipal Services— Standing Committee Report 11**

**MS FITZHARRIS** (Molonglo) (5.30): I present the following report:

Planning, Environment and Territory and Municipal Services—Standing Committee—Report 11—*Inquiry into Draft Plan of Management for the Albert Hall*, dated 17 November 2015, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

This is the 11th report of the Eighth Assembly of the planning, environment and territory and municipal services committee. On 14 August 2014, pursuant to section 325 of the Planning and Development Act 2007, the Minister for Planning, Mr Gentleman, referred the draft plan of management for the Albert Hall to the standing committee for its consideration and report to the Legislative Assembly. The draft plan of management, drafted by the ACT Property Group and Chief Minister, Treasury and Economic Development Directorate, who now manage the hall, outlines



a series of management objectives for the hall, defines the primary and ancillary uses of the hall and proposes a series of actions to advance the management objectives.

The committee received eight submissions and held one public hearing where it heard from eight witnesses. The report includes eight recommendations. The committee's first recommendation is for the government to review the requirement to develop plans of management to ensure it is appropriate and effective. The next three recommendations concern improvements in the drafting of the plan itself, an area that officials have indicated to the committee they are open to.

Recommendations 5 and 6 concern hire rates and the need for a discount for community groups hiring the hall. Recommendation 7 concerns arrangements for booking the hall. The final recommendation concerns the proposal to trial a cafe or catering service on the site.

The committee and all its members extend thanks to everyone who provided information and evidence to the inquiry, including directorate officials, the minister, interested organisations and members of the community. I thank Hamish Finlay and my fellow members of the committee for their work on this inquiry.

Question resolved in the affirmative.

## **Public Accounts—Standing Committee**

### **Statement by chair**

**MR SMYTH** (Brindabella): Pursuant to standing order 246A I make a statement on behalf of the Standing Committee on Public Accounts. The Standing Committee on Public Accounts recently resolved, on 10 November 2015, to inquire into and report to the Legislative Assembly on *Auditor-General's Report No 3 of 2015: Restoration of the Lower Cotter Catchment*. The terms of reference for the committee's inquiry are the Auditor-General's report. The committee has called for written submissions to the inquiry, with a closing date of close of business on 5 February 2016. The committee will be holding public hearings on 3 March 2016.

The committee has also resolved to inquire into and report to the Legislative Assembly on *Auditor-General's Report No 6 of 2015: Bulk Water Alliance*. The terms of reference for the committee's inquiry are the Auditor-General's report. The committee has called for written submissions to the inquiry, with a closing date of close of business on 5 February 2016. The committee will be holding public hearings on 31 March 2016.

The committee expects to complete its report into both inquiries by 11 August 2016 and report to the Assembly.

## **Executive business—precedence**

*Ordered that executive business be called on forthwith.*

## Courts Legislation Amendment Bill 2015 (No 2)

Debate resumed from 29 October 2015, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

**MR HANSON** (Molonglo—Leader of the Opposition) (5.34): The Canberra Liberals will be supporting this bill. It makes a number of amendments in relation to the operation of courts and tribunals. It ensures there is no legislative impediment to the efficient sharing of courtroom facilities between the ACT Civil and Administrative Tribunal and the Magistrates Court. It makes changes as a result of the repeal of the Mediation Act 1997. It streamlines the referral of healthcare-related deaths to the coroner. It provides that special magistrates do not automatically become coroners unless they are appointed as such by the Chief Coroner. It includes an overriding objective provision for the application of legislative provisions to civil proceedings in the courts. It clarifies the provision for recovery of court or tribunal fees and clarifies the application of freedom of information to the courts. There are a number of other elements that are reasonably minor in this legislation.

There has been some comment from the Law Society that we have noted. There were also a number of comments from the scrutiny of bills committee that have been noted. I have received some correspondence from the Attorney-General regarding an amendment that he will be moving. I indicate that the opposition will be supporting the amendment once it is moved by the Attorney-General.

**MR RATTENBURY** (Molonglo) (5.35): This bill proposes changes to 13 different acts and regulations with the aim of making improvements and efficiencies in the ACT court, tribunal and coronial systems. I support the bill and will not go through every change that it proposes but I make some brief comments on several of the amendments.

The bill introduces a committal waiver provision in relation to criminal proceedings. This will allow the magistrate, on application by the accused person and with the consent of the prosecution, to commit the accused for trial without a committal hearing. As the Attorney-General has pointed out, this was a provision suggested by the ACT legal profession and has the support of both the Chief Magistrate and the DPP. It is encouraging to see suggestions coming forward from those involved in the day-to-day matters of the courts, and these can be implemented and hopefully improve the efficiency of the courts for all stakeholders.

The idea, of course, is that this creates a mechanism by which a matter can be committed for trial with the agreement of the accused and the prosecution without the magistrate needing to consider the matter separately. I understand the process is based on the committal waiver provision in the New South Wales Criminal Procedure Act and that it requires the accused to apply via a form similar to the forms required by the New South Wales Local Court rules.

Amendments proposed to the Court Procedures Act will make several sensible changes. These include adding an overriding objective to the act in relation to the application of the civil proceedings provisions. This objective makes clear that the provisions are focused on facilitating a just resolution of disputes quickly, inexpensively and as efficiently as possible, which is a good and sensible objective I think we would all agree upon.

The amendments also facilitate the sharing of courtroom facilities between ACAT and the Magistrates Court—again, a sensible efficiency measure. The bill will amend the Juries Act to allow potential jurors to be identified by a number rather than by name and occupation. It sets out a process for this to occur by which the sheriff will allocate a unique identifying number to each person on the jury panel. The rationale is that it protects people from being identified later by people on whose case they sat and reinforces the confidential nature of the deliberations of a jury. Like some other amendments in the bill, this identifying number system is based on provisions in other jurisdictions. In this case, it is similar to jury systems in New South Wales.

The majority of other changes are also minor, and I will not go into them, suffice it to say that I agree these are good measures to improve the efficiency of the ACT court system and I am very happy to support them. Lastly, I note that Mr Corbell has circulated an additional amendment in this package which rectifies an unintended consequence of a Remuneration Tribunal decision which affected the ability of former presidents of the Court of Appeal to receive their judicial pension. This was an unexpected technical issue, and I am happy to support the amendment to correct it.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for the Environment and Minister for Capital Metro) (5.38), in reply: I thank members for their support of this bill.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Bill, by leave, taken as a whole.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Health, Minister for the Environment and Minister for Capital Metro) (5.39): Pursuant to standing order 182A(b) and (c), I seek leave to move an amendment to this bill that is minor and technical in nature and urgent.

Leave granted.

**MR CORBELL:** I move amendment No 1 circulated in my name [*see schedule 1 at page 4322*]. I table a supplementary explanatory statement to the government amendment.

I am moving this amendment to the bill, which is urgent and technical in nature, which seeks to amend the Supreme Court Act 1933 to rectify an unintended consequence arising from a determination of the ACT Remuneration Tribunal made on 25 September this year which is that a calculation cannot be made to determine the judicial pension entitlements of former presidents of the Court of Appeal. In the Remuneration Tribunal's accompanying statement to determination No 8 of this year the tribunal stated it had decided not to determine remuneration for the president of the Court of Appeal as the position had been abolished in April of this year by the Courts (Legislation Amendment) Act 2015.

That determination also revoked the previous salary determination for the position of the president of the Court of Appeal, determination No 8 of 2014. Under our judicial pension scheme it is still necessary for a salary to be determined in order to use the legislative formula to determine the amount of a retired judge's pension entitlements. The amendment I am moving therefore will enable a salary to be determined for the purpose of calculating the pension entitlements of a judge who was appointed to a position which has been abolished.

Amendment agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

## **Animal Diseases (Beekeeping) Amendment Bill 2015**

Debate resumed from 29 October 2015, on motion by **Mr Rattenbury**:

That this bill be agreed to in principle.

**MR COE** (Ginninderra) (5.41): The opposition is pleased to support the Animal Diseases (Beekeeping) Amendment Bill 2015. This bill is a reasonable response to a current gap in the legislation. The bill removes the regulation of bees from the Domestic Animals Act 2000 to the more appropriate Animal Diseases Act 2005. It also amends the Animal Diseases Regulation 2006 and repeals the current beekeeping code of practice.

It was a surprise to me that this was something the ACT does not regulate. Prior to this, I had thought that the ACT government regulated everything that moved. But as it turned out bees were exempt. In the last few years beekeepers have been able to operate without being registered and without the government knowing who they are or where they are keeping their hives.

Unfortunately, given the risk of bee viruses and *varroa destructor* mite it is important that information about the location and movement of hives can be quickly accessed when there is a bee biosecurity incident. Bees are an important part of the pollination process for many crops in Australia and preventing and managing infection is vital.

Beekeeping is regulated in all other Australian states. It is important that the ACT is also able to fulfil its national obligations when it comes to biosecurity. Under the present system, if bees in the ACT become infected neither the government nor local beekeepers would be able to easily trace the source of the infection or contain it. Unlike livestock that can be quarantined, bees are of course very difficult to contain when infection is discovered; so its spread must be stopped quickly.

At present the government does not even know how many beekeepers there are in the ACT and preventing the movement of infected bees would be impossible. This bill is designed to cause minimal disruption to beekeepers while still ensuring that the government has access to the information that it needs in case of a biosecurity incident. The bill requires beekeepers to be registered. The requirement only applies to beekeepers whose hives are exclusively located in the ACT. This means that beekeepers who operate in New South Wales will not be registered or be required to register in the ACT. Large commercial producers will not be covered by this registration scheme because they will be all registered in New South Wales.

Registration will be valid for three years. I would think this is a reasonable time frame which ensures that the government does not lose track of beekeepers but beekeepers are not forced to re-register every year. Beekeepers must also update their details if they change. Beekeepers will be required to keep records so that movements of hives can be tracked. This will include information about each time the hives are moved, lost or stolen, destroyed or given to another person. Each registered beekeeper will receive a registration number. This number must be displayed on the outside of every hive brood box that the beekeeper owns so that it can easily be identified if need be.

The minister has indicated that he will be reissuing the existing beekeeping code which deals with bee and hive health as well as animal nuisance issues. The bill also allows authorised officers to take enforcement action in relation to bees as required. The opposition is pleased to support this bill which brings the ACT into line with other states and will provide information to the government which we would hope will improve bee management and biosecurity in the territory.

**MR RATTENBURY** (Molonglo—Minister for Territory and Municipal Services, Minister for Justice, Minister for Sport and Recreation and Minister assisting the Chief Minister on Transport Reform) (5.45), in reply: I thank members for their support for this important bill today. As I outlined when I presented the bill, it introduces a new part to the Animal Diseases Act 2005 and provides for the registration of beekeepers in the ACT, the keeping of records and the numbering of brood boxes.

Importantly, through the capture of contact details, it allows the authorities to contact beekeepers in relation to a bee biosecurity incident or risk. The bill gives legislative support to these biosecurity defence mechanisms, which will ensure that in the event of a bee biosecurity incident there can be fast and effective location of beekeepers and their hives in the ACT. This in turn will lead to the better management and planning of bee biosecurity responses, incidents and risks.

When I introduced the bill I provided background to the issues and the potential risks to bee populations from pest and disease, including the varroa mite and the viruses that it spreads. I outlined the national significance of the issue and the cost to Australia both economically and environmentally if Australia's bee populations were to be reduced through a biosecurity event.

Today I would like to talk about local beekeepers and acknowledge the contribution of the Beekeepers Association of the ACT. They have played an important part in this. The feedback from the local beekeeping community to the bill has been very positive. The amendments are viewed as a progressive step in assisting the territory to be well placed to respond to any disease or pest risk to bees and also for the beekeeping community to take an active part in prevention measures.

One of the initiatives that the Beekeepers Association of the ACT is involved in is the national bee pest surveillance program under the auspices of Plant Health Australia. The program includes early warning initiatives to detect any new incursions of exotic bee pests and pest bees into Australia. Under the program the local association is establishing sentinel hives at Jerrabomberra Wetlands. These hives will be monitored by experienced beekeepers to detect possible incursions of exotic bee pests and pest bees into the region. Work undertaken by the association is voluntary and requires the commitment and time of association members. I commend this work and the commitment by local beekeepers and the association. I would also like to thank the association for their significant participation as a key stakeholder in the development of the bill.

I am mindful of the hour and the extensive comments that Mr Coe just made. I do not intend to go through the full details of the bill this evening but I would like to take this opportunity to thank the scrutiny of bills committee for its consideration of the bill. I note comments made by the committee in relation to the issue of a reversal of the legal burden of proof under new section 62B(2). This section provides that proof of New South Wales registration and compliance with display of registration numbers under the New South Wales Apiaries Act 1985 is a defence against prosecution for not registering in the ACT under section 62B(1).

The committee is correct that this is a legal burden and not an evidential burden. A revised explanatory statement has been prepared, as recommended by the committee. I now table the following paper:

Revised explanatory statement to the Bill.

The bill and the amendments it introduces to the Animal Diseases Act are an important platform in our response to a bee biosecurity incident or risk. I would like to thank members for their support of this bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Adjournment**

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

That the Assembly do now adjourn.

## **Valedictory**

**Mr BARR** (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Urban Renewal and Minister for Tourism and Events) (5.49): I rise briefly in the adjournment debate this evening to extend my best wishes for the festive season to you, Madam Deputy Speaker, and to all members of this place, all staff of ministers and MLAs, and indeed warm thanks to all of the staff of the Assembly for their assistance in this year, 2015.

It has been a busy and productive year for the Assembly. We have debated a wide variety of issues and passed some very significant and important legislation. I will acknowledge that some of that legislation received unanimous support in this place. I thank all members for that. Some obviously was contentious. These are things that you would anticipate in a democracy and in a place as politically engaged as Canberra. But throughout all of the debates in this place, by and large, we are respectful of the diversity of opinions.

We do engage in vigorous debate during the course of the year, but when it comes to times like these, as we approach the festive season, it is time to reflect upon the achievements of the year and to acknowledge, particularly for members, members' staff and Assembly staff, that we are kept here often at very odd hours and we do spend a lot of time away from our family and friends. I certainly encourage all members, and indeed all staff in this place, to enjoy the summer break and to get some time off, because the festival of democracy that is 2016 is approaching.

On a personal level, I thank my staff for providing such fantastic support to me in this role. It is certainly one of the most challenging roles in this place, and I acknowledge the very strong support that I receive from my caucus colleagues. I wish to thank Minister Rattenbury for his support and his work within the government. Can I acknowledge Minister Rattenbury's staff, too. We have a very close working relationship across the government, across the two parties. That is demonstrated in the strength of this government, the consistency of our approach to public policy and our delivery of key outcomes for the city of Canberra. We look forward to continuing that in 2016. Having said that, Madam Deputy Speaker, to you, and everyone else, have a safe and happy holiday season.

**Valedictory**

**MR HANSON** (Molonglo—Leader of the Opposition) (5.52): It seems rather early to be giving our final adjournment speeches of the year. Indeed it gives me great pleasure to stand here tonight and to wish everybody all the best. It is a long break that we are now going to have, and I am sure that we will all use it productively, in the best interests of our community.

I will not reflect too much on the year in this place, other than on the issue of domestic violence. I think that we can be very proud—all of us, the 17 members—of the action we have taken together to further the cause of tackling domestic violence in the ACT. The Canberra Liberals have played a significant role here, as have the Labor Party and the Greens. It is good that we have done something this year, hopefully, to ease the suffering and the distress that many people experience through that scourge of domestic violence.

I look forward to the debate continuing next year on a range of issues, be it light rail or rates. For an opposition, something that you certainly look forward to is an election year. The three years leading up to it can be, it is fair to say, a bit of a hard grind. I do commend my team for the three years of discipline, unity and professionalism that they have all shown, which I think has been an exemplar for not just the Canberra Liberals but, to be honest, any political party in Australia. It is a tough gig in opposition, and I commend you all for the work that you have done.

To the Assembly staff, to Tom Duncan and the crew, again, thank you for all of your efforts. They are greatly appreciated. I do not sit on a committee now, so I do not have to attend too often, but I know that the committees have also been very active, and I thank them.

To my own staff, I thank them. I have a lot of portfolios. I am very demanding of my staff and at every opportunity and at every step they rise to the challenge. They are led capably by my chief of staff, Ian Hagan. I thank them very much. I know that all of us in this place rely very much on our staff. I am particularly well served. Merry Christmas, in anticipation of Christmas, to you all.

**MR RATTENBURY** (Molonglo) (5.55): It has certainly been an interesting year here for me in the Assembly, as always, in continuing to straddle my roles on both the crossbench and the front bench of the government. This is the last end-of-year speech with only 17 members in the chamber. This time next year there will be 25 of us. It seems our Chief Minister and Leader of the Opposition will be staring at each other at close range in the middle of the chamber, which I am sure will be an interesting proposition.

**Mr Coe:** We will be getting closer to government.

**MR RATTENBURY:** I feel like I have missed something that I will have to listen to on the tape later.



**Mr Barr:** He said they were getting closer to government.

**MR RATTENBURY:** It is the only way to get there, I suppose! There have been quite a few highlights for me this year. I particularly enjoyed some of the work we have done with the community to develop legislation that delivers better protections and services for the people of Canberra.

Over the past year there have been many who have worked very hard to support both my ministerial and my crossbench work, and I would like to take this opportunity to thank them. Firstly, to the staff of the directorates, thank you for all of the work you have done working for the people of the city this year. I am proud of what we have achieved and I know that your efforts are appreciated by Canberrans every single day.

To the directors-general whom I work with—Gary Byles, David Dawes and Alison Playford—thank you for juggling all of your responsibilities and multiple ministers’ meetings. To the other senior staff with whom I meet regularly and who offer their counsel to me, I thank you also. I would like to make special mention of the hardworking directorate liaison officers representing my directorates over the year—Chris, Karen, Narelle and the ever-patient Sarah—who all do an extraordinary job keeping our office processes well oiled.

I would also like to take the opportunity to thank the Clerk, Tom Duncan, and the staff in the Office of the Legislative Assembly for their work in keeping this place running. I certainly know from my time as Speaker what it takes to run this place, to manage the issues and concerns of MLAs and the public and to facilitate smooth sitting weeks. I know there is a lot of work involved in managing the refurbishment of this building, and Madam Speaker’s update today certainly underlined that. I wish you luck in getting through that process over the coming months.

I would like to thank members of the ALP, my cabinet colleagues and the other members of the ALP whom I form this government with. I think we have done a great job of building the collaboration that we need to make government work in this town, and I look forward to continuing that through the course of next year in the run-up to the election.

Finally, to the team who have worked in my office this year—Indra, Jarrah, Ali, Helen, Logan, Matt, Laura, Tom, Maiy and Rob—thank you for your continued energy and your enthusiasm.

We know it is going to be a big year next year, and, like other members, I simply urge everybody to have a restful Christmas season, to do the things that you enjoy doing, to spend time with your family and friends and have some relaxation over the summer break, as I am sure next year will disappear very quickly.

### **Valedictory**

**MR COE** (Ginninderra) (5.58): I, too, rise, not to go through the *White Pages* for once but to reflect on a long year but a good year. As I have joked, I am already up to

the Queanbeyan *White Pages* now; soon I will move on to Goulburn and Cooma.

I want to extend special thanks to those who have worked in my office, in particular Ruth, Ben and Kate. And special thanks to Danielle, who has left us on maternity leave and has just had a lovely daughter; I wish her, her husband and her growing family all the very best.

I would like to extend my thanks to the other staff in the Liberal offices, in particular, Ian and Joe, whom I work with on a daily basis, and usually multiple times each day. I would, of course, like to extend my thanks to my Assembly colleagues, particularly members of the opposition. As Mr Hanson said, it is a grind; it is a slog, being in opposition in these four-year terms. They are very long in opposition. I imagine they are very short in government, but they are very long in opposition. We are very much looking forward to the battle next year.

Something that I have reflected on of late is that it is good, going into the 2016 election, that there are meaty, solid issues that we can all sink our teeth into. Often in politics there are issues that come and go in a matter of weeks, and just when you have built up a knowledge base you move on to something else. With the election next year, I think we can all appreciate that there are some really solid issues that will be vote changers for people. To that end, I expect that we are going to have a good campaign. I hope, more than ever, that it is going to be policy based, which we will all revel in, I am sure.

I would like to thank members of the committee office, the Hansard department and all the other staff here at the Assembly.

I would also extend my thanks to those in the Liberal Party here in the ACT for all the support they give members of the Assembly, particularly Peter and Arthur, who have led the party this year in the ACT.

Finally, of course, a special thanks to my wife, Yasmin, and my 18-month-old son, Angus, who have been a real bright spot in my life in 2015. With that said, best wishes and merry Christmas.

### **Valedictory**

**MRS DUNNE** (Ginninderra) (6.01): It is a little odd making a Christmas statement in the middle of November. It is a bit like David Jones putting out their Christmas decorations at the end of the August holidays. But it still happens, and we just have to go with the flow.

Before I make some comments about the chamber, I would like to pay tribute to my staff, the indomitable Clinton White, Keith Old, Chris Inglis and Maria Violi. Maria has had a pretty tough year and is off on well-deserved holidays. I want to pay particular tribute to my colleagues in the Liberal Party for being extraordinary colleagues and a great bunch of people to work with, not just the members but the staff. I think it is a wonderful and tight-knit group of which we can be proud.

To the Clerk of the Legislative Assembly and all the staff of the Legislative Assembly, thank you very much for your work this year. I feel that I have to single out, as I did today, Celeste Italiano and Ian Duckworth for the extraordinary work that they are doing in relation to the building project that we have.

As always, I have to pay tribute to Lyle and my family, who are the backbone and the support for all that I do. I have been celebrating—it is no secret—that our youngest son has just finished school. There have been 65 cumulative years of schooling starting in 1987. We are still doing a little happy dance because today is the day we pay our last school fees ever. We are not going to be empty nesters; it seems that half the family is coming home again, for a variety of reasons, and we will be a household bursting at the seams for a while. We will be happily welcoming home members of our family who have lived interstate and are coming back to Canberra, as they do, especially when they have children and they suddenly discover that childminding is a lot more convenient when there are grandparents around.

Because it is so early, I have not really got around to Christmas shopping, but I have started to plan Christmas shopping. I was thinking about what gifts I could give to members of the ACT Legislative Assembly and how I could keep it on the theme of my adjournment debate speeches, which have been common, especially in the latter part of this year. As every sitting week I have been trying to bring forward some of the views of constituents about light rail, I thought that I would give everyone a T-shirt emblazoned with a motto about light rail.

I will start with the Chief Minister. He will know, as we all do, that Jon of Bruce has views on the subject. He said in the *Canberra Times* recently that the business cases that he saw “didn’t encourage investment”.

To the Leader of the Opposition, it is pretty simple. His motto comes from Cheryl of Florey, and it is simple: “No, no, no, no!”

Mr Rattenbury, who is the Minister for Territory and Municipal Services, the minister responsible for ACTION and the Greens member who makes up the numbers for the Labor Party, it is not so much a slogan as a small epistle from Dirk of Page: “My concern is the ability of a single person, belonging to a party that is claiming to be democratic and community concerned, to impose its will on a whole city, without reference to the people. I am talking about the exorbitant commitment to spend about one billion dollars on a so called light rail system, which is only of benefit to a small part of the population. This is particularly difficult to swallow because our ACTION bus services are substandard.”

Mr Coe also gets an epistle, from Bob of Hawker:

The ACT government calls the light-rail project a public-private partnership. Usually a PPP means both parties will put up some capital, share the profits and also share the risks. This means both parties have a strong incentive to plan carefully and both will evaluate their risks. However, the ACT government is paying for everything and accepting all patronage and revenue risk. This is not

really a partnership at all. For a real PPP project of this size, one would normally expect to see comprehensive planning and project risk and management plan, but, as the ACT government is taking the risk and cannot be sued for wasting taxpayer's money if it fails, this has not been done. Is this responsible government?

So asks Bob of Hawker.

Dr Bourke, you are lucky; you get a short one: "A complete waste of money, and what will I get for the increase in my taxes to pay for it! Nothing ...". So says Julie of Dunlop.

I go to Mr Doszpot, the great member for Molonglo who works up and down the spine of what will be the light rail system. His motto comes from John of Downer:

People who oppose the tram are not, in general, selfish car owners ... They simply see \$800 million and five years disruption as too great an impost for shaving one minute off of one bus route.

To the shadow treasurer, this comes from MS of Erindale:

... don't bother quoting the Business Case for Capital Metro Stage 1; that report is too riddled with relevant omissions, inconsistencies and errors to be of any use to anyone ...

Ms Lawder—(*Time expired.*)

**MRS DUNNE:** I seek leave to continue.

Leave granted.

**MRS DUNNE:** Thank you.

**MADAM DEPUTY SPEAKER:** Can you be as quick as possible, Mrs Dunne. Ms Fitzharris has an event to go to.

**MRS DUNNE:** And I want to relieve you in the chair. I thank you for the indulgence.

Ms Lawder, Judy and Ken from Dunlop have your motto: "We are absolutely opposed to the extravagant expenditure on a light rail."

Mr Wall, Bob from Kambah says:

I don't know whether to laugh or cry over the Transport for Canberra document ... it's full of utopian assumptions and political spin.

Simon Corbell and his ilk seem to think that using politically correct language can obscure the folly of the light-rail project.

Ms Porter, Madam Deputy Speaker, Stan from Hawker says:

Simon Corbell is amazing. It is amazing that he thinks that the Canberra community will fall for his argument that spending \$800million on one corridor will solve a \$400million territory wide congestion problem; some people believe him, of course, but there is a fool born every minute.

Ms Berry, PD of Turner says:

If the ACT Government can't even run a bus system, what makes them think they can run a \$1bn tram line?

Minister Burch, Anonymous from Bruce has said:

I do not want my grandchild being saddled with a humongous debt by the time he reaches twenty, just to satisfy the megalomaniacs of the ACT Greens/Labor government.

Mr Gentleman, Derek of Mawson, who I know is a planner and an architect, says:

Canberra's early planners successfully managed to avoid most of the ugly examples of "wirescape" so common in Sydney and Melbourne. Why are we trying to emulate their mistakes?

Ms Fitzharris, Kent of Nicholls says:

Gungahlin residents deserve to keep the Rapid Service they and other Canberra bus travellers currently enjoy.

Mrs Jones, who has a sense of humour, will take on the title from Penleigh of Reid:

Coming soon to an entertainment venue near you: Dr Tramlove or How I learnt to stop worrying and love the tram.

The Deputy Chief Minister, Mr Corbell, gets two presents. First of all, there is the T-shirt with an encouragement from Anonymous of Belconnen that simply says, "Don't do it!" But also, because it is his valedictory Christmas, he gets a special gift that may be of future use to him in his career, which will be "Push polling for dummies".

Madam Deputy Speaker, I am also going to get a T-shirt. It says:

I wish light rail made sense, but it just doesn't.

That is from Matt of Aranda.

## **Valedictory**

**MS FITZHARRIS** (Molonglo) (6.09): I am pleased to reflect on the past year this evening in the chamber, a year which has changed my life in many ways. It was an

honour to join the Assembly following Katy Gallagher's move to the Senate, and I thank her for her dedication to her city and her continued effort to make Canberra a better place. I have loved representing Molonglo, particularly my local area of Gungahlin. There is such a diverse range of people, businesses and community groups who love our city and want the best for it. It is an honour to work with them and represent them in this place.

I thank everyone who has contacted me and given me all manner of feedback, mostly great, some less so, but all received, considered and replied to. Thank you to the nearly 2,000 people who have filled in my petition and survey this year. I would like to thank in particular a few local organisations and businesses whom I have had the pleasure of working with closely over the year.

A special mention goes to members of the Gungahlin Community Council, particularly Ewan Brown, Peter Elford and Tony Ozanne, and a special mention also to James Milligan for his terrific work in producing *Gunsmoke*. Thanks also to the wonderful staff at Communities@Work for the opportunity to work with them in so many ways this year, especially Lynne Harwood, Chris Barry and Nishi Puri. To Mark Scarborough of My Gungahlin, I say that it is always a pleasure, and we share a real passion for our local community. To David Pollard from Crace Community Association, Prescott Pym from Forde Community Association, and Jason Cummings and Kate Grarock from the woodlands and wetlands trust, what you do on our back doorstep in Gungahlin is great. To the Anthoney and Wills families, it has been a real highlight to meet and work with you this year.

I would like to thank my family for their support and love as I have made the move to the Assembly. I never thought I would have to have diary meetings with my own husband, but there you have it. I could not do this without them.

Thank you to Tom Duncan and all the wonderful staff and attendants here at the Assembly. You do a remarkable job keeping us going, and I hope you will all have a relaxing break. I know next year will be a busy one for you, but thank you for settling me in this year.

Thank you to my staff. James has now moved on to a new career but he did a wonderful job in those early days when I was finding my feet. I know he has a bright future ahead. To Terry, who has recently joined, thank you for bringing your considerable IT skills and enthusiasm to the office. To Charlotte, a bright star whose dedication to Labor and willingness to do anything that is required around the office make her invaluable. And she does some great baking. To Claire, who keeps me real and reminds me of what is important, not urgent, for her terrific skills and her growing love of Gungahlin roads—so great, in fact, that she is moving there. And to Monique, who has brought campaign experience and policy expertise to my office and who ensures we work as a team. Her dedication to Labor over many years is remarkable and I am lucky to have her. I know she has not had the easiest of years but I wish her all the very best for 2016.

I would also like to thank all of my Labor colleagues for warmly welcoming me into this place, guiding me and giving me opportunities. A special note goes to Simon Corbell and Mary Porter, whose advice I have valued so greatly. I know the Assembly,

and indeed our whole city, is a better place because of you both and I wish you all the best for the next stage after next year's election.

Thank you to the many friends who have supported me, to those crack volunteers—particularly people like Gerry Lloyd and the remarkable young members of our Labor Party whom we could not work without. And to Kurt Steel, who is still in our hearts every day.

During the past year I have learnt so much about our city, its workings and the people in it. For me, growth, opportunity and fairness must be at the centre of everything we do. When I look at Labor's track record it is clear these values are central. They are evident in policies like light rail, urban renewal, public housing renewal, tax reform, transport reform and our renewable energy targets. We are building a new hospital, delivering better health services, improving our students' educational outcomes, making our roads safer and growing our economy. These policies help everyone and they will change our city for the better. To all of my colleagues in this place: go well, have grace and have a merry Christmas.

### **Valedictory**

**Mr SMYTH** (Brindabella) (6.13): I think it is an interesting year that we have all had, and it is kind of odd doing this in November. There is something perverse about Christmas speeches this early, but such is life.

To my colleagues, I would like to say thank you—all around the chamber. I do not believe anyone goes into this job without good intent in their hearts. We might disagree, but to have the courage to put your hands up and go through what we have gone through, I say well done to you all and I hope you have an enjoyable time with your family and friends. Whatever it is that you do, make sure you enjoy it because I suspect that, with only 331 days to go, next year will be even more torrid.

To my staff—to Merlin, Emma and Rob—thank you for all you do to keep me on the straight and narrow, finding all of those bits of paper that I file so effectively that they will be kept for all time, and always sending me out well prepared. It is a real art and you guys do it very well.

Madam Speaker, through you to the Clerk and to all of the Assembly staff, thanks for all they do. It will be an interesting year for them as well, as we move, carpet, repaint and shift furniture. All sorts of things will happen. Hopefully, after October next year we will have a bigger, better and stronger Assembly with its focus on the people of the ACT.

To the people of Brindabella, I would say thanks. It is a pleasure to serve you as always and I do enjoy the job.

To my colleagues on PAC, to Mary, Nicole and Megan, I say that it has been an interesting year. The clubs report was particularly interesting. At one stage we had a piece of A3 paper with three streams of suggestions on it with merging lines and conflicting recommendations. Somehow we managed to get through it. It is nice to

work with you. Again we do not always agree but at least we can agree to work together, and that is a good thing. The committee system has often been called the jewel of the Assembly, and it should be so.

I refer in particular to the representative of the community in Tuggeranong, the Tuggeranong Community Council, which the Labor Party seems to have such grief with. Mr Hargreaves called them “grumpy old men” and Mr Barr has made interesting comments as well. Well, one of the grumpy old men died this year. Eric Traise was never grumpy, he was never old, and he was always young at heart. After years of service through the military and other things, Eric’s passing was a low point in the year. But it comes to us all; we still remember him and best regards to his family.

To those that support me in the party, the Canberra electorate branch and the Tuggeranong interest branch, thanks for all your efforts. The cause is just and we will be triumphant. I am looking forward to the fight next year, as always.

I close by saying thanks to my family and friends. My daughters, Amy and Lorena, have a much better life than I do. They now live on Bondi Beach. If you walk out the back door of their apartment and cross a little bit of bitumen, you are in sand. I ring in the mornings to say hello and you can hear the waves. It is nice to know that all of our efforts have not been wasted. Their love is always there and it is great. To David, who often does not have dad there at home at night, thank you for what you have given up. You are a great mate; I love it when I get home and there you are. And particularly to Robyn, who is always there, I thank you.

Colleagues, have a great break.

### **Valedictory**

**MS PORTER** (Ginninderra) (6.17): This will probably be my last Christmas adjournment debate as the end of term next year will be nowhere near Christmas. So it is with mixed feelings that I thank my colleagues for their support. I note that this is Simon’s last valedictory adjournment debate, too. Collectively, my colleagues and I have done some great things during this year. I particularly acknowledge Simon’s work on restorative justice because I am very appreciative of that, and I think we have made many great changes in that area.

Thanks to Mr Rattenbury also and to my colleagues on the other side of this chamber. You all make this place work; we need you all. Sometimes we get a little irritated with one another but we all need each other to make this place work. We cannot serve the people of the ACT without each other.

I especially thank my staff—Charles, Anna, David—and those who have also worked in my office during this year, Brea and Kate. They are a terrific team and a great support. A big thank you to my committee secretary, Andrew Snedden, and of course to my colleagues on the committee. We have done some great work this year on the education committee. To all those in the committee office, a big thank you.



Thanks to Tom Duncan and all in the Clerk's office for their support in my role as Deputy Speaker and also the education office for their support. I also thank Clinton White in Madam Speaker's office for his support when I serve as acting Speaker. Thank you to all the staff in this place. Ian Duckworth has certainly got a lot of work on his hands with the refurbishment and the moving of various people around. There will be no Christmas rest, I believe, for Ian Duckworth. Thanks to all the attendants, the library, Hansard. I am sorry if I have missed anyone.

Our families of course will see much more of us. I thank my husband for his support during the year. I thank my children and my extended family for their patience with a busy mum, grandmother and great grandmother.

In thinking about families I thank all those who work all through this time in paid and volunteer positions in the community to support the isolated and families under stress. I think we have done some good work in relation to domestic and family violence this year, as Mr Hanson said. Sadly, the Christmas season is when family violence is often prevalent. I wish everyone here and in my electorate a safe and happy Christmas and new year.

### **Valedictory**

**MR DOSZPOT** (Molonglo) (6.20): It seems like only yesterday that we were giving valedictory speeches in this chamber. There are many people I thank for their support during 2015, starting with my own staff: senior advisor Sue White, who apart from needing to brush up on her football tipping has been, as usual, a most valuable contributor; Claire Medway, who joined us early this year, brought additional skills and helped reduce the median age of the Doszpot office; and Bradley Clark added some much needed height and a great depth of sporting knowledge, so long as we do not mention his football tipping either. On a serious note, I thank all three of them for their hard work and initiative that has seen our office cope with an ever-increasing workload from our constituents who seek our assistance.

To all my Liberal colleagues—Jeremy, Vicki, Alistair, Brendan, Andrew, Giulia and Nicole—it has been a great year. I enjoy our interaction and the collegiate support, and I know we are all looking forward to a very exciting year in 2016.

I also thank my colleagues and many of their staff who once again supported our annual charity fundraiser, which this year was for Alzheimer's ACT, and attracted over 500 guests. Next May we will be holding the 2016 charity fundraiser. It will be for Bosom Buddies, and I hope to see all of you there. I also thank my Assembly colleagues' staff members: Ian Hagan, Neil, Joe, Jodie, James, Jess, Katie, Chris, Merlin, Rob, Emma, Kate, Paula, James, Clinton, Maria, Keith, Chris, Ben, Ruth, Kate, Danielle, Amber, Liam, Nikkie, Lucinda and Chloe.

As chair of the Standing Committee on Justice and Community Safety and the scrutiny committee and deputy chair of the education committee, I thank all colleague MLA members on these committees for their contribution, as well as the secretary of

JACS, Dr Brian Lloyd, and the secretary of the JACS scrutiny committee, Max Kiermaier, and Anne Shannon, Peter Bayne, Stephen Argument, and also Andrew Snedden, secretary of the education committee.

Thanks also to chamber staff: Clerk Tom Duncan, deputy Max Kiermaier, Janice Rafferty, Celeste Italiano, Joanne Cullen. I thank the attendants: Rod Campbell, Michael Sidonio, Peter Edwards, Paul Oliver, Panduka Senanayake, Brian Allan, Denis Axelby, David Chavez, Oscar Zamora, and Sonia Hemmings. And my thanks also to those in Hansard, Val Szychowska and her team, as well as the library, Jan Bordoni and colleagues, and to Ian Duckworth, Emma, Chris, Rachel, David, Rick. Thanks to Neil Baudinette, who prods and urges us all to take more interest in art and also for the great education programs and debates that Neil conducts for ACT schools.

To all our parliamentary colleagues in government and on the crossbench, I wish you all a very happy and safe Christmas. To all my constituents in Molonglo, the community councils, the inner north and the inner south, the great Yarralumla Residents Association and the general community of Molonglo, my thanks and I look forward to representing you next year.

Finally, to my family—Maureen, Adam, Amy, Nettie, Ed, Isabella, Noah, Kasia, Andrew and Harry—thank you for your support, love and understanding.

### **Valedictory**

**MS BERRY** (Ginninderra—Minister for Housing, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Community Services, Minister for Multicultural Affairs, Minister for Women and Minister assisting the Chief Minister on Social Inclusion and Equality) (6.23): I want to begin tonight by thanking the fantastic people of west Belconnen and the electorate of Ginninderra. It has been my privilege to represent you, to chat with even more of you this year and to continue our conversation on how together we can make our community even better.

It has been a busy year. I want to thank all the people who have helped me out in some way since I have been appointed as minister. This includes all of the people who work in the Legislative Assembly: all the support staff, the attendants and especially the cleaners.

To Rick, I do appreciate your style advice and your prompt attention to maintenance and picture-hanging. To the Community Services Directorate and particularly all of the hard-working public servants who work behind the scenes, many of whom I have not met yet, I want to thank you all for the work that you do. I appreciate everything you do to keep my office working and helping me to do my job.

To all the other hard working ACT public servants, from our lawn mowers to our teachers, nurses, doctors, cleaners, childcare workers and many others, thank you for the important work you do to support the families of Canberra. To the ministerial councils and elected body, I have enjoyed working with you, learning from you, and putting your expert advice into the work that I do as minister every day.

To the team in my office, Jarryd, Lisa, Steve and Kate, our DLO: thank you, thank you, thank you for all the amazing work that you do. I am so grateful that you are part of my team. I especially want to thank you for making the move from UHT to fresh milk. I would also like to thank Scott and Katrina, who started the year with me as my advisers when I first was appointed as minister. I want to thank them for their support in smoothing what is usually a pretty rough time learning the ropes as a new minister in the ACT Assembly.

To my ministerial colleagues and members of the Labor Party here in the Assembly, thank you all for your support. Thank you, Chief Minister, for having faith in me and appointing me as a minister. Thank you to the members of the Labor Party and the broader union movement. I thank you for your continued support as well. I would also like to acknowledge Shane and the Greens office as well for the work that they have been doing in supporting the ACT government.

I would also like to thank and acknowledge my family, especially my children, for your patience for the numerous times that I am a little bit uncool, when I forget dates and get the times wrong, and drop the ball for birthdays and play dates. I have just had a phone call tonight: I have forgotten to pick somebody up; so there I go again. Thanks to my dog Cassie for keeping me active, to Orange and Wendy our chooks; and RIP to Rosie, one of our backyard chooks whom we lost earlier this year.

I would also like to acknowledge Mary Porter for her support while I was on the backbench but also as a minister. It has been great to work here alongside you. I am looking forward to hearing about your adventures when you do retire. I am sure they will be amazing. I am sure you will not stop working hard. I convey my thanks as well to Simon Corbell for his support and mentoring to a new member of the executive.

In this vein, I guess I wanted to invite all members to consider spending time with organisations who support people who might not get the chance to celebrate at this time of year and to make a donation to organisations, refuges or support services that are going to give people a hand up at what can be a very difficult time.

I will be helping out at Uniting Care. If you have not purchased your festive cards yet for this season, I can highly recommend ACT Rescue & Foster Christmas cards. I want to wish everyone and their families a safe and happy end of year celebration, especially to all the workers and volunteers who will spend time away from their families over this festive season. I hope that you are properly compensated and get to enjoy some time to celebrate as well. All the best!

### **Valedictory**

**MR WALL** (Brindabella) (6.27): I would like to start by thanking all the good people of the electorate of Brindabella who have afforded me the privilege to continue representing them in this Assembly. It is for them that I do everything I do each day.

I turn to the people that support me in my office: firstly, Katy, who left my office to move on to greener pastures in Mr Hanson's office at the beginning of this year. I

would like to thank her for the contribution she has made over the first three years of this term. To Kate Davis, who has been the rock in my office and continues to be a great asset, a great adviser and of great assistance in all aspects of political life.

Also, I extend a welcome and a big thank you for the contribution that Paula has made in my office since joining me earlier in the year. She brings great new perspective and a depth of understanding of what it means to be part of a young family in Canberra. That perspective is always valued and treasured.

To all my supporters and all my colleagues here, the base of the party, I think that without the help and the great volunteer support that we get from members of the Liberal Party in Canberra this job would be so much more difficult. To my party colleagues, under the leadership of Jeremy and Alistair, another great year is behind us and there is a great year ahead of us as we embark on the final run towards the election.

A final thank you to all the other support staff here in the Assembly, those in OLA, Hansard, the library, the attendants, the education office. I am sure that Neil is lining me up for yet another school debate session as we speak. I also note the great work the committee secretariat does in assisting us with our inquiries.

I guess I leave the most important to last: a big thank you to my family. First of all, Christine, my wife, who continues to take on a great deal of the work of running the home while I am out embarking on the role of a member of this place and the great job she does as a mother of our daughter Sofia, who has now just clocked over two years, and is a great and exciting little person whom I cannot wait to spend more time with over the Christmas period.

I also owe a great deal of thanks to my parents for the immense amount of work that they do in supporting both Christine and me in the busy jobs that we have taken on to allow us to fulfil those roles effectively. They have taken on the role of grandparents with great gusto. All Sofia can talk about of an afternoon when I get home is, “Where is Ganny and Gamps?”

## **Valedictory**

**MS LAWDER** (Brindabella) (6.30): Firstly, I would like to thank my family for their support throughout this year. Somewhat unusually for me, there was no new grandchild this year. However, there probably will be before the end of December, which will make 12 grandchildren in total.

I would like to thank my colleagues in the Assembly, certainly on my side and also across the chamber. I would like to make special mention of Ms Porter, who I have found to be a delight to work with, both outside the Assembly and inside the Assembly. I wish her all the very best in the future. To Mr Corbell as well, whom perhaps I have found slightly less delightful, I wish him all the best nevertheless.

To my staff—Nikkie Macey, Lucinda Bordignon, Chloe Nash and Isabella Frisan, as well as Erin Clout and Troy Reid, who left earlier this year, and more recently Olga

Richards, who did some work experience in my office—thank you for your contribution.

To all the volunteers who have assisted me, branch members and the executive of the Liberal Party, thank you for your commitment and support. Most of all, thank you to the constituents of Brindabella, in other words, Tuggeranong, including the very wonderful Tuggeranong Community Council, and many volunteers throughout Tuggeranong, including the RSL, Rotary, Lions and catchment management groups. There are a whole lot of people that make our community in Tuggeranong a better place every day.

I make special mention of Eric Traise and Lion, Frank Brown, who passed away during the year. I am sure they will be sorely missed by their families during this festive season.

I will go as quickly as I can through a brief poem. It is my Christmas offering, and I hope you take it in the festive spirit in which it is offered. It is called *The Tram from Gungahlin Station*, with apologies to AB “Banjo” Paterson:

There was movement at the station,  
For the word had passed around  
That the tram from Gungahlin was on its way  
And had joined the Labor promises—too many to keep count  
So the cracks began to appear and fray  
All the tired, jaded Ministers from electorates near and far  
Were gathering to try and muster fight  
For the Greens Minister loved governing, as did all of them under Barr.  
But the Chief Minister sensed shifting to the right.

There was Corbell who was leaving, having made his mark but then gave up,  
The old stager who had been around so long,  
And few could match his points of order when his blood was stirred right up  
He would interject where no-one else was strong  
And Burch of Brindabella who was full of spite and hate  
But was clearly not quite up to par  
For the opposition could throw her and she rose straight to the bait  
She never learnt she always went too far.

And there was the Chief Minister, finally at the top  
He was trying to make his own mark  
With his hip and coolest capital, renewal and pop up shops  
While removing any place to park  
He was hard and tougher and able to think on his feet  
He had courage and some vision, it is true,  
But he bore the burden of a team that just couldn’t compete  
And it caused him grief, whenever trouble brewed.

But still, he worked it hard, no-one doubted his commitment  
The others said, he is the one to lead us through  
A long and tiring campaign—no saviour would be sent  
So he battled long and hard despite his crew.

Mr Barr sat sad and wistful—wondering how to win the share  
When the Greens demanded the tram  
For he held all the power, it was just too much to bear  
Because the Green holds the balance of power in his hand.

He hails from Kurrajong, as do most of their crew  
Where the Greens are thick and fast upon the ground  
Where they like to think they are morally superior to me and you  
Yet they're determined to see the trees come down  
And so the average punter can see the folly of this quest  
But the Greens have vowed to bring it to our town  
And I think it truly will become the electoral test  
For Labor and the Greens cannot back down.

So the Liberals are cheering—the light rail is the test  
The voters are racing to their corners rapidly  
And Mr Hanson gave his orders—team, go at them with your best  
This is sent to us like a gift, he said with glee.  
And Alistair, will lead us in the fight against the rail  
Go boldly forth, and give your best oration,  
What with this, and rates a-tripling, we'll have victory in our sights  
Despite their rigged polls and Labor club donations.

So down in Brindabella, blue grey mountains can you see  
Their torn and rugged battlements on high  
Where once the air was crisp, now it seals from blue green algae  
And the roads have potholes to make you cry  
Where the locals feel neglected, and few services remain  
And the weeds and the grasses grow and sway  
The tram from Gungahlin is a common source of disdain  
And the voters will make the choice on election day.

Merry Christmas to everyone. I hope you have a safe and happy break, and here's to 2016.

### **Valedictory**

**MR GENTLEMAN** (Brindabella—Minister for Planning, Minister for Roads and Parking, Minister for Workplace Safety and Industrial Relations, Minister for Children and Young People and Minister for Ageing) (6.35). in reply: To close the debate for the year I want to start by thanking all in the Assembly and all of my Assembly colleagues and wish them the best for the break, especially our new Chief Minister and my Labor colleagues. I also want to thank Tom and Max, Janice and all the crew as well as Michael, Rod and the team in security.

I want to acknowledge some particular achievements through the work that my directorate staff have been doing. One in Workplace Safety and Industrial Relations is the Easter Sunday public holiday. I thank a number of people for helping with that: the DLO, Ashley King; Bill Smith; Rachel Hughes and Michael Young. In the Children and Young People space, a step up for our kids, I think, has been a fantastic achievement. There is still a lot of work to go into it, but I want a special mention to go to Ali Trewalla, who is the DLO in my office, and Kate Starick and her team. In

the ACT active ageing framework, of course you have heard today the work that they have been doing. I thank Jancye Winter and Nic Manikis there.

And, of course, there is all the work in EPD—the many and varied master plans around the city, most notably the light rail network, along with the development of the statement of planning intent. Special mention there goes to Dorte Ekelund and Gary “I’ll fix that” Rake; Justin McEvoy, the usual DLO in my office; Stephanie Cairney, the acting DLO in my office; Alix Kaucz, Jim Corrigan, Tony “We’ll punch right through that” Carmichael, Suzanne Jurcevic and Alison Moore, along with the rest of the team.

In roads they have done a fantastic job with the completion of Ashley Drive stage 1 and, of course, so much work on the Majura Parkway this year. Ashley Drive stage 2 has started as well. Particular thanks go to those who did so much work so quickly on the Acton tunnel last month—a job well done. Special mention goes to our DLO Sarah Bourne; our D-G, Gary Byles; Tony “I love his accent” Gill, Ben McHugh, Paul Peters and Rifaat Shoukrallah.

Now to my staff in the office who have supported me so well and achieved some remarkable outcomes for the year—Adina “I’ll deliver that” Cirson; Neil “Never shaken or stirred” Finch; Ellie Yates, media adviser extraordinaire; Jason Clarke, who brightens the office every day; and Natasha Apostoloski with her wise counsel and cheery outlook. Also well done to some of the interns who have been helping out: Liam, Grace, Jess and Eben. Some of them already have their work in *Hansard*.

And a fond farewell to Mary Porter and Simon Corbell who have served Canberra so well over their time, and Labor as well, over many years. Merry Christmas.

Question resolved in the affirmative.

**The Assembly adjourned at 6.39 pm until Tuesday, 9 February, 2016 at 10 am.**

## Schedule of amendments

### Schedule 1

#### Courts Legislation Amendment Bill 2015 (No. 2)

Amendment moved by the Attorney-General

1

**Proposed new part 14**

**Page 26, line 19—**

*insert*

#### **Part 14                      Supreme Court Act 1933**

<b>45</b>	<b>Resident judges</b> <b>New section 37U (5) (c)</b>
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*insert*

- (c) for a person who was appointed to an office that has been abolished—a reference to the amount determined by the Minister to be reasonable having regard to the rate of salary payable—
- (i) for the office before it was abolished; and
  - (ii) for other offices under this part.

<b>46</b>	<b>New section 37U (7)</b>
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*insert*

- (7) A determination made under subsection (5) (c)—
- (a) is a notifiable instrument; and
  - (b) for the first determination made in relation to the holder of the abolished office—takes effect on, unless otherwise stated in the determination, the day immediately after the office is abolished.

*Note*            A notifiable instrument must be notified under the Legislation Act.

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## Answers to questions

### Transport—light rail (Question No 496)

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 17 September 2015 (*redirected to the Minister for Roads and Parking*):

- (1) What is the total amount of expenses incurred by the Territory and Municipal Services Directorate since 1 July 2014, in relation to the ‘Civic to Gungahlin Corridor Improvements’ as highlighted on page 145 of Budget Paper No.3 for the 2014-2015 financial year.
- (2) How are the expenses incurred in part (1) broken down by financial year for (a) 2014-2015 and (b) 2015-2016.
- (3) What work has been completed for the expenses incurred in part (1).

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

- (1) At the end of August 2015 approximately \$2.949m of expenses has been incurred by TAMS on this project. It is important to note that these expenses form part of broader roads improvement programs for northern Canberra as outlined in 2015-16 budget.
- (2) Refer to Table 1
- (3) Refer to Table 2

**TABLE 1**

<b>Project</b>	<b>2014/15 Spend</b>	<b>2015/16 Spend to end of August</b>
Northbourne Precinct Improvements	0.422m	0.006m
City/Northbourne Urban Design Framework - Design	0.57m	0
Gungahlin Drive Widening - Design and Construction	0.21m	0.018m
Well Station Drive Park & Ride - Design	0.162m	0.004m
Northbourne Corridor Utilities Master Plan - Study	0.045m	0.025m
Dickson Bus Interchange - Design	0.068m	0.093m
Civic to Gungahlin 3D Digital Survey	0.753m	0.001m
Northbourne Corridor Active Travel Improvements - Design and Construction	0.433m	0
Gungahlin Bus Interchange - Design	0.024m	0.059m
Active Traffic Monitoring – Design and Construction	0.027m	0
Northbourne Avenue Refurbishment Precinct – Design and Construction	0.0m	0.017
<b>Totals</b>	<b>2.714m</b>	<b>0.235m</b>

**TABLE 2**

<b>Project</b>	<b>Work Completed</b>
City/Northbourne Urban Design Framework	Draft framework completed
Gungahlin Drive Widening - Design and Construction	Construction started
Well Station Drive Park & Ride – Design	Design complete
Northbourne Corridor Utilities Master Plan - Study	Study 80% complete
Dickson Bus Interchange – Design	Design 75% complete
Civic to Gungahlin 3D Digital Survey	Survey 95% complete
Northbourne Corridor Active Travel Improvements - Design and Construction	Design 85% complete
Gungahlin Bus Interchange – Design	Design 75% complete
Active Traffic Monitoring – Design and Construction	Design complete – Communications installation progressing
Northbourne Avenue Refurbishment Precinct – Design and Construction	Design 75% complete

### **Children and young people, adoptions (Question No 508)**

**Ms Lawder** asked the Attorney-General, upon notice, on 27 October 2015:

- (1) How many local adoption orders were made in the ACT court system in (a) 2013-2014 and (b) 2014-2015.
- (2) How many applications for local adoption orders in the ACT court system (a) are ready to be lodged and (b) have been lodged.
- (3) Does the 11 week timeframe that Minister Corbell spoke about in the Assembly on 16 September 2015 encompass the time from when a local adoption order application is lodged in the ACT court system to when a judge makes an adoption order; if not, please specify what this 11 week timeframe encompasses.

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

- (1)(a) Three local adoptions were finalised in the Supreme Court in financial year 2013-14. A total of three applications for local adoptions were lodged that year.
- (1)(b) Eight local adoptions were finalised in the Supreme Court in financial year 2014-15. A total of eight applications for local adoptions were lodged that year.
- (2)(a) This is not within the knowledge of the Supreme Court or portfolio responsibility of the Attorney-General.
- (2)(b) As at 30 October 2015, two local adoption matters have been lodged in 2015-16. The first, an application to dispense with consent, was finalised on 26 October 2015. The second, an application to dispense with consent and an adoption matter, is scheduled to be finalised in mid-November 2015.
- (3) The 11 week timeframe broadly encompasses the time from when a local adoption order application is lodged in the ACT court system to when a judge makes the adoption order.

The adoption process (both overseas adoptions and local adoptions) is usually a two-step process. The first step is an application to dispense with consent which is normally listed 6-8 weeks after the application is lodged. The second step is the application for adoption which is normally listed 2-3 weeks after an order has been made to dispense with consent.

The application process will take longer if there are disputed matters requiring court resolution. Such matters are rare and normally relate to local adoptions where consent of the natural parents is in issue.

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### **Community Services—vulnerable people (Question No 511)**

**Ms Lawder** asked the Minister for Community Services, upon notice, on 27 October 2015:

Has the implementation review of the Working with Vulnerable People scheme, as referred to in Volume 1 of the Community Services Directorate Annual Report 2014-15 at page 65, been completed; if not, when is this review due to be completed; if so, has the final report for this review been made publicly available and where is it available.

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

An implementation review of the scheme was undertaken by the Community Services Directorate in consultation with Access Canberra in early 2015. This review is now completed.

The Community Services Directorate and Access Canberra are addressing implementation issues identified in the review. Policy and legislative issues identified in the review will form part of the scheduled legislative review of the WWVP Act in 2016. A final report will be produced as part of the scheduled legislative review and this report will be made publicly available.

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### **Childcare—Northside Community Services' Civic Early Childhood Centre (Question No 512)**

**Ms Lawder** asked the Minister for Education and Training, upon notice, on 27 October 2015:

- (1) When did you, your Directorate or the Children's Education and Care Assurance, first learn of allegations of physical abuse of children at Northside Community Services' Civic Early Childhood Centre.
- (2) When was the last announced spot check visit of Northside Community Services' Civic Early Childhood Centre conducted by the Children's Education and Care Assurance.
- (3) How many unannounced spot check visits of Northside Community Services' Civic Early Childhood Centre were conducted by the Children's Education and Care Assurance from (a) January 2013 to January 2014, (b) January 2014 to January 2015 and (c) January 2015 to the present.

- (4) Is the Children's Education and Care Assurance conducting its own investigation into allegations of physical abuse of children at Northside Community Services' Civic Early Childhood Centre; if so, (a) when will this investigation be completed and (b) will the final report be made publicly available and where.

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

- (1) Northside Community Services first notified the Children's Education and Care Assurance of allegations of physical abuse at Civic Early Childhood Centre on 24 April 2015.
- (2) The most recent announced visit to Civic Early Childhood Centre was on 2 October 2015.
- (3) Children's Education and Care Assurance officers have attended Civic Early Childhood Centre service premises and/or the provider's business premises on a total of 16 occasions since January 2013.
  - a) Two unannounced and one announced visits were conducted between January 2013 and January 2014.
  - b) Three announced visits were conducted between January 2014 and January 2015.
  - c) Two unannounced and eight announced visits were conducted from January 2015 to the present.
- (4) Yes.
  - a) The completion date is not known. The duration of investigations varies depending on their complexity.
  - b) If non-compliance with the *Education and Care Services National Law and National Regulations* is identified, the Children's Education and Care Assurance may take enforcement action. Details of enforcement action taken would be published on the Education and Training Directorate's website, subject to privacy restrictions under the National Law.

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### **Childcare—Conder Early Learning Centre (Question No 513)**

**Ms Lawder** asked the Minister for Education and Training, upon notice, on 27 October 2015:

Is the Children's Education and Care Assurance conducting a further investigation into the Conder Early Learning Centre; if so, (a) when will this investigation be completed and (b) will the final report be made publicly available and where.

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

- (1) The Children's Education and Care Assurance conducted a further investigation at Conder Early Learning Centre.
    - a) Yes. The investigation was completed on 1 October 2015.
    - b) Details of a compliance notice issued following this investigation are published on the Education and Training Directorate's website.
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### **Expenditure review—concessions (Question No 514)**

**Ms Lawder** asked the Chief Minister, upon notice, on 27 October 2015 (*redirected to the Treasurer*).

Has the expenditure review of the ACT Concessions Program been completed; if not, (a) what is the reason for the delay in finalising this review and (b) when is this review due to be completed; if so; has the final report for this review been made publicly available; if so, where is it available; if not, why not.

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

A discussion paper was released on 15 November 2015 to present the community with possible options to improve the fairness and targeting of the Concessions Program. The consultation period closes on 22 January 2016, and community views will be used to inform the 2016-17 Budget.

### **Schools—cleaning audit (Question No 515)**

**Mr Wall** asked the Minister for Education and Training, upon notice, on 27 October 2015:

- (1) Is the Minister able to say how many schools were audited by United Voice for the compliance audit of cleaning of ACT Schools conducted in 2015.
- (2) For part (1), (a) name the schools and (b) what date and time of the day were the audits conducted.
- (3) What cleaners operate the contracts for the schools identified in part (2)(a).

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

- (1) The union representing school cleaners, United Voice, notified the Education and Training Directorate that they audited 15 ACT public schools.
- (2) (a) Schools that have been visited by United Voice, along with cleaners who operate the contracts, are as follows:

<b>School</b>	<b>Contracted Cleaner</b>
Calwell High School	Phillips Cleaning
Isabella Plains Early Childhood School	Celeski Cleaning
Duffy Primary School	GJK Facility Services
Namadgi School	Rose Cleaning Service
Dickson College	Rose Cleaning Service
Narrabundah College	Rose Cleaning Service
Harrison School	Phillips Cleaning
Lanyon High School	VNT Services

School	Contracted Cleaner
Mount Stromlo High School	GJK Facility Services
Caroline Chisholm School	Rose Cleaning Service
Condor Primary School	Rose Cleaning Group
Alfred Deakin High School	Phillips Cleaning
Telopea Park School	Phillips Cleaning
Hughes Primary School	Dynuse Cleaning Service
Ainslie School	Fred's Express Cleaning Service

(b) The source of this information is from United Voice. United Voice sought approval from the Directorate to access school sites for this audit.

(3) Refer to (2) (a).

### Shopping centres—amenities (Question No 516)

**Mrs Jones** asked the Minister for Territory and Municipal Services, upon notice, on 27 October 2015:

- (1) How many toilets were installed at the (a) Scullin, (b) Campbell and (c) Cook shops.
- (2) What was the cost of installing the toilets at these local shopping centres (a) per toilet and (b) per shopping centre.
- (3) Which other shopping centres in the ACT have public toilets installed and when were they installed and what was the installation cost.

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

(1)

- (a) Scullin Shops has one unisex wheel chair compliant toilet which has automated features.
- (b) Campbell Shops has two unisex toilets - one ambulant and one wheel chair compliant.
- (c) Cook shops has one unisex wheel chair compliant cubicle.

(2)

Toilet	(a) Cost per toilet	(b) Cost per shopping centre
Scullin shops	\$210,000	\$210,000
Campbell shops	\$85,000 for the ambulant; \$169,000 for the wheel chair compliant	\$254,000
Cook shops	\$137,000	\$137,000

(3)

ESTIMATED CONSTRUCTION DATE	SUBURB	TOILET LOCATION	*COST OF INSTALLATION (GST Exclusive)
1990	Curtin	Curtin shopping centre	Data unavailable
1967	Mawson	Mawson shopping centre	Data unavailable
1973	Phillip	Phillip – Colbee court	Data unavailable
1980	Narrabundah	Narrabundah shopping centre	Data unavailable
2014 (R)	Kambah	Kambah village	\$110,000
2012 (R)	Chisholm	Chisholm shopping centre	\$190,000
1990	Griffith	Griffith shopping centre	Data unavailable
1990	Yarralumla	Yarralumla shopping centre	Data unavailable
1990	Deakin	Deakin shopping centre	Data unavailable
1990	Charnwood	Charnwood shopping centre	Data unavailable
1972	Hawker	Hawker shopping centre	Data unavailable
1990	Holt	Kippax fair	Data unavailable
2012 (R)	Hughes	Hughes shops	\$250,000
1990	O'connor	O'connor shopping centre	Data unavailable
1980	Lyneham	Lyneham shops	Data unavailable
2014 (R)	Dickson	Dickson shopping centre	\$170,000
2010 (N)	Ainslie	Ainslie shops	\$182,902
2000	Kingston	Kingston shops	Data unavailable
2010 (N)	Mitchell	Heffernan street	Data unavailable
2013 (N)	Fyshwick	Newscastle street	\$270,000
1990	Woden square	Bus interchange	Data unavailable
2011 (N)	City	Alinga street road verge	\$428,000 to replace two aged toilets with Exeloo model at two locations (excludes sewer and service connections).
2011 (N)	City	Cnr Mort and Bunda street	

\*Installation costs unavailable due to the age of the facilities.

Installation costs exclude recent upgrades to toilet facilities.

(R) Relates to renovation date and costs

(N) Relates to new toilet date and costs.

### Multicultural affairs—grants (Question No 517)

**Mrs Jones** asked the Minister for Multicultural Affairs, upon notice, on 27 October 2015:

- (1) In each year for the last 5 years, how many groups applied for the below grants under (a) ACT Multicultural Grants Program, (b) ACT Multicultural Community Language Grant Program and (c) ACT Multicultural Radio Grants Program.
- (2) Which groups were unsuccessful each year for the last 5 years.
- (3) What monies have been provided to multicultural groups that is not part of the above mentioned grant process and in relation to those monies (a) which groups have received money and how much each year for the last 5 years and (b) what was the purpose of each amount of money given to each group.

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

(1) Number of Applications Received 2011-12 to 2015-16

<b>Funding Year</b>	<b>Multicultural Community Language Grants Program / Community Language Schools Grants Program*</b>	<b>Multicultural Radio Grants Program</b>	<b>Multicultural Grants Program</b>	<b>Participation (Multicultural) Grants Program**</b>
2011-12	40	34	165	
2012-13*	40	36	158	
2013-14*	44	**	**	185
2014-15*	42	**	**	161
2015-16*	44	**	**	144
*In May 2012, the Minister for Multicultural Affairs agreed that the Multicultural Community Language Grants Program be administered by the ACT Community Language Schools Association as the Community Language Schools Grants Program				
** In May 2013, the Minister for Multicultural Affairs agreed that the Multicultural Grants Program and the Multicultural Radio Grants Program be combined into the Participation (Multicultural) Grants Program				

(2) Number of unsuccessful applications 2011-12 to 2015-16

<b>Funding Year</b>	<b>Multicultural Community Language Grants Program / Community Language Schools Grants Program*</b>	<b>Multicultural Radio Grants Program</b>	<b>Multicultural Grants Program</b>	<b>Participation (Multicultural) Grants Program**</b>
2011-12	2	0	39	
2012-13*	0	2	23	
2013-14*	0	**	**	34
2014-15*	0	**	**	19
2015-16*	0	**	**	20
*In May 2012, the Minister for Multicultural Affairs agreed that the Multicultural Community Language Grants Program be administered by the ACT Community Language Schools Association as the Community Language Schools Grants Program				
** In May 2013, the Minister for Multicultural Affairs agreed that the Multicultural Grants Program and the Multicultural Radio Grants Program be combined into the Participation (Multicultural) Grants Program				

**Unsuccessful organisations**

Due to privacy reasons, the names of the unsuccessful organisations cannot be provided.

**Question 3**

To capture all the information required to respond to this request would require a high level of resources across the ACT Government that would need to be unreasonably diverted from existing tasks.



**ACT Policing—Gungahlin  
(Question No 519)**

**Mr Hanson** asked the Minister for Police and Emergency Services, upon notice, on 28 October 2015:

- (1) What is the current staffing level of general duties police officers (frontline officers) at the Gungahlin Police station.
- (2) What is the current staffing level of Sergeants (supervisors) at the Gungahlin Police station.
- (3) What are the ACT Policing staffing profile (sworn officers, support staff, investigative, etc) for Gungahlin Police station.
- (4) Do Friday and Saturday nights have an increased presence of police officers in Gungahlin; if so, what is the total number of police officers assigned to general duties (frontline officers) on Friday and Saturday in Gungahlin.
- (5) How many sworn police officers and support staff were assigned and on duty at the Gungahlin Police station from (a) 1 January to 31 July 2015, (b) 1 January to 31 December 2014, (c) 1 January to 31 December 2013 and (d) 1 January to 31 December 2012.

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

- (1) For the 2015-16 financial year, ACT Policing has a budgeted full-time equivalent (FTE) of 37 sworn policing positions at Gungahlin Police Station.
- (2) For the 2015-16 financial year, ACT Policing has a budgeted FTE of six (6) Sergeants and one (1) Station Sergeant.
- (3) For the 2015-16 financial year, ACT Policing has a budgeted FTE of 37 sworn policing positions and one (1) administrative officer at Gungahlin Station.
- (4) The ACT Policing roster pattern increases resourcing on Friday and Saturday nights. Gungahlin Police Station has two (2) shifts covering Friday and Saturday nights:
  - 1600-0200hrs; and
  - 2100-0700hrs.

Each patrol team comprises of one (1) Sergeant and four (4) Constables.

Due to the overlapping nature of the roster, between 2100-0200hrs on Friday and Saturday nights Gungahlin Police Station can have two (2) Sergeants and eight (8) Constables on duty during that period.

- (5) The FTE for Gungahlin Station for
  - (a) 1 January to 31 July 2015 was 37 sworn police plus one (1) administrative officer.
  - (b) 1 January to 31 December 2014 was 37 sworn police plus one (1) administrative officer.

(c) 1 January to 31 December 2013 was 37 sworn police plus one (1) administrative officer.

(d) 1 January to 31 December 2012 was 37 sworn police plus one (1) administrative officer.

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**ACT Policing—staffing  
(Question No 520)**

**Mr Hanson** asked the Minister for Police and Emergency Services, upon notice, on 28 October 2015:

- (1) Can the Minister provide a comprehensive list of ACT Police Sergeant and Constable pay grades and how many police are currently employed on each grade.
- (2) What is the cost of employing an ACT Police Sergeant at each of the different Sergeant ranks.
- (3) What is the cost of employing an ACT Police Constable at each of the different Constable ranks.
- (4) What are the standard overhead costs associated with employing a police (a) Sergeant and (b) officer (Constable).
- (5) What is the total equipment cost (i.e. belt, handcuffs, taser, firearm) of each police officer.
- (6) What are the forecasted growth numbers in ACT police for (a) 2014-2015, (b) 2015-2016, (c) 2016-2017 and (d) 2017-2018.
- (7) What is the total cost to train a person to become a police officer (Constable).
- (8) What is the average number of police who are on patrol in Civic during a week.
- (9) How many police officers are in the City beat.
- (10) What is the average number of police who are on patrol in Civic on a Friday and Saturday night.
- (11) Do Friday and Saturday nights have an increased presence of police officers in Civic and the ACT; if so, what is the total of police officers assigned to general duties (frontline officers) on Friday and Saturday nights.
- (12) What is the average number of police who are on patrol in the ACT during a week.
- (13) What is the average number of police who are on patrol in the ACT on a Friday and Saturday night.
- (14) What is the total of police officers assigned to general duties (frontline officers) in the ACT.

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

(1)

Rank	AFP Band Level	Annual Salary Range	Number of budgeted positions within salary range
Constable, First Constable, Senior Constable, Leading Senior Constable	2-5	\$52,397 - \$90,517	513
Sergeant	6-7	\$90,517 - \$106,963	108
Station Sergeant	8	\$106,963 - \$116,428	14

A comprehensive pay scale containing all Australian Federal Police (AFP) pay grades can be located in the *Australian Federal Police Enterprise Agreement 2012-2016*, or via: <http://www.afp.gov.au/jobs/pay-and-conditions/afp-enterprise-agreement>.

(2) For the 2015-16 financial year the average cost of employing an ACT Policing Sergeant is:

- Sergeant \$155,246, and
- Station Sergeant \$173,860.

Average costs provided include annual salary, composite, allowances/penalties, superannuation and workers compensation costs.

Workers compensation costs are a payment made to Comcare by the AFP. This individual cost per employee is determined by a percentage of an employee's annual salary.

(3) For the 2015-16 financial year the average cost of employing an ACT Policing Constable, inclusive of all ranks at the AFP Band 2-5 level is \$110,467.

Average costs provided include annual salary, composite, allowances/penalties, superannuation and workers compensation costs.

(4) For the 2015-16 financial year the standard overhead costs for employing an ACT Policing Sergeant and ACT Policing Constable is \$29,813 (excluding property operating costs).

(5) For the 2015-16 financial year, the cost of providing an ACT police officer with accoutrements and ballistic vest protection is approximately \$10,000.

(6) As per *ACT Policing's Annual Report 2014-2015*, the 2014-2015 FTE was 932.23.

Under the *Purchase Agreement 2015-2016*, ACT Policing are nominally funded for 932 FTE.

For 2015-2016 and out years, the FTE will be determined during the negotiations of the annual Purchase Agreement between the ACT Government and the Australian Federal Police for the provision of policing services to the ACT.

- (7) ACT Policing contributes \$52,000 to AFP Learning & Development for the training of a person to become an ACT Policing officer.

ACT Policing also contributes to recruit training capabilities within the AFP College through the provision of training staff and assessors used in the delivery of curriculum.

- (8) ACT Policing City Police Station has a budgeted FTE of 63 sworn policing positions. There are six (6) patrol teams with each patrol team comprising of one (1) Sergeant and nine (9) Constables.

In addition, the Regional Targeting Teams provide an additional response capacity to City Patrol, as operational priorities permit.

- (9) The Regional Targeting Team (previously named the City Beats Team) has a budgeted FTE of 23 positions. There are two (2) teams with each team comprising of one (1) Sergeant and 10 Constables. A third Sergeant performs a liaison role with stakeholders for intelligence assessments of issues to better direct police resources.

- (10) The ACT Policing roster pattern increases resourcing on Friday and Saturday nights. City Police Station has two (2) shifts covering these periods:
- 1600-0200hrs; and
  - 2100-0700hrs.

Each City Patrol team comprises of one (1) Sergeant and up to nine (9) Constables.

Each Regional Targeting Team comprises of one (1) Sergeant and up to 10 Constables rostered from 2100-0700hrs on a Friday and Saturday night.

Due to the overlapping nature of the roster, between 2100-0200hrs on Friday and Saturday nights, the City CBD can have three (3) Sergeants and 28 Constables on duty during that period.

- (11) The ACT Policing roster pattern increases resourcing on Friday and Saturday nights.

All ACT Policing Police Stations have two (2) shifts covering these periods:

- 1600-0200hrs; and
- 2100-0700hrs.

Across all five Police Stations ACT Policing can have up to 13 Sergeants and 108 Constables performing general duties patrols between the hours of 2100 – 0200hrs.

- (12) On average there are 291 police who are on patrol in the ACT during the week across the five Police Stations.

- (13) Across all five Police Stations ACT Policing can have up to 13 Sergeants and 108 Constables performing general duties patrols between the hours of 2100 – 0200hrs.

- (14) For the 2015-16 financial year, there are 395 general duties positions in ACT Policing. This figure includes Regional Targeting Teams, Traffic Operations and the Watch House.

### **Motor vehicles—government (Question No 521)**

**Mr Coe** asked the Chief Minister, upon notice, on 28 October 2015:

How many ACT Government plated vehicles are registered in the ACT, broken down by vehicle class.

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

At 29 October 2015, there were the following ACT Government plated vehicles registered:

Bus	85
Medium Combination Truck	1
Rigid Truck	217
Goods Carrying Vehicle	838
Passenger Carrying Vehicle	1064
Truck Special Purpose Vehicle - Within Axle Limits	67
Motor Implement	272
Motor Tractor	13
Plant Special Purpose Vehicle	25
Truck Special Purpose Vehicle - Excess Axle Limits	2

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### **Motor vehicles—statistics (Question No 522)**

**Mr Coe** asked the Chief Minister, upon notice, on 28 October 2015:

- (1) How many passenger carrying vehicles are registered in the ACT broken down by vehicle tare weight (a) up to 975 kg, (b) 976 – 1154 kg, (c) 1155 - 1504 kg and (d) 1505 – 2504 kg.
- (2) How many motorcycles are registered in the ACT, broken down by engine size (a) up to 300 cc, (b) 301 – 600 cc and (c) over 600 cc.
- (3) For each of the vehicle classes in parts (1) and (2), what was the registration fee for each of the last 10 years, broken down by (a) registration, (b) Road Rescue Fee, (c) Road Safety Contribution, (d) Lifetime Care and Support Levy and (e) CTPI Regulator Levy.

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

- (1) At 29 October 2015 the number of passenger carrying vehicles registered were:
  - a) up to 975 kg = 12,373
  - b) 976 – 1154 kg = 42,469
  - c) 1155 – 1504 kg = 115,746
  - d) 1505 – 2504 kg = 92,668

- (2) At 29 October 2015 the number of motorcycles registered were:
- a) up to 300 cc = 4,062
  - b) 301 – 600 cc = 1,403
  - c) over 600 = 6,714
- (3) Please see attached spreadsheet. Please note (d) Lifetime Care and Support Levy commenced in 2014 and (e) CTPI Regulator Levy commenced in 2013.

*(A copy of the attachment is available at the Chamber Support Office).*

### **Motor vehicles—trailers (Question No 523)**

**Mr Coe** asked the Chief Minister, upon notice, on 28 October 2015:

- (1) How many trailers are registered in the ACT, broken down by (a) light vehicles of tare weight (i) up to 250 kg, (ii) 251 – 764 kg, (iii) 765 – 975 kg, (iv) 976 – 1154 kg, (v) 1155 – 1504 kg, (vi) 1505 – 2499 kg, (vii) 2500 – 2504 kg, (viii) 2505 – 2794 kg, (ix) 2795 – 3054 kg, (x) 3055 – 3304 kg, (xi) 3305 – 3564 kg, (xii) 3565 – 3814 kg, (xiii) 3815 – 4064 kg, (xiv) 4065 – 4325 kg and (xv) 4325 – 4500 kg and (b) heavy vehicles of the following types (i) pig trailer with 1 axle, (ii) pig trailer with 2 axles, (iii) pig trailer with 3 axles, (iv) pig trailer with 4 axles, (v) pig trailer with 5 axles, (vi) dog trailer with 2 axles, (vii) dog trailer with 3 axles, (viii) dog trailer with 4 axles, (ix) dog trailer with 5 axles, (x) converter/low loader dolly trailer with 1 axle, (xi) converter/low loader dolly trailer with 2 axles, (xii) converter/low loader dolly trailer with 3 axles, (xiii) converter/low loader dolly trailer with 4 axles, (xiv) converter/low loader dolly trailer with 5 axles, (xv) lead/middle trailer with 1 axle, (xvi) lead/middle trailer with 2 axles, (xvii) lead/middle trailer with 3 axles, (xviii) lead/middle trailer with 4 axles, (xix) lead/middle trailer with 5 axles, (xx) semi trailer with 1 axle, (xxi) semi trailer with 2 axles, (xxii) semi trailer with 3 axles, (xxiii) semi trailer with 4 axles and (xxiv) semi trailer with 5 axles.
- (2) For each of the vehicle classes in part (1), what was the registration fee for each of the last 10 years.

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

- 1) The attached spreadsheet shows the number of trailers registered in each category at 29 October 2015.
- 2) The attached spreadsheet shows the registration fees for each of the last 10 years in each category.

*(A copy of the attachment is available at the Chamber Support Office).*

### **Braddon—amenities (Question No 524)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 28 October 2015:

For the area of Braddon bounded by Girrawheen Street, Torrens Street, Cooyong Street and Northbourne Avenue how (a) many rubbish bins are there, (b) frequently are the bins cleared, (c) frequently are the streets swept, (d) frequently are pavements cleaned, (e) many street trees are there and (f) frequently are street trees pruned.

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

- (a) There are currently nine public bins located in the area.
- (b) The public bins are currently emptied on Monday and Friday. Additional servicing is arranged as required.
- (c) The area of Braddon bounded by Girrawheen Street, Torrens Street, Cooyong Street and Northbourne Avenue is swept twice a week on Monday and Friday.
- (d) The paved areas are litter picked twice weekly on Monday and Friday. The pavement is pressure cleaned when required.
- (e) There are 323 street trees in the area.
- (f) Street trees in this area are pruned in response to public enquiries or as works identified by TAMS personnel. TAMS records indicate that since the start of 2010, tree maintenance works including health assessments, pruning, replanting and removal of trees has occurred in:
  - Mort Street;
  - Girrawheen Street;
  - Torrens Street;
  - Northbourne Avenue;
  - Lonsdale Street;
  - Cooyong Street;
  - Elouera Street;
  - Farrer Street;
  - Elder Street; and
  - Fawcner Street.

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### **Animals—dog parks (Question No 525)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 28 October 2015:

- (1) Where are public dog parks located in the ACT.
- (2) How many new dog parks have been provided since 1 January 2008 and what is the location and cost of establishing these parks.

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

- (1) and (2)

There are six fully fenced dog parks in the ACT:

Location	Cost	Year
Forde (Amy Ackman Drive)	Unknown. (Provided by the developer as part of the estate development.)	2009
Lake Ginninderra (Diddams Close)	\$356,000	2009 & 2013 extension
Lake Tuggeranong (Mortimer Lewis Drive)	\$254,000	2010
Yarralumla dog park (adjacent to Weston Park)	\$188,000	2010
Casey (parkland in Springbank Rise)	Unknown. (Provided by the developer as part of the estate development.)	2012
O'Connor (Fairfax Street)	\$450,000	2014

### Children and young people—neighbourhood playgrounds (Question No 526)

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 28 October 2015:

- (1) How many playgrounds have been replaced or upgraded since 1 January 2013.
- (2) What is the location of the playgrounds in part (1) and what was the cost of each of the replacements or upgrades.

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

- (1) Since 1 January 2013 four whole playground areas have received upgrades. Three of these were within district parks. Minor upgrade works were also undertaken in this period to various components of equipment in 131 playgrounds.
- (2) The whole of playground upgrade was at Corroboree Park in Ainslie. The three upgrades to playground areas in district parks were at John Knight District Park in Belconnen; Kambah District Park in Tuggeranong; and Yerrabi Pond District Park in Gungahlin.

The 131 locations where minor works were undertaken are set out in the following tables:

#### INNER NORTH

Ainslie	Angas Street	Lyneham	Goodchild Street
	Agnew Street		Lambert Place
Campbell	Cobby Street	O'Connor	David Street
	Glossop Street	Watson	Wade Street
Downer	Berry Street		
	Cole Street		
	Tardent Street		
Hackett	Harris Street		



**BELCONNEN**

Aranda	Banjalong Crescent	Cook	Mackellar Crescent
	Jagara Street	Charnwood	Covington Crescent
Belconnen	Diddams Close (west)		Donnison Place
	Diddams Close (east)		McQuade Close
	MacDermott Place	Dunlop	Archdall Street
	Renny Place		Evelyn Owen Crescent
Bruce	Jaegar Circuit		Gouldsmith Street
	Mugglestone Place		Quinlivan Crescent
Evatt	Gollan Street	Latham	Pinkerton Street
	Kinthead Street	Macquarie	Macquarie Place
	Levine Street	McKellar	Allchin Circuit
	Read Place	Melba	Henslowe Place
Florey	Hewlett Circuit		Scarlett Street
	Kitson Place	Page	Horton Close
Flynn	Blackwell Circuit	Spence	Bowling Place
Fraser	Bingley Crescent		Hancock Street
Holt	Beaurepaire Crescent	Scullin	Attiwell Circuit
	Boyle Place		Bullock Circuit
	Britten Jones Drive		Faithfull Circuit
Kaleen	Darby Street		Hargrave Street
	Ellenborough Street		Levien Street
	Georgina Crescent		McLeod Place
	Glenelg Street		
	Kaleen Shopping Centre		
	Warrego Circuit		

**GUNGAHLIN**

Amaroo	Bizant Street	Ngunnawal	Violets Park
	Proserpine Circuit		Homestead Park
	Wanderer Court		Bargang Crescent
	Bywaters Street		Paul Coe Crescent
	Corringle Close		Itterra Grove
Franklin	Gwen Meredith Loop Pedestrian Parkland	Palmerston	Haystack Crescent
Giralang	Rigel Place		Sonder Place
	Achernar Close		Bimberi Crescent
	Anne Clarke Avenue		Spec Place
	Blacklock Close		Kosciuszko Avenue
	Candlebark Close		
	Metcalf Street		

**TUGGERANONG**

Banks	Wilson Crescent	Kambah	Dale Circuit
	Pockett Avenue		Haskett Street
Calwell	Mountain Circuit		Humble Court
Chisholm	Dalyell Street		Kambah District Park
	Deamer Crescent		Lascelles Circuit

Conder	Montifiore Crescent		Mannheim Street
	Russell Drysdale Crescent		Toole Place
Fadden	Nicklin Crescent		Vanzetti Crescent
Gordon	Evan Place	Monash	Victor Place
	Kirkwood Crescent	Monash	Charleston Street
	Noel Ryan Gardens	Wanniassa	Harvey Place
	Popplewell Place		Sainsbury Street
Greenway	Ankertell Street		Steinfeld Court
Isabella Plains	Keverston Circuit		Sullivan Crescent
			Watkins Street
			Wheeler Crescent

**INNER SOUTH**

Deakin	Hannah Place	Narrabundah	Brockman Street
Red Hill	Lady Nelson Place		

**WODEN/WESTON**

Chapman	Bertel Crescent	Rivett	Sollya Place
	Ordell Street	Stirling	Bunbury Street
Duffy	Glenmaggie Street	Torrens	Torrens Place
Farrer	Wagga Street	Weston	Fry Place
Holder	Stapylton Street		Gruner Street
Hughes	Goble Street		Molvig Street
Mawson	Du Faur Place		Whitney Place
	Wilkins Street		
Phillip	Mansfield Place		
	Rowe Place		

The cost of replacements or upgrades is as follows:

<b>Playground Upgrade Type and Location</b>	<b>Budget</b>
Corroboree Park, Ainslie	\$175,00
John Knight District Park, Belconnen; Kambah District Park, Tuggeranong; and Yerrabi Pond District Park, Gungahlin	\$1,000,000
Minor works to 131 playgrounds	\$500,000

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**Roads—lighting costs  
(Question No 528)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 28 October 2015 (*redirected to the Minister for Roads and Parking*):

- (1) What the annual cost of funding electricity for all of Canberra's street lights for (a) 1 July 2014 to 30 June 2015 and (b) 1 July 2015 to present.
- (2) What was the total number of street lights in Canberra for each period listed in part (1).

- (3) What is the number of street lights in part (1) that currently use (a) mercury vapour lighting, (b) high pressure sodium lighting, (c) metal halide lighting and (d) compact fluorescent lighting.
- (4) What is the annual electricity usage in (a) gigawatts and (b) cost for each of the lighting types listed in part (3).

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

- (1)
- (a) 1 July 2014 to 30 June 2015 : \$5.5M (excluding GST)
  - (b) 1 July 2015 to present : \$1.3M (excluding GST, as at 30 September 2015)
- (2)
- (a) 77,347
  - (b) 78,056 (as at 31 October 2015)
- (3)

As at 30 June 2015 Part A	
Lamp Type	Number
Mercury Vapour	7051
High Pressure Sodium	27670
Metal Halide	12175
Compact Fluorescent	20436

As at 31 October 2015 Part B	
Lamp Type	Number
Mercury Vapour	6891
High Pressure Sodium	27627
Metal Halide	11895
Compact Fluorescent	20604

**\* Note – light types included in tables under item three do not include all light types (e.g. LED) and therefore figures vary from those at item two.**

- (4)

As at 31 October 2015 (excluding GST)			
Lamp Type	Number	Gigawatts	Projected Annual Cost
Mercury Vapour	6891	2.8	\$398,300
High Pressure Sodium	27627	24.4	\$3,523,700
Metal Halide	11895	8.0	\$1,155,500
Compact Fluorescent	20604	3	\$429,600

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### Employment—vulnerable people (Question No 529)

**Ms Lawder** asked the Chief Minister, upon notice, on 28 October 2015:

How many times in the 2014-2015 financial year did the Commissioner for Fair Trading notify in writing a person who applied for a working with vulnerable people card of (a) their rights and obligations under the Working with Vulnerable People (Background Checking) Act, (b) the information they could provide in support of their application for a working with vulnerable people card and (c) the risk assessment guidelines referred to in the Working with Vulnerable People (Background Checking) Act and where to find a copy of those guidelines.

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

Access Canberra does not maintain the statistics requested. However:

- Access Canberra includes a 'WWVP Rights and Obligations' fact sheet with each and every registration approval letter.
- At the time of conducting a Risk Assessment, if Access Canberra requires further information to determine the outcome of the Applicant's registration, the applicant is invited to submit further information in accordance with the Risk Assessment Guidelines. Access Canberra's correspondence includes a link to the Risk Assessment Guidelines on the Legislation Register. The Guidelines can be found on the ACT Legislation Register at <http://www.legislation.act.gov.au/di/2012-190/current/pdf/2012-190.pdf>

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### **Theodore shops—upgrades (Question No 530)**

**Ms Lawder** asked the Minister for Territory and Municipal Services, upon notice, on 28 October 2015:

- (1) How much did the upgrade at the Theodore Shops cost broken down by (a) public consultation phase, (b) design, (c) construction, (d) any remedial works or change in design, (e) total cost and (f) if total cost is different from total of (a) to (d) above, what the differences in cost were spent on.
- (2) What was the timeframe for each of the phases in part (1)(a) to (d).
- (3) What was the original timetable for the upgrade at the Theodore Shops and were there any adjustments to this timetable.
- (4) How many submissions did the ACT Government receive in the public consultation phase.
- (5) What were the most common suggestions received during the public consultation, including in any public submissions received.
- (6) Was the owner of the Theodore shop, a 5 Star Handimarket, advised of the original timetable for the upgrade and also of any delays; if so, how was the owner notified of this.

- (7) Is the upgrade to the Theodore Shops, including the disability parking bays, the disability access ramps, and the lighting, in accordance with appropriate Australian standards and were there any adjustments made to any components of this upgrade during the course of this project, for example, between design and completion; if so, what were these adjustments.
- (8) Is the shade structure designed to provide shade and (a) at what time of day/year will it provide shade and (b) what analysis was done to support this.
- (9) Was any analysis undertaken and advice received about flooding of the Theodore Shops; if so, what advice was received about the potential future flooding of the Theodore Shops.
- (10) Who will be responsible for weeding the tan bark area and if the Territory and Municipal Services Directorate is responsible how often will weeding of this area occur.
- (11) Who is responsible for mowing and watering of grass around the Theodore Shops and if the Territory and Municipal Services Directorate is responsible for this how often will this occur.
- (12) What is planned for Blocks 5 and 9 of Section 671, being the vacant land next to the Theodore Shops.

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

- (1) The costs for the Theodore Shops public domain upgrade are broken down as follows:
  - (a) The consultation was undertaken as part of an earlier Forward Design stage and the cost for this work was part of a lump sum fee of approximately \$16,700. This formed part of a \$100,000 lump sum fee for the 2012-13 Forward Design stage for six local shopping centres including the Theodore Shops. The Forward Design consultation informed the detailed design and construction of the Theodore Shops upgrade which followed in 2013-14 and 2014-15.
  - (b) The design cost for the upgrade was approximately \$44,140. This comprised:
    - i. 2012-13 - The cost of the Forward Design stage was approximately \$16,700 (as a proportion of the \$100,000 lump sum fee).
    - ii. 2013-14 - The cost of preparing detailed design and construction drawings for Theodore Shops was approximately \$27,440 (A component of a lump sum consultancy).
  - (c) The construction cost of the upgrade was approximately \$323,672.
  - (d) An additional cost of \$10,000 was incurred as a result of changes to rectify design errors. These costs were covered from within the contingency amount allowed for in the construction contract lump sum. Potential reimbursements of these additional costs are being pursued contractually.
  - (e) The total cost of the upgrade was approximately \$377,812. This figure includes the approximate costs for the Forward Design stage and the Detailed Design and Construction stage undertaken in 2013-14 and 2014-15.

(f) Nil.

(2) Timeframes are as follows:

- (a) Public consultation was undertaken at various times throughout the 2012-13 Forward Design stage project, with the final design displayed at the shop and on the TAMS website for public information. During construction, stakeholders were informed of the commencement of construction and the design was displayed at the shop for the duration. Ongoing liaison with the business owner occurred as required throughout the construction phase in 2014-15.
  - (b) The Theodore Forward Design stage, undertaken in 2012-13, was one of six studies all of which were completed within the 12 months.  
The Theodore Shops detailed design, undertaken in 2013-14, was one of three detailed designs all of which were completed in 10 months.
  - (c) Construction was undertaken in 2014-15 over eight months. This period includes the 13 week period during which the new grass and shrubs were established.
  - (d) Changes to the works were completed in one month.
- (3) The original timeframe for the upgrade was seven months, including the 13 weeks grass and shrub establishment period. There was a one month adjustment to the timeframe.
- (4) Two submissions were received. Comments were received from the South Tuggeranong Residents Association on behalf of Theodore residents, as well as from the shop owner at Theodore.
- (5) Suggestions received included:
- provide decking/paved seating area with shade/shade cloths;
  - install picnic tables;
  - make the large grassed area in front of shop more inviting;
  - improve lighting;
  - provide a community notice board; and
  - provide a landscaped area.
- (6) The owner of the business at the Theodore Shops was advised of the expected timetable for the upgrade via a letter. A plan showing the staging of the construction works was also provided. Throughout the project, the TAMS project officer liaised with the shop owner either by phone or personally on site for the duration of the project.
- (7) The upgrades to the Theodore Shops are in accordance with the relevant Australian Standards. Between the Forward Design stage and the detailed design, the layout of the gathering area was refined. Between the detailed design and construction phase, adjustments were made to the following:
- location of light poles;
  - the style of community notice board;
  - Theodore Shops identification sign, and
  - anti-climb elements added to the roof of the shade structure.

- (8) One of the key intentions of the structure is as a feature to help identify the shops and encourage people to use it as a gathering place.
    - a) Shade will be predominantly provided during midday and during the hottest parts of the year.
    - b) A technical sun / shade analysis was not required.
  - (9) Engineering consultants undertook analysis and provided advice about the possible extent of flooding at Theodore Shops. The advice was that some surface stormwater caused issues in two locations; onto the outdoor storage area and from the south-east grass area to the pavement in front of the shop. Engineering advice was given in relation to improving drainage by the construction of an earth mound and new drain and sump to collect and redirect excessive overland flows. These were subsequently constructed.
  - (10) The Territory and Municipal Services Directorate is responsible for weeding the tan bark area in the public realm at Theodore Shops. Weeding of tan bark areas at shopping centres is generally undertaken twice annually, in accordance with the regular weed control program for shopping centres.
  - (11) The Territory and Municipal Services Directorate is responsible for mowing of grass in the public realm around Theodore Shops. Irrigation is not provided for these areas, as it is a dry land grass which is the standard treatment for grass at local shops. Mowing is undertaken every four weeks during the peak grass growing period and every two to three months as required at other times of the year.
  - (12) Section 671 Block 5 is privately owned. Block 9 is public land and was upgraded as part of the Theodore Shops works. Block 8 is the vacant land adjacent to the Theodore Shops. Currently, there are no plans for this block which is unleased public place and is retained for potential future direct sale.
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### **Alkira Community Childcare Centre (Question No 532)**

**Mrs Dunne** asked the Minister for Economic Development, upon notice, on 29 October 2015:

- (1) Does the Government intend to sell former Alkira Community Childcare Centre in Charnwood; if so, when will it be sold and what changes will be made to the lease purpose clause.
- (2) Has asbestos been found on this site; if so, what remediation works have or will be undertaken.

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

- (1) No decision has been made on the future of the former Alkira Community Childcare Centre in Charnwood.

- (2) Bonded asbestos has been identified in the ceiling of the rear enclosed veranda and the perimeter facade cement sheeting to the front section of the building. As the site is not occupied and the materials have been classed as having a low potential for fibre release while maintained in its current state no remediation has been undertaken as yet. Any future refurbishment of the building will include the removal of the bonded asbestos.

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### **Alkira Community Childcare Centre (Question No 533)**

**Mrs Dunne** asked the Minister for Education and Training, upon notice, on 29 October 2015 (*redirected to the Minister for Economic Development*):

- (1) Does the Government intend to re-open the former Alkira Community Childcare Centre in Charnwood.
- (2) Will the centre be run by government, community or commercial interests; if not by government, what process will the Government follow to appoint an independent operator.
- (3) What refurbishment works are planned and at what budgeted cost.
- (4) Has asbestos been found on this site; if so, what remediation works will be undertaken and will the Government undertake the refurbishment and remediation works or will the centre operator be required to undertake them.
- (5) What will be the place capacity of the refurbished centre upon commissioning into service.

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

- (1) No decision has been made on the future of the former Alkira Community Childcare Centre in Charnwood.
- (2) Refer to the response to question 1 above.
- (3) There are no immediate refurbishment works planned for the building.
- (4) Bonded asbestos has been identified in the ceiling of the rear enclosed veranda and the perimeter facade cement sheeting to the front section of the building. The materials have been classed as having a low potential for fibre release in its current state. Any future refurbishment of the building will include the removal of the bonded asbestos.
- (5) Refer to the response to question 1 above.

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### **Belconnen—shopping centre upgrades (Question No 534)**

**Mrs Dunne** asked the Minister for Territory and Municipal Services, upon notice, on 29 October 2015:



- (1) For each local shopping centre and group centre in Belconnen (a) how much money was spent on improvements and/or upgrades in each of the years (i) 2013-2014 and (ii) 2014-2015, (b) what improvement and/or upgrade works were undertaken and (c) were those works delivered on time and within budget; if not, why not and to what extent did delivery times and cost exceed plans and budgets.
- (2) What is the budget for improvements and/or upgrades for each of the years (a) 2015-2016, (b) 2016-2017, (c) 2017-2018, (d) 2018-2019 and (e) what improvements and/or upgrades works are planned.

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

- (1) (a) The following table reflects the money spent.

<b>Local Shopping Centre and Group Centre in Belconnen</b>	<b>(i) Expended 13/14</b>	<b>(ii) Expended 14/15</b>
Charnwood Local Shops -Tillyard Drive (total project expenditure \$459,000 including 2014/15 funds)	\$33,000	\$307,000
Cook Local Shops (Total Budget of \$850,000 including 2014/15 funds)	nil	\$44,000

- (b) Improvements that have been made to the Charnwood local shops (Tillyard Drive) and those proposed for Cook local shops generally relate to the accessibility in and around the centres. These include upgrades of various assets to meet current standards in relation to disability access, parking and lighting; and general improvement to the landscape treatments and pavement.  
Please refer to table at Question (2) (e) below for specific items.

- (c) In relation to the Charnwood Local Shops completion of construction to the practical completion stage was achieved three weeks later than initially planned. This was mainly due to additional time needed to achieve approvals for the lighting component of the project and the upgrade was delivered from within the original allocated budget of \$569,000 with savings of approximately \$110,000.

The Cook Local Shops are yet to be completed.

- (2) (a) The following table shows the 2015-16 budgets for shopping centre upgrades.

<b>Local Shopping Centre and Group Centre in Belconnen</b>	<b>Budget 15/16</b>	<b>Budget 16/17</b>
Charnwood Local Shops -Tillyard Drive (total project expenditure \$459,000)	\$119,000	nil
Cook Local Shops (Total Budget of \$850,000)	\$806,000	nil
Florey Local Shops	\$100,000	nil
Evatt Local Shops	\$120,000	nil

- (b) 2016-2017
- (c) 2017-2018
- (d) 2018-2019

Budgets have not as yet been appropriated for shopping centre upgrades in the years 2016-17 to 2018-19.

(e) The following table shows the specific improvements at each of the shopping centre upgrades.

<b>Furniture</b>	<b>Charnwood</b>	<b>Cook</b>	<b>Evatt</b>	<b>Florey</b>
New bike racks	Yes	Yes		
Relocated existing bike racks			Yes	
New bin and bin shrouds	Yes	Yes	Yes	Yes
New seating with back and arm rests	Yes	Yes	Yes	Yes
Upgraded/ new drinking fountain – accessible model	Yes	Yes		
New picnic setting				Yes
New seating walls	Yes	Yes		Yes
New shop sign	Yes			

<b>Pavement and Paths Upgrade</b>	<b>Charnwood</b>	<b>Cook</b>	<b>Evatt</b>	<b>Florey</b>
Regrade to achieve compliant access to shops	Yes	Yes	Yes	Yes
Upgrade an accessible path of travel	Yes	Yes	Yes	Yes
New steps with compliant handrails		Yes		Yes
Upgrade existing steps, new handrails			Yes	
Provide a major upgraded accessible gathering space		Yes		
Provide a minor upgraded accessible gathering space	Yes		Yes	Yes
Upgrade PWD parking spaces and associated ramps	Yes	Yes	Yes	Yes
Pavement upgrades along key lines of travel	Yes	Yes		
Remove trip hazards	Yes	Yes	Yes	Yes
Upgraded/ new lighting	Yes	Yes		
<b>Landscape Upgrade</b>	<b>Charnwood</b>	<b>Cook</b>	<b>Evatt</b>	<b>Florey</b>
New trees	Yes	Yes	Yes	
Permeable paving to existing trees		Yes	Yes	
New shrubs and plantings	Yes	Yes		

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### **Capital Metro Agency—annual report (Question No 535)**

**Mr Coe** asked the Minister for Capital Metro, upon notice, on 29 October 2015:

How many annual reports for the Capital Metro Agency were printed before it was determined that it had to be revised and what was the cost of printing the revised annual report.

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

100 copies of the Capital Metro Agency Annual Report were ordered, printed and received by the Agency. Following receipt, it became apparent that there was a binding issue in that the glue on all copies appeared to have not been properly cured and pages were falling out. The supplier accepted responsibility for the binding error and agreed to reprint all 100 copies at no cost to the Capital Metro Agency.

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**ACTION bus service—advertising  
(Question No 536)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 29 October 2015:

- (1) On Wednesday, 30 September 2015 what was the total number of buses which advertised campaigns/products/services on the outside of a bus for (a) McDonalds, (b) UnionsACT "Canberra Needs Jobs", (c) Origin Energy, (d) Vodafone and (e) Animals Australia "Ban Live Export".
- (2) What routes (including times) did each bus identified in parts 1(a) to (e) complete on this day.
- (3) What was the average number of kilometres completed by each bus in the ACTION bus fleet on this day.
- (4) What was the average number of kilometres completed by each bus which advertised a campaign/product/service listed in parts 1(a) to (e).

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

- (1) On Wednesday, 30 September 2015, the total number of buses which advertised campaigns/products/service on the outside of a bus for (a) McDonalds was 17, (b) UnionsACT "Canberra Needs Jobs" was 4, (c) Origin Energy was 8, (d) Vodafone was 16 and (e) Animals Australia "Ban Live Export" was 7.
- (2) The routes (including times) that each bus identified in parts 1(a) to (e) completed on this day are tabled below:

*(A copy of the attachment is available at the Chamber Support Office).*

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**Our Canberra newsletter  
(Question No 538)**

**Mr Coe** asked the Chief Minister, upon notice, on 19 November 2015:

- (1) In relation to the *Our Canberra* newsletter dated November 2015 (a) how many editions of the newsletter were published, (b) what was the title of each edition and (c) what was the print run for each edition.

- (2) Who was responsible for (a) writing and (b) approving the content of the newsletter.
- (3) What was the cost for (a) printing, (b) production and (c) distribution for each edition of the newsletter.

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

1. In relation to the *Our Canberra* newsletter dated November 2015

- (a) How many editions of the newsletter were published?  
Five editions were published for each of the five main regions of Canberra – Belconnen; Tuggeranong; Gungahlin; Civic, Inner North and Inner South; and Woden, Weston Creek, Molonglo.
- (b) What was the title of each edition?  
Our Canberra
- (c) What was the print run for each edition?
- Belconnen edition: approximately 43,000
  - Tuggeranong edition: approximately 35,600
  - Gungahlin edition: approximately 25,000
  - Civic, Inner North and Inner South edition: approximately 45,200
  - Woden, Weston Creek, Molonglo edition: approximately 29,100

2. Who was responsible for

- (a) Writing?  
Production of the newsletter was managed by CMTEDD Communications.  
Approved content was written and submitted by each ACT Government Directorate.
- (b) Approving the content of the newsletter?  
Approved content was provided by all directorates to CMTEDD. In accordance with the *Government Agencies (Campaign Advertising) Act 2009* the Chief Minister as the responsible Minister, referred the newsletters to the Independent (Campaign Advertising) Reviewer, Professor Dennis Pearce AO. Following review of the campaign, the Independent Reviewer declared that the *Our Canberra* newsletter met the requirements of the Act.

3. What was the cost for

- (a) Printing? Total for all editions - \$16,885.00 incl GST.
- (b) Production? There was a one-off newsletter template design cost of \$1,232.00 incl GST. The CMTEDD Communications team then used the template to lay out the content and photos within existing staffing resources.
- (c) Distribution for each edition of the newsletter?
- Belconnen edition: \$6,439.50 incl GST
  - Tuggeranong edition: \$5,337.90 incl GST
  - Gungahlin edition: \$3,731.40 incl GST
  - Civic, Inner North and Inner South edition: \$6,769.20 incl GST
  - Woden, Weston Creek, Molonglo edition: \$4,355.40 incl GST
- Total: \$ 26,633.40 incl GST.

**Belconnen—proposed aquatic facilities  
(Question No 600)**

**Mrs Dunne** asked the Minister for Sport and Recreation, upon notice, on 19 November 2015:

- (1) Since the closure of the private sector-owned and operated public swimming pool at Kippax, what representations has the Government received, and from whom, about the future provision of a public aquatic centre in West Belconnen.
- (2) What consideration has the government given to those representations.
- (3) Has the Government begun any process to assess the feasibility of construction of an aquatic centre in West Belconnen.
- (4) If so, what is the status of that process, including but not limited to, (a) what assessment has been made of the estimated cost of a construction project and (b) what locations are under consideration.
- (5) If not, does the Government plan to begin such a process; if so, when.

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

- (1) The ACT Government has received very few representations regarding the provision of a public aquatic centre in West Belconnen. Representations that have been received include:
  - Mrs Vicki Dunne, MLA;
  - A private citizen.
- (2) The provision of aquatic facilities continues to be at the forefront of ACT Government planning. To guide the provision of aquatic facilities, Sport and Recreation Services within the Chief Minister, Treasury and Economic Development Directorate developed the ACT Government Aquatic Facilities Planning Framework 2013-2033 (the Framework).

The Framework identified that there are currently four aquatic facilities in the Belconnen area (Canberra International Sports and Aquatic Centre in Belconnen, Big Splash in Macquarie, Australian Institute of Sport in Bruce and King Swim in Macgregor). Canberra International Sports and Aquatic Centre and the Australian Institute of Sport provide year round swimming and both have 50 metre pools. Big Splash also has a 50 metre pool and is open from October – March. King Swim provides year round swimming, but is primarily a learn-to-swim facility. With four pools already in the region, each no further than 12 kilometres from the proposed new development area, the Framework shows the region is well catered for in comparison to other districts with the existing facilities having capacity to cater for any increased demand from the community.

In the circumstances, the ACT Government has no current plans to provide a public pool in the West Belconnen area.

Nevertheless, and with the development of West Belconnen still very much in its early stages, it is yet to be seen whether a commercial provider may see an opportunity to provide another aquatic facility in the region in the future. Noting the previous private aquatic facility located at Kippax closed and there are already four aquatic facilities located in Belconnen, a commercial decision would be guided by the market's assessment of how viable another facility would be.

(3) No.

(4) Not applicable.

(5) No.

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### **Sport—ice-based facilities (Question No 602)**

**Mrs Dunne** asked the Minister for Sport and Recreation, upon notice, on 19 November 2015:

- (1) What representations has the Government received, and from whom, about facilities in Canberra for ice-based sport, artistic and recreation activities.
- (2) What consideration has the Government given to those representations.
- (3) Has the Government begun any process to assess the feasibility of construction of new facilities for ice-based sport, artistic or recreation activities in Canberra.
- (4) If so, what is the status of that process, including but not limited to, (a) what assessment has been made of the estimated cost of a construction project and (b) what locations are under consideration.
- (5) If not, does the Government plan to begin such a process; if so, when.

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

- (1) The ACT Government has received various representations over a number of years regarding the provision of facilities for ice sports, including from:
  - Ice Hockey ACT;
  - CBR Brave Ice Hockey;
  - ACT Ice Skating;
  - a number of private citizens, noting that many of these representations focused on the condition of the privately owned/operated Phillip Swimming and Ice Skating Centre (PSISC).
- (2) The ACT Government has considered the provision of ice sports facilities recently:
  - as part of the 2012 Feasibility Study for the future aquatic facility to be provided in Molonglo (Stromlo Leisure Centre). This study found that an ice sports facility in Molonglo would not be viable as such facilities need to be located near major retail centres to make them commercially viable. Ice facilities are not being considered for inclusion as part the proposed Stromlo Leisure Centre.

- as part of the ACT Indoor Sports Facility Feasibility Study, which I expect to release within coming weeks. This study broadly reviewed the current supply and demand issues associated with indoor sport and recreation facility provision in the ACT. It does not consider site specific construction costs or locations for specific projects.
- any future private or industry proposal for a new or redeveloped ice sports facility would be considered based on a robust business case that is fully costed and considers all associated planning issues, including impact on the existing commercial facility.

(3) No.

(4) Not applicable.

(5) No.

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## Questions without notice taken on notice

### Westside village—costs

**Mr Barr** (*in reply to supplementary questions by Mr Smyth on Thursday, 29 October 2015*): One existing vendor is proposing to sell their business. Since the ACT Government has been managing Westside, two new businesses have commenced and two other businesses are preparing to commence.

The ACT Government provided all vendors in place a rent-free period during the transition to government management (11-31 August 2015). The rents for existing vendors are the same as were charged by the previous manager.

### ACT law courts—preferred proponent

**Mr Corbell** (*in reply to supplementary questions by Mr Wall on Thursday, 19 November 2015*): In Public Private Partnership (PPP) projects bids are submitted by consortia consisting of financiers, builders and facilities managers.

Of the six consortia that submitted an expression of interest for the ACT Law Courts PPP project:

- one was sponsored and led by a ‘Canberra business’; and
- two included construction partners who have permanent office presence in Canberra.

Both shortlisted proponents provided a local industry participation plan as an assessable component of their bid.