



# Debates

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**Thursday, 10 March 2016**

**The Assembly met at 10 am.**

*(Quorum formed.)*

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

**Health, Ageing, Community and Social Services—Standing Committee  
Report 7**

**MR WALL** (Brindabella) (10.01): Pursuant to the motion of the Assembly dated 29 October 2015, I present the following report:

Health, Ageing, Community and Social Services—Standing Committee—  
Report 7—*Report on Annual and Financial Reports 2014-2015*, dated 3 March 2016, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

The HACSS committee has finally concluded its annual reports hearings for the 2014-15 year. The report has made 15 recommendations. Eleven of these cover a broad range of issues related to the community services portfolio, including staffing of disability and therapy services in the ACT, additional help and support that should be given to block-funded service providers during the transition to the NDIS, recommendations relating to equity-based housing demand, opportunities for disadvantaged groups to obtain home ownership, and improving awareness of the Aboriginal and Torres Strait Islander Elected Body and its roles and functions as well as recommendations to try and improve voter turnout in their elections.

Other recommendations related to ensuring that future integrated public transport is optimised to assist older residents and residents with a disability, supporting interpreter availability where there is a shortfall, and exploring ways to reduce inefficiencies associated with a low average population at the Bimberi Youth Justice Centre.

The committee also made a range of recommendations relating to the health portfolio, including investigating any negative effects of year-long employment contracts of graduate nursing staff, reviewing and reporting staff attitudes to diversity, exploring reasons behind low completion rates for Aboriginal and Torres Strait Islander traineeships and similar programs, as well as enhancing transparency in the application process for health promotion grants.

The committee would like to thank ministers and directorate officials who made their time available and for their cooperation during the course of the inquiry. I would also like to thank the members of that committee. There has been quite an extensive list

just in the period of annual report hearings. They include me, my colleague Ms Lawder, previous chair Dr Bourke, Ms Fitzharris and Ms Porter, who was briefly on the committee. I also make mention of the new chair, Ms Burch. I commend this report to the Assembly.

Question resolved in the affirmative.

## **Public Accounts—Standing Committee Report 24**

**MR SMYTH** (Brindabella) (10.04): I present the following report:

Public Accounts—Standing Committee—Report 24—*Report on Annual and Financial Reports 2014-2015*, dated 29 February 2016, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

I start by thanking members who participated in this inquiry for all their efforts in putting the report together. Ms Lawder was on the committee throughout. Ms Porter was there for some of it. I suspect that maybe even Ms Fitzharris had a few occasions when she sat at the hearings. Of course, Ms Burch was also there. Mr Hinder missed this one, but I am sure he will be around to do more in the future.

There are a number of detailed recommendations in the report. There are some 24 recommendations and they cover a number of areas. The first couple of recommendations again—we have made them before—state that agencies and directorates should ensure that the full provisions of the statement of performance and full disclosure, as provided for by the Financial Management Act, are included in their annual reports and that compliance requirements, as specified in the annual reports directions, be adhered to. This has been somewhat of an ongoing recommendation from the committee in a number of forms over a number of years. The directions are there for a purpose. Directorates should comply with that.

Recommendations 3, 4, 5 and 6 look at the Mr Fluffy scheme, as it is now known. The report asks in recommendation 3 that the government, by the last sitting day in May, tell us the reasons for extending the scheme to dwellings in close proximity, how many properties are affected and what the implications of that are.

Recommendation 4 recommends that the government detail to the Assembly by the last sitting day in April why there are differences in the provisions of the land rent scheme. Recommendation 5 asks the government to clarify how the provisions of the land rent scheme as they are is applied to leases granted to former Mr Fluffy home owners are consistent with the affordable housing objects of the land rent scheme.

Recommendation 6 relates to the public accounts committee having a standing inquiry into the quarterly reports of the government to the Assembly about the Mr Fluffy scheme. We recommend that within 45 days of the end of each quarter the

government update the Assembly. It is important that we know the progress on this. It affects everyone in the city, whether it be through the funding of the scheme or so that loved ones and neighbours know.

Recommendation 7, 8 and 9 look at public interest disclosures. There are very specific requirements in the Chief Minister's directions about that. They are hardly ever complied with in totality and they should be. For instance, we have added in recommendation 9 that it is very important that we know why, for instance, a public interest disclosure was not investigated. It is just noted as "not followed up" or "not continued". It would be interesting to know what those things are. The public interest disclosures are important. They should be investigated thoroughly and the Assembly should know the reason for a public interest disclosure not going ahead.

Recommendations 10, 11 and 12 look at bullying. It has been a sad hallmark of this government that we have had the 10-year war in obstetrics all the way through to bullying in areas such as TAMS, inside the education system, inside the Ambulance Service, inside the fire brigade. A number of organisations over the past 15 years have suffered through poor management. The government, to give it its due, is now putting the RED framework—the respect, equity and diversity framework—into place and these recommendations look at whether that is working.

Recommendation 12 says that the government should report by the last sitting day in August on progress in implementing the recommendations made in the KPMG review report on clinical training and the culture at the hospital. It would be good to find out where that is going.

I think recommendation 13 is particularly important. The committee recommends that the ACT government reconsider funding arrangements for the Office of the Legislative Assembly to develop and resource an appropriate function to support contemporary protective security requirements and emergency procedures in the Assembly precinct. As you would be aware, Madam Speaker, this was not funded in the last budget.

Unfortunately, we live in the world that we live in. Some people choose to use violence as a way of expressing a political ambition or a political objective. It is inappropriate that the Assembly is not resourced to ensure not just the safety of the MLAs—you have got to get through the guards before you can get to us—but also the people that work here. The security officers need the tools to do their job properly and the constituents, when they come here, would expect they are coming to a place that has appropriate security arrangements. It is an urgent matter that needs to be addressed.

Recommendations 14 and 15 talk about things like governing boards being constituted in accordance with the membership requirements as proposed in their acts. Recommendation 16 looks at the concessions program and asks for some information to be tabled by the last sitting day in April.

Recommendations 17 and 18 look at Icon and particularly their debt strategy. We are asking for updates by the last sitting day in June. We are asking for updates on the

process for the finalisation of Icon Water's debt strategy. It is important that we know. Icon are an important asset of the territory. They are in negotiations with ActewAGL and it is important that the Assembly is kept in the loop.

There are some recommendations about the ICRC and various tariffs. The other thing in the main that the committee looked at and wanted to report on was the outsourcing of the preparation of the ACT greenhouse gas inventory reports and how that would actually work and how it will be undertaken by what is called an "independent entity".

These are important issues. Again, I thank members for their efforts. I mention in particular the return of the substantive secretary, Dr Cullen, and the work of Kate Harkins, the assistant secretary, while Dr Cullen was overseas. I commend the report to the Assembly.

I move:

That the report be noted.

Question resolved in the affirmative.

## **ACT Ambulance Service**

### **Ministerial statement**

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Capital Metro, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (10.12): I would like to report to the Assembly on progress to date with the ACT Ambulance Service—ACTAS—blueprint for change in line with the Assembly resolution of 18 March 2015. As members would already be aware, my predecessor Ms Burch launched the blueprint for change in March 2015. The blueprint provides the framework for ACTAS to address workforce concerns around trust, conflict resolution and leadership. Its broad objective is to support and foster a culture of professionalism throughout the ACTAS workforce.

The blueprint for change is a key strategy supporting the ESA Strategic Reform Agenda, or SRA. It continues to be the my expectation and that of the government that we deliver on the blueprint for change under the SRA and implement all of its recommendations in a timely and consultative manner.

As this is my first report to the Assembly on the blueprint for change, I want to state my firm commitment to reform in ACTAS. As members would know, cultural and organisational change is challenging and takes time. Today, I am pleased to report that ACTAS has made positive progress. The initiatives being pursued have arisen from an extensive and unprecedented level of staff consultation. Five facilitated workshops were held last year with over a hundred staff members voluntarily attending. The ideas generated from these frank discussions lay the foundation for moving forward. Four project working groups have been formed to develop these ideas. Over 40 staff members have volunteered to work on these groups to progress change. They are, I am assured, Madam Speaker, the ideas generators that are setting the future direction of the service.

The project working groups are working through identified challenges in the areas of leadership and values, staff development and welfare, communications and information, and technical challenges. The leadership and values project working group is examining what signature behaviours look like in ACTAS that underpin the broader ACT public service values of respect, integrity, collaboration and innovation. Consultation has begun on the essential elements of a new leadership framework.

The staff development and welfare project working group is looking at best practice examples of operational and peer debriefing systems with a view to making recommendations on preferred options for ACTAS in these important areas. The group is focused on helping to foster a wellness culture across the service.

The communications and information project working group is analysing the communication needs of the organisation. Communicating effectively with a 24/7 workforce based on rolling shifts is a challenge. The project working group intends shortly to trial the new award winning ESA workforce connect communications app as one of a suite of options to enhance the flow of relevant and timely information to staff. Ultimately, this project working group is looking to finalise a whole-of-service communication plan.

The technical challenge project working group is currently beginning to review the specialist response capability within the service and its fitness for purpose into the future. The project working groups have met three times already and will continue to meet monthly.

In order to coordinate this activity and facilitate communication and stakeholder engagement, ACTAS has appointed a project officer for the blueprint for change work. The successful applicant has 30 years' experience in ambulance, community settings and change management processes. They have closely engaged with staff and management since being appointed in early December last year. I am very pleased to report that all eight of the original blueprint for change recommendations are substantially being addressed or, indeed, have been completed.

Recommendation 1—adoption of an implementation charter—has been achieved. The charter was endorsed at the October 2015 meeting of the oversight committee. It is the action plan for the blueprint for change and was developed after extensive stakeholder consultation.

Recommendation 2—professionalism as a cultural standard—is a work in progress. The achievement of professionalism as a cultural standard will involve considerable hard work and a commitment from all staff across ACTAS. It will take time. I am advised that the ESA commissioner and the acting chief officer have clearly stated their support for the process. The new acting chief officer, Mr Quiggin, has invested considerable time and energy in meeting staff, acknowledging the need for change and engaging with staff across all operational areas of the service. If the engagement of staff in the project working groups can be used as a barometer I believe there is ample evidence that change is being embraced.



In relation to recommendation 3—ACTAS emergency services leadership framework—it is currently being progressed and work on a new leadership framework has commenced. I am advised that the leadership and values project working group will work closely with the ACTAS executive and the JACS directorate to develop a robust and relevant framework to guide future leadership development in both ACTAS and the wider ESA.

In relation to recommendation 4—360-degree feedback of leaders—this work has substantially progressed. A 360-degree feedback process has commenced for 34 ACTAS leaders and managers. I am advised that the initial surveys have been completed and information is being collated. This will provide individuals and the service with valuable feedback.

Recommendation 5—leadership development—has also substantially progressed. Three workshops for managers and staff focusing on ensuring effective communication skills have already been conducted. A total of 43 ACTAS staff and managers attended these workshops, and feedback was positive. Recommendation 6—staff workshop series—has already been achieved with the conduct of the five very successful facilitated workshops I previously outlined. Recommendation 7—communication strategy—has been achieved with the adoption of a blueprint for change project communication strategy.

Recommendation 8—governance and measurement—the final recommendation, is ongoing. The blueprint for change oversight committee has met on three occasions now. It is independently chaired by Mr David Plaice from South Australia, who reports directly to the commissioner's office. I am also advised that a coordinating committee and an implementation group have also been formed to prioritise and advance the initiatives arising from the project working groups.

As well as these significant initiatives, ACTAS continues to deliver the highest standards in relation to response times and patient satisfaction. In fact, some of the performance standards are amongst the best in Australia. It is worth noting that ACTAS has been able to achieve this outstanding performance in a time of record demand for ambulance services here in the ACT. The continued strong response performance by ACTAS clearly demonstrates that the community can continue to have full confidence in the capability and quality of our ambulance services as they are delivered by its front-line personnel on a daily basis.

I am also very pleased to inform members that I have been advised that the Transport Workers Union representing ACT paramedics has recently agreed to sign a joint accord with ESA and ACTAS committing all three organisations to working together to deliver the recommendations arising from the blueprint. This is a significant development. It reinforces the point that considerable good work is being done and that all stakeholders are now working diligently and with a spirit of cooperation towards realising the full potential of ACTAS.

The ESA, as a unified agency, is wholly committed to professionalism as a cultural standard. In ACTAS this will be achieved by fully implementing this blueprint for

change, and I want to categorically state again not only my support for this process but also the support of the ESA commissioner and the acting chief officer of ACTAS.

As I have said before in this place, achieving cultural change is difficult. There are still challenges to address. I am confident that there is a renewed desire amongst all stakeholders to both embrace and advance change. I want to thank all ACT Ambulance Service staff for their commitment and for approaching this process in such a positive manner.

Once again I am pleased to be able to reassure Canberrans that the government is committed to ensuring the necessary reforms are implemented in a timely fashion to ensure that ACTAS and each of our emergency services continue to deliver quality services to the community.

I present the following paper:

ACT Ambulance Service—Blueprint for Change Update—Ministerial statement,  
10 March 2016.

I move:

That the Assembly take note of the paper.

**MR SMYTH** (Brindabella) (10.22): I thank the minister for the update. There are a lot of words in the update. We all acknowledge that the ACT Ambulance Service is one of Canberra's vital assets. If you call the Ambulance Service, you want them there and you want them focused on the job, not on what is going on back in the office.

Unfortunately, despite all the minister's words, all is not well in the ACT Ambulance Service. Indeed, all is not well in the ACT emergency services authority. It is because of the management of this portfolio by various ministers that this has been allowed to occur and continue. And it does continue.

Remember, members, that this report is being given today because of what the union described as the culture of toxic management inside the Ambulance Service. It is interesting that on the first anniversary of the delivery of the blueprint—the blueprint was delivered in March 2015—on one hand the minister says that cultural organisational change is challenging and takes time and yet within the body of the text he says that it is substantially complete. We have internal inconsistencies in the report. The question is: which is it? In fact, it is neither. The change is not occurring. We are going through a sham process.

We have this thing called the strategic reform agenda. It is neither strategic nor reform. If you talk to officers on the ground, as I do, all they see is a fattening of the higher levels of bureaucracy in the ESA, they believe to their detriment and to the distraction of the chief officer of each service and his or her deputies. The problem with this is that we do not have a genuine commitment to ESA.

We have the UFU calling for a state authority and the changing of the commissioner's position to a CEO—an administrator, not an operator. We have immense anger inside the SES organisations over the way an officer was just conveniently slotted into the position without any search for the most qualified officer to go into that position. We have recently had a new officer appointed to the head of the RFS, an acting officer. This time there was a process, but people say to me that they do not believe it was a genuine process but that another officer from the fire service was moved across to the RFS. Then we have the minister standing up here today and saying, "Look at this. All is well."

Probably the only thing I agree with the minister about in this report is that we get a good service. We get a good service because the officers care. The paramedics do a great job, but they are doing a job in circumstances they should not have to put up with. Most staff in other organisations would not put up with it because of the way they work. They work in dispersed locations and ultimately they are out there normally just in teams of two and four. So there are dilemmas here.

The minister spoke about the broad objective being to support and foster a culture of professionalism throughout the ACT Ambulance Service workforce. To say that is an insult to the paramedics. The paramedics are professional. They are highly professional. Despite failures through communications, defibrillators or taking decades to get new uniforms, the officers have done the job. It is a failure of leadership. It is about time we had a culture of leadership from the management of ACTAS and from the government on how this should happen. The minister says:

As you know, Madam Speaker, cultural and organisational change is challenging and takes time.

A page and a half later he says:

... I am very happy to report that all eight of the original blueprint for change recommendations are substantially being addressed or indeed have been completed.

Have we completed it or haven't we completed it? And if we have completed it, why is the change still coming and taking time? It is because there is no change. The more we change, the more we stay the same.

I have had reports of the workshops. The minister says, "Yes, over 100 staff members voluntarily attended." I wonder if the minister knows what percentage that is of all the staff. It would be interesting to see if he does. The problem is that most of the people who went that I spoke to felt that they were spoken at, not spoken with; that they were not heard. It was, "Bring your cup. We'll have a chat." They were spoken at about what was going to happen.

Then we had four project groups formed to develop these ideas with over 40 staff members who volunteered. But they have met only three times. Three times in a year the working groups have met. Is that an adequate time? I suspect not. We have managed to address or have completed the eight recommendations. We are just

playing the game here of, “Here are some working groups so the minister can stand up in the Assembly and say, ‘I’ve got working groups. I’m listening to the staff.’” If you get on the ground, the staff do not feel as though they are being listened to and they do not feel that things are actually changing.

There are then a number of paragraphs that say that we are doing all these things. If the commitment to change is not genuine, if the commitment to change is not about more front-line officers delivering better services than they already do—I think we all acknowledge that the service on the front line is pretty good—then your reform agenda is about featherbedding and protecting management instead of enhancing the workplace, supporting the workers and providing better service.

It is the standard operating procedure of this government. “We have now got a project officer.” Surely that is what the management of ACTAS are meant to be. They are meant to be there to provide leadership. If you have to bring in a project officer to run the blueprint for change, there is something fundamentally wrong in your structure or there is something fundamentally wrong with those in the structure. That needs to be looked at. It is a great paragraph, and I will read it again:

Madam Speaker, I am very happy to report that all eight of the original blueprint for change recommendations are substantially being addressed or indeed have been completed.

There is another inconsistency. If it had been substantially addressed or completed, why have the working groups? If you have done the job, why have them? There is this mirage, this image, of: “We are doing lots.” The reality is that I am not sure that they are.

Recommendation 3 looks at leadership. It says that the leadership framework has commenced. If work is being currently progressed and work on a new leadership framework has commenced, why are we having all these changes to the upper level of the bureaucracy? If we are doing some work but the outcome has already been determined, why are you doing it? It is just a sham. It is just a joke.

The reality is that the new arrangements are confusing at best and dangerous at worst when deputies and chiefs of the services have different roles. Some deputies report to their service chief and in their other role they report to the commissioner. Whom do they report to? Who has priority? Whom do you say, “Yes, sir,” to first? That is the dilemma. The services should be allowed to run their services. The service chiefs and their deputies should be dedicated to that job. If there is a failure of leadership, if there is a toxic management culture, that is senior management’s fault and senior management should fix it or senior management should go. All of this has occurred in the past couple of years, and people can ask what the senior management have been doing.

Let me go across to recommendation 6. It says:

... Staff Workshop Series, has already been achieved with the conduct of the five very successful facilitated workshops I previously outlined.

Again, I had lots of complaints from people who said they thought they would give it a shot. They turned up; they took their cups of tea. It was time for a chat. They got spoken to. They do not feel that they were listened to, and they do not believe that there is any strategy or reform in the strategic reform agenda.

On the top of page 5, the minister says:

It is worth noting Madam Speaker that ACTAS has been able to achieve this outstanding performance in a time of record demand for ambulance services here in the ACT.

Yes, it has, despite the government, and despite the strategic reform agenda. It is done on the backs and the hard work of the front-line paramedics. They are to be congratulated on the difficult circumstances in which they have done this job.

It goes on to say:

The continued strong response performance by ACTAS clearly demonstrates that the community should continue to have full confidence ...

They should. The community should have full confidence in the people that arrive at their door. What they should have no confidence in is the senior management and the minister.

There is much additional pressure on officers because of the toxic culture that led to this, and we have this glib line from the minister that we have substantially reformed everything and therefore everything is probably hunky-dory.

He goes on to say:

The ESA, as a unified agency, is wholly committed ...

I do not believe that the ESA is a unified agency. I think there is an agenda where some would like to see it as one agency, one service under one controller. I spoke to a number of ambulance officers this morning to see whether they believed anything in this document. They just laughed and one of them said, "If they want a unified service, which seems to be their objective, just put us all into white shirts and blue trousers and we will all look like a unified service." But it never will be, and it never should be.

These organisations provide different sorts of services with different sorts of experience. What we see is officers being slid around so that senior management can maintain control, instead of proper processes to ensure that we have the best people. Maybe the people who are put in there will end up being the best people, but it is unclear because there has never been a process. The debacle of the SES, the problem of the senior SES officer, is apparent. I have heard grumblings that people were asked and then a very poor process was followed for the appointment to the acting head of the Rural Fire Service. This is to the minister's shame. To stand here and say that things are good is just having your head in the sand.

You only need to look. The UFU is not happy. The state emergency services members are not happy. Members of the RFS are not happy with the appointment of the new acting head. It does not leave much to the imagination. I know from talking to ambulance officers this morning that they are still bitterly unhappy about the farce that is the strategic reform agenda.

The minister reads these documents really well. I wonder if he actually reads or understands them before he stands up and reads them. “Achieving cultural change is always difficult.” Yes, it is. But as he said, the job is “substantially done”. They are his words—“substantially done”. You say it is difficult and it is going to take time but it is substantially being addressed or has been completed.

Members should have no confidence in this update. Members should have no confidence in this minister. Members should have no confidence in the strategic reform agenda. The community—as always, as I always will be—will be extremely grateful for the work of the paramedics. But the paramedics and the members of the ACT Ambulance Service, and indeed all the emergency services, deserve much better than what they are getting from this government.

Question resolved in the affirmative.

### **Alexander Maconochie Centre Ministerial statement**

**MR RATTENBURY** (Molonglo—Minister for Corrections, Minister for Education, Minister for Justice and Consumer Affairs and Minister for Road Safety) (10.34): I thank the Assembly at this time today as I provide an update to you on the significant steps the government has taken to address overcrowding issues at the Alexander Maconochie Centre. I will also provide information on the continuing detainee population pressures being experienced in our prison and what we as a government are doing to address the concerning and ongoing increase in detainee numbers in the ACT.

In the world of corrections, there is typically little in the way of good news that gets reported in the Assembly or, indeed, the media. However, today I am pleased to be able to deliver good news to the Assembly. Across the 2014-15 and 2015-16 budgets, the government provided \$54 million in capital funding to build new accommodation facilities at the AMC. This \$54 million capital expenditure was for the construction of a new 30-cell special care centre and a new 56-cell flexible accommodation unit within the existing AMC. It was a response to significant increases in detainee numbers.

These facilities were to provide an additional 142 operational beds which would see the AMC’s total beds increase from 370 to 512. I am very pleased to say that both the new accommodation unit and the special care centre are now complete. We began accommodating detainees in the special care centre in September 2015 and in the accommodation unit in February 2016.

This project has been delivered some four months early and approximately \$7 million under budget. There can be little doubt that this project has been a solid success in that it has delivered these new accommodation facilities inside an operating prison under budget and months ahead of schedule. Its success is a credit to ACT Corrective Services, the JACS capital works and infrastructure unit and to the project's managing contractor, Construction Control.

I was able to express my personal thanks and the thanks of the government to the key players in this project at an event at the AMC in February. Having already been given access to the special care centre in September 2015, the media joined me for a tour of the new accommodation unit in February, and I think all were as impressed as I was with these new facilities.

Through a flexible approach to design, these facilities have features that will improve separation and segregation capabilities. A hub-and-spoke design will split the cells in each building across a number of independent wings. Simpler, more efficient detainee management is being enhanced by the design of these new facilities. An example is the inclusion of programs and interview rooms in each new facility, which will reduce the need for escorts to the dedicated programs building.

Staff at the AMC are pleased, not just because the new buildings reduce some of the pressures in the AMC, but also because these new facilities are designed to meet the needs of both staff and detainees. Detainees are supportive because for those who have reached the point where they are ready to address offending behaviour, the new facilities offer the opportunity for more effective program delivery to discrete groups of detainees.

There is now greater choice about where to place detainees and whom to place them with. As a prudent additional step, when the new accommodation unit came online in February, ACT Corrective Services took the opportunity to move all detainees out of the special care centre and double-bunked most cells in that facility. What this means is that the AMC's total bed capacity is now 539 beds. It has meant that within the existing project we have been able to notably increase capacity and extend the margin between detainee numbers and total bed capacity. For further information on AMC bed numbers and the various capacity definitions, I refer members to the JACS website.

With the new accommodation unit having come online in February, we have been able to deliver on the promise to cease accommodating AMC detainees at the facility in Symonston. The 30 detainees accommodated there have been moved back to the AMC, and Symonston is once again operating solely as a periodic or weekend detention facility.

The good news of our expansion project is tempered by the unfortunate reality that the great success of this project has occurred in the context of the expansion of the size of our prison. It has been well reported that we have seen really quite alarming growth in detainee numbers in recent years. While our experience is not isolated, as pretty much all Australian jurisdictions face intense prison accommodation pressures, it is still very sobering to go through this.

I want to remind members of this prison population growth experience. In the program year 2011-12, the AMC averaged just over 259 detainees. Then from early in 2013 we began to experience quite unprecedented growth in a short period of time. During the 2013 calendar year the actual number of detainees jumped significantly from less than 240 in January to exceeding 300 for the first time at the end of June 2013. The number then rose to more than 340 in October 2013 before dropping and stabilising for a time. The impact of this growth was revealed in the 2013-14 average daily figure which was more than 331—an average jump of more than 70, or about 28 per cent, in just two years.

Since then there have been periods of relative stability punctuated by periods of dramatic growth. Our daily average in 2014-15 was 342, but we were again experiencing more alarming increases in the second half of calendar year 2015. We exceeded 400 for the first time in October 2015 and got as high as 418 in November. In January we reached as high as 427. Numbers have eased since then but have not dropped below 410.

It goes without saying that these sorts of numbers have placed an incredible strain on the AMC, its staff and management. In this period, when we also factor in the problematic detainee association issues which have marked our experience of running a prison in the ACT, the daily juggling of detainee placements and bed availability has been enormously challenging and stressful. I commend the staff and management at the AMC for the outstanding way they have dealt with these challenges. Clearly, the availability of the new facilities will help ease these pressures. But this sort of growth in incarceration is not what we want for our city. Placing individuals in prison, while a sad and necessary reality for the safety of the community, is both very expensive and disruptive for the community, even when it gives offenders the opportunity to address their behaviour.

We will again try to get a better understanding of this growth and ways to reduce it. Members will recall that in 2013 we engaged criminal justice analyst John Walker to prepare projections of future detainee numbers, the so-called Walker projections. Our successful building expansion project had regard for these projections. Annual reviews of the projections were part of the government's expectations, and the next review will take place in the first half of this year. A more detailed evaluation of detainee projections is planned to occur every four to five years.

A lesson we have learnt from our projection exercise, however, is that external and unforeseen factors unrelated to corrections continue to drive up detainee numbers. I am thinking of a number of tragic and disturbing violent deaths, both interstate and in Canberra, in recent times and the impact of a broad community response to domestic and family violence. These events cannot be predicted and cannot, therefore, be factored into forecasting until after they happen. This, once again, confirms the view I have expressed in the past that forecasting trends in prison populations is not an exact science and is notoriously unreliable. Still, we have to try to inform ourselves as much as we can.



What are we doing in practical terms to slow the growth in detainee numbers? In February this Assembly passed legislative changes that will introduce a new order—an intensive correction order—which will give the courts an option to sentence offenders to a term of imprisonment to be served in the community. Unlike periodic or weekend detention, it will involve very strict supervision conditions that are designed not just to keep an offender out of prison but to change mindsets and lifestyles.

It will include swift and certain sanctions designed to reframe an offender's view of self-responsibility and consequence. It will involve breach processes that make an offender swiftly accountable if they fail to comply with the conditions of an order. It will involve reward for success as well as sanctions, including short periods of imprisonment, for failure. It will be burdensome and a real challenge for an offender on such an order, but we expect that for those who meet the challenge it will be both beneficial and life changing.

Restorative justice initiatives were also a feature of that February legislation. The legislation passed in February addressed the key features of the government's justice reform program. This program has developed from two separate but interlinked strategies established in 2014: the justice reform strategy and the justice reinvestment strategy. The justice reform strategy is focusing on sentencing law and practice. The justice reinvestment strategy is developing a whole-of-government strategy aimed at reducing recidivism and diverting offenders and those at risk of becoming offenders from the justice system.

Both the new sentencing option and the expansion of the restorative justice scheme introduced by the February legislation reflect the objectives of the justice reform program. More work will follow in the next one to two years. We are also addressing recidivism through the expansion of our industries capacity at the AMC by using the savings from the AMC accommodation expansion project to build new facilities and enhance existing ones. This building work, which we expect to complete by the end of calendar year 2016, will assist to provide detainees with a more effective structured day and with a work culture and employment skills.

Our extended through-care program, another initiative to address recidivism, continues to impact in a significant way on the lives of recently released detainees. It will be the subject of a comprehensive evaluation in the near future, and I look forward to seeing the review outcomes.

It is important that we continue to look at the causes and our responses to offending. It is important that we never rely on the prison system alone to address offending behaviour. I am very proud of the work I have done in the corrections portfolio. I feel we have given Corrective Services the support it needs to do its job well. While I am really pleased by the success of the accommodation expansion project, I also want to ensure that, through appropriate investment in justice services and other areas of government service delivery, this is the last expansion of the AMC. That will be a significant focus for me in the year ahead.

I present the following paper:

Alexander Maconochie Centre—Update on the building expansion, ongoing growth in detainee numbers and the Government's response—Ministerial statement, 10 March 2016.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

### **Arts policy—2015 framework review Ministerial statement**

**DR BOURKE** (Ginninderra—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children and Young People, Minister for Disability, Minister for Small Business and the Arts and Minister for Veterans and Seniors) (10.46): I would like to report to the Assembly on a motion passed in November 2015 regarding implementation of the ACT arts policy. The motion passed asked the minister for the arts to inform the Assembly of the continued consultation process with the ACT arts community and provide an update to the Assembly in early 2016 on the progress of working with the arts community on continued implementation of the ACT arts policy.

The ACT government recognises that art and culture are an integral part of the lives of individuals as well as the social and economic fabric of Canberra. The arts help to define our community's identity and give expression to community values. Creativity is also fundamental to innovation and business growth and creative industries contribute significantly to modern economies, community wellbeing and quality of life.

The 2015 arts policy outlines the vision, values and principles within which artsACT operates, as well as providing guidance for the work of the Cultural Facilities Corporation and for other ACT government agencies whose work impacts on or can be enhanced by the arts, such as Visit Canberra, Innovation, Trade and Investment, Libraries, ACT Health, the Community Services Directorate and the Education Directorate.

The Canberra region has many diverse artists and arts organisations that provide inspiration and opportunity for residents within Canberra and beyond. Consultation undertaken to develop the ACT arts policy demonstrates that there is a lively and informed arts community. Our vision for the arts is to be a diverse and dynamic arts ecology valued locally, nationally and globally.

This government has had many positive responses to the ACT arts policy, which reflect many of the issues raised during consultation. The support from the sector for the policy, in the level of engagement, we see through all of our activities. The community consultation was an essential part of this project and artsACT undertook a

variety of consultation methods to ascertain where artists, arts workers and arts organisations see the Canberra arts ecology.

The first step in the review process was the appointment of an independent reference group tasked with guiding the consultation process. The second step involved consultation with local arts organisations, artists and the public. The consultation involved a range of methodologies in order to garner a wide range of views. Overall, artsACT estimates that over 300 individuals and representative organisations were engaged in the consultation process.

The issues raised during the consultation covered issues pertaining to the future development of arts and culture in Canberra. The community was specifically asked about the 2012 framework to inform the development of the ACT arts policy. The response to the feedback received during consultation was: that the vision of the ACT arts policy framework needs to be more aspirational; that support principles need to be more clearly implemented; and the need for more recognition of Aboriginal and Torres Strait Islander arts and culture.

Emerging from this consultation, and acknowledging national trends, four core principles were identified to assist in realising the arts policy vision. They are: participation and access to the arts; great art and great artists; vitality of the Canberra region arts ecology; and engagement with Aboriginal and Torres Strait Islander arts and cultures.

The actions and measures to realise this policy have been outlined in the 2015-16 artsACT strategic plan. The policy will inform the development of the next Cultural Facilities Corporation strategic plan which will cover 2016-20. The artsACT organisation has been actively working to implement the actions identified in the strategic plan. These actions are managed through six projects relating to: cultural infrastructure and facilities; funding and initiatives; learning and development; promoting Canberra arts; community participation and access; and Aboriginal and Torres Strait Islander arts and culture.

These projects are at various stages of development, with the need to prioritise based on sector need and government priorities. While conversations have begun on all of these projects, particular focus has been given to: the future development and management of cultural infrastructure, and facilities in particular, in the light of urban renewal; engaging with the Australian government and the Australian Council for the Arts on the impact of changes to Australian government funding arrangements on the local arts sector; investigating the learning and development needs of the sector; reviewing the community cultural inclusion program to strengthen the role the arts can play in community development, identity and inclusion; and learning from Aboriginal and Torres Strait Islander people in the ACT about the empowering role arts and culture has within their community and discussion on how the ACT government can better support the development of cultural and artistic practice.

A key method for our continuing conversation with the sector is the CBRarts forums. The first of these forums—creative spaces, creative places—was held in December 2015. The forum was a chance to continue to discuss the future needs for cultural

infrastructure and reflect on the achievements since the release of the 2003 arts facilities strategy. It was also a time to share information on ACT government urban renewal and planning initiatives and how they may support development of the arts, including the development of the Kingston arts precinct and the statement of planning intent. Creative places, creative spaces focuses on ensuring our arts facilities meet community needs now and in the future and the role of the arts in improving the vibrancy and livability of Canberra.

As a continuation of the discussion on cultural infrastructure, artsACT has been accepting submissions and has met with the managers of our arts facilities to build upon what we heard at the forum. To make sure that we are hearing from all those who may be interested in providing feedback, we have also released a survey to collect information on our facilities and infrastructure. All of this information will be analysed and a draft cultural infrastructure plan will be released for comment in coming months.

The next CBRarts forum—making CBRarts happen—is being held on 17 March. This second forum will focus on arts funding and will enable a broad discussion between government, organisations and individuals around the direct and indirect funding supports available to the arts sector. Discussions will range from consideration of priorities to what is working and ideas for improvement and identifying gaps in support.

Madam Speaker, artsACT is committed to developing a new arts funding plan and this forum will inform its development. The plan will also be informed by government priorities, a review of current mechanisms and analysis of associated data and include feedback received during the consultation to develop the 2015 ACT arts policy and innovations and best practice models nationally.

Future forums in 2016 will look at live music, Aboriginal and Torres Strait Islander arts and culture and sector development in order to: better understand the challenges facing the music sector; understand the needs of Aboriginal and Torres Strait Islander artists, arts workers and arts organisations; and better understand the sector learning and development needs, encourage and develop a culture of knowledge and individual learning and work with arts organisations on opportunities for critical reflection and arts development.

The arts sector has so much to contribute to the city in which we live. One of the elements of this is an economic contribution. What we have discovered is that quantifying the economic impact of the arts is not an easy task. Even drawing a line around what should be measured, be it arts or culture or creative industries, is no simple feat. Various methodologies have been used around the world over the years and all measure the sector slightly differently, making it difficult to compare one report with another. The availability of accurate and consistent data about the value of the arts complicates this task further.

In 2015 we took steps to build an understanding of the role that arts play in our own economy. In doing so we estimated that the arts and cultural sector added approximately \$426 million to the ACT economy each year, approximately

1.3 per cent of the gross value added by industry. Our report did not set out to compare the ACT against the rest of Australia but since we used the same methodology as was used in Victoria we know that a comparable figure for that state is roughly two per cent of gross value added by industry.

The fact that the arts in the ACT make up a slightly smaller share of our economy than in other states is not in itself an indicator that our arts sector is lagging. Different economies have different industry mixes for a variety of reasons. On the other hand, a number of other indicators, such as Canberrans' consumption of arts and culture or attendance at cultural venues and events, show the ACT performs more highly than the rest of Australia.

However, the arts are recognised not only for the direct contribution they make to our economy but also for the indirect role they play by making Canberra an interesting and inspiring city to experience either as a resident or a visitor and by fostering the culture of innovation and creativity on which our other industries thrive. Hence the importance of adopting a broader, more holistic perspective of the arts in our economy and a recognition of the value that the arts bring which sometimes is difficult to measure but despite this brings significant public value.

The promotion of the arts in the ACT forms part of the recognition of this value and forms a key part of the work that is being undertaken in the implementation of the policy. We know that relationships, partnerships, collaboration and connection are important. These connections are not only with the community and the arts sector but also within government. We are working on developing how we want to share our story, promote our successes and communicate who we are.

The artsACT unit are working on connections across government to build the profile of the arts, including with ACT Health, the Environment and Planning Directorate, transport and the Land Development Agency. The ACT government is investigating ways that we can provide support and information resources to artists, arts workers and arts organisations. This work is vital to ensuring that the implementation of the arts policy flows through the ACT government led by the work of artsACT.

In summary, I can confirm that the ACT government recognises the importance of providing equal coverage and support to a broad range of art forms in our city; understands that the value of the arts is an underlying element to our city's economic prosperity and social wellbeing; notes that the economic contribution made by the arts to the Canberra community is valuable; has an ongoing commitment to developing and supporting the arts in the territory and the continued consultation with the arts sector to support the objectives of the ACT arts policy; and notes there is positive feedback on the ACT arts policy.

I have outlined in this statement the continued consultation process with the ACT arts community as well as an update on the progress of working with the arts community on continued implementation of the ACT arts policy. I present a copy of the following paper:

2015 ACT Arts Policy Framework—Implementation—Ministerial statement,  
10 March 2016.

I move:

That the Assembly take note of the paper.

**MR SMYTH** (Brindabella) (10.59): I thank the minister for the update. To give him his due, I see the minister at more arts events than probably any other member from that side, and I think his appointment was genuinely welcomed by the arts community.

This motion has been moved because of an amendment to a motion that I moved in which we stated that we do not have the same view as the government on the importance of the arts. It is important that we understand that the arts are a driver of creativity. The minister talked about creativity being fundamental, but before we get to creativity, all of the work seems to suggest that it is arts activity, then artistic creativity, that lead to creativity and to innovation and technology. So getting this right is very important.

In the minister's statement he said that the arts policy outlines its vision, values and principles. I think they are still pretty vague, and most people in the arts community think they are pretty vague. He said that the impacts can be enhanced by working with other groups, and he lists the Education Directorate. The Childers Group appeared before estimates either last year or the year before and said there needed to be better coordination between Education and the arts. The education minister of the day said, "No. We've got arts officers inside Education; therefore we're doing a good job." I hope that attitude has changed now that we have a new arts minister. It is important that we get this right.

In his statement the minister talked about consultation being an essential part of the project. Yes, there was consultation, but the draft was being written before the consultation had finished. We know that from questions at estimates. The decisions had already been made. So you have to ask whether it was meaningful. Did they listen or was it just a matter of saying, "We've got to have an arts policy, so we'll do another arts policy"? I suspect somehow it was the latter. The fact that you could write something while the consultation was ongoing shows the degree of sham.

In his statement he talked about the actions and measures to realise the policy being outlined in the 2015-16 artsACT strategic plan. It should be remembered that in the 2012-15 framework nothing happened. Again we can go back to the questioning in estimates and annual reports and see that all that changed was how we divvied up the money. If that was the only achievement the then minister and head of arts could point to, the arts agenda and arts management in the ACT are in a parlous state.

The minister went on to talk about the "future development and management of cultural infrastructure, and facilities in particular, in the light of urban renewal". It is a very important issue. At the forum the other day at Gorman House run by the Childers Group, one of the questions focused on accommodation. The great fear is that artists are being priced out of places like Kingston foreshore. It will be like a zoo: "Look, here come the artists. We can watch them." They will not be able to live there. They might be able to get an ACTION bus there; they certainly will not get a tram to take

them there. Those that can afford to do so will come by car. But the artists will have arrived there, and the artists will go home, because it will be very hard for any artist to live on the Kingston foreshore.

It is a matter of having those precincts. Time and again throughout the history of mankind areas have developed. A whole lot of American art hopefuls in the early part of last century moved to Paris, to those quarters where the arts were in the brickwork, in the grit in the pavement. The government's land policies and delivery of accommodation policies have made Canberra virtually unaffordable for many people. Let us face it: artists, unless they are world stars, do not earn a lot of money. So the fear there is that they will simply be priced out of the agenda.

It is important that we work out what the value of the arts to the community is. The minister talked about the contribution that is made. I have quoted these figures before and I will quote them again. I note we have now got an answer regarding the figures. Under the review of the arts in the ACT we know that it added \$426 million to the value of the economy, 1.3 per cent, and that it was equivalent to 3.1 per cent of ACT employment. In the Australia Council's *Arts nation: an overview of Australian arts*—and, as I said last time, there is always a difficulty in trying to compare like with like, but these are the only figures that I can find—cultural activities are estimated to make up about four per cent of Australia's GDP. So it is 1.3 to four per cent. In another section the report says they generate over \$93 billion in economic activity, or 6.6 per cent of GDP, and employ eight per cent of the nation's workforce. So you can compare our 1.3 per cent to either four per cent or to the copyright industries at 6.6 per cent, and employment at eight per cent as against 3.1 per cent.

It suggests that we are underperforming. The cultural sector contributes four per cent of Australia's GDP, similar to levels in the United States, Canada and Spain. Again I am happy to say it is a matter of what is being compared, but by any measure we are underperforming. Peter Drucker, the management expert, said, "If you don't measure it, you can't fix it." There were numerous requests from various estimates committees for the scope—how big the arts sector in the ACT is. Well done to the government; I think I congratulated them when they finally did it. But we need to do it again and again. We need to reform the measurement to make sure we are getting it right, so that it is comparable.

Obviously it has touched a nerve either in the minister's office, the former minister's office, or in artsACT because when you turn over the page in the minister's statement he said:

Our report did not set out to compare the ACT against the rest of Australia ...

The fundamental question is: why not? Why didn't you, in your report, try to find out whether or not we are performing better, the same as, or worse than the rest of Australia? It would be a useful measure, I would have thought—unless you already knew the answer, which was, "Yes, we're underperforming and we don't want to highlight it." I will read the paragraph:

Our report did not set out to compare the ACT against the rest of Australia, but since we used the same methodology as was used in Victoria we know that a comparable figure for that state is roughly two per cent of gross value added by industry.

So we have 1.3 per cent; they have two per cent; therefore we are underperforming by a third against Victoria. So we—

*Dr Bourke interjecting—*

**MR SMYTH:** Sorry, minister?

**Dr Bourke:** You haven't read the rest of the paragraph.

**MR SMYTH:** Oh, I have not read the rest.

**MADAM ASSISTANT SPEAKER:** There is no need for conversation across the chamber.

**MR SMYTH:** Actually, I have read the rest. Let me finish. That is the problem with interjecting too early, minister. So you put up this straw man: "We're not like the rest of Australia. We're actually like Victoria." But Victoria still outperforms us by 50 per cent. The contribution to their economy is 50 per cent higher than ours. So thank you, minister, for the confirmation that we are underperforming in the arts. The question for you—through you, Madam Assistant Speaker, to the minister—is: what are you going to do to fix it?

Apparently, this is the get-out-of-jail clause that the minister says I should read:

The fact that the arts in the ACT make up a slightly smaller—

slightly smaller; a third less—

share of our economy than in other states is not in itself an indicator that our arts sector is lagging. Different economies have different industry mixes for a variety of reasons.

That is right, because we do not have mining, we do not have agriculture and we do not have large-scale manufacturing. We actually do not have a lot of things that other states like Victoria have. So our arts sector, on that measure, should actually be a larger percentage, because if you take out the things that the other states have, logically it could be much bigger.

*Mr Barr interjecting—*

**MR SMYTH:** The Chief Minister chips in. There it is; the rolling of the eyes and the shaking of the head. I know that the Chief Minister turned up to an arts function recently. He came to the Megalo birthday. Well done, Chief Minister, for finally turning up to an arts event. To give Minister Bourke his due, he does turn up.



Again there is a lot of guff. If you are actually interested in being the “cool little capital” and if you are actually interested in being an innovative capital, at the heart of it is arts and arts policy. The new policy is as bland as the old policy. Very little was delivered out of the old policy. I suspect very little will be delivered out of the new policy, and that is a shame.

I will read this again because they obviously have not got it quite yet: “Art is good for the individual, art is good for the community, art is good for the economy.” Alain de Botton, the English philosopher, says:

Like other tools, art has the power to extend our capacities beyond those that nature has ... endowed us with. Art compensates us for certain inborn weaknesses, in this case of the mind rather than the body ...

He says that if it is used as therapy, it can actually be used to make people well, resilient and strong. David Throsby, the economist with the most credibility in this field, says:

... a logical sequence can be established, beginning with art and proceeding through artistic creativity, creativity in general, innovation, technological progress, competitive advantage, and leading in due course to growth in incomes, exports, employment and other indicators of economic success ...

So if you want a creative capital, which is happening, I think, largely despite the government, even though they have now found it—and I give the minister his due; he has now found it, unlike his forebears—you have to start with the fundamental driver, and that is art.

Sasha Grishin, in chapter 45 of his *Australian art: a history*, says, “There is no art capital in Australia.” So there is an opportunity, minister. He does acknowledge that there was rivalry between Sydney and Melbourne, but Grishin now says that Canberra has emerged, with the construction of the significant national institutions. Perhaps it is something that we should build on.

It is not a character that you would normally expect somebody from the Liberal Party to quote from, but Bertolt Brecht, that well-known bastion of socialism and anti-Nazism, said:

Art is not a mirror held up to reality but a hammer with which to shape it.

You can say the same for this city: art is not just a mirror to be held up to reality but a hammer to shape this city. The question is whether we will implement it wisely, use it properly and get the benefit that the whole community should get, which is improved wellbeing for the individual, improved wellbeing for the community and an improved sense of wellbeing in our economy.

I look forward to further updates. It is great to have a debate on the arts in the ACT Assembly. Remember that when the capital was founded, Prime Minister Fisher said that Canberra would be a city of governance, education and the arts. I think we all

know that we have done governance pretty well. With education, certainly in the past 20 years, starting with the Carnell government, I think we are coming to understand the importance of our national institutions like ANU, UC, ADFA, RMC, ACU, Charles Sturt and the other fine institutions that we have like CIT, but we need to work with them better and more. We need to make sure that all of the community gets the benefit that we deserve from our investment in arts in the ACT.

Question resolved in the affirmative.

### **Estimates 2016-2017—Select Committee Establishment**

**MR SMYTH** (Brindabella) (11.11), by leave: I move the motion standing in my name.

**Mr Barr:** Has it been circulated?

**MR SMYTH:** Yes, it is on the desk. It is the standard motion that we move every year.

**Mr Barr:** I have not seen it.

**Mr Gentleman:** I have not seen it, either.

**MR SMYTH:** Sorry, it has been circulated.

**Mr Barr:** Has it?

**MADAM DEPUTY SPEAKER:** Just bear with us for a moment.

**Mr Barr:** I do not think it has made it to this side.

**MR SMYTH:** All right; it would appear it has been circulated on only one side of the house; so I move:

That:

(1) a Select Committee on Estimates 2016-2017 be appointed to examine the expenditure proposals contained in the Appropriation Bill 2016-2017, the Appropriation (Office of the Legislative Assembly) Bill 2016-2017 and any revenue estimates proposed by the Government in the 2016-2017 Budget and prepare a report to the Assembly;

(2) the committee be composed of:

(a) two Members to be nominated by the Government; and

(b) two Members to be nominated by the Opposition;

to be notified in writing to the Speaker by 12.15 pm today;

- (3) an Opposition Member shall be elected chair of the committee by the committee;
- (4) funds be provided by the Assembly to permit the engagement of external expertise to work with the committee to facilitate the analysis of the Budget and the preparation of the report of the committee;
- (5) the committee is to report by Tuesday, 2 August 2016;
- (6) if the Assembly is not sitting when the committee has completed its inquiry, the committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publishing and circulation; and
- (7) the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

It is the annual standard.

**MR BARR** (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal) (11.13): Having now seen what the shadow treasurer proposes and seen that he is not trying to sneak one through the Assembly by not circulating the motion that he is seeking our support for—

**Mr Smyth**: Sorry, point of order. I do not circulate motions in the chamber. The motion has been handed in.

**MADAM DEPUTY SPEAKER**: Thank you. Chief Minister.

**MR BARR**: Now that I have seen what the shadow treasurer is proposing, and noting that this year we do not have to go through the farce of the opposition trying to stack the committee, I welcome the change. We will have an evenly balanced committee with two members from the government and two from the opposition.

We endorse that an opposition member shall chair the committee. The procedural elements of Mr Smyth's motion are acceptable to the government, so we will be supporting this motion.

Question resolved in the affirmative.

## **Red Tape Reduction Legislation Amendment Bill 2016**

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

Title read by Clerk.

**MR BARR** (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal) (11.14): I move:

That this bill be agreed to in principle.

Today I introduce the Red Tape Reduction Legislation Amendment Bill 2016. Cutting unnecessary red tape is a key goal for my government as part of our ongoing strategy to ensure that we create the best possible environment for emerging and established businesses.

Regulatory reform is an essential way to grow and diversify our economy, and it forms a central plank of the government's economic strategy, alongside capitalising on the commencement of international flights, supporting the growing strength and capability of our universities, making life easier for businesses and individuals by creating a one-stop approvals process through Access Canberra and creating more inbound tourism attractions.

This bill focuses on making it easier for businesses to meet regulatory requirements. It does so by removing some unnecessary requirements altogether and streamlining and amending others so that they deliver clear administrative processes for both business and for government.

Each year my government has committed to presenting a red tape reduction omnibus bill to the Assembly because, of course, reform is a never-ending race in what is an increasingly global marketplace. This bill represents our third red tape reduction bill since 2014, and through ongoing engagement with stakeholders from the business sector through to the broader community, we will continue to cut red tape in a way that delivers maximum benefit for Canberra businesses and for Canberra consumers.

This bill reflects our intent to ensure that our city's regulation remains relevant, efficient and effective. It ensures that Canberra remains a great place to start up and to run a business, a great place to work, a great place to study and a great place to raise a family. This bill amends significant pieces of legislation, including the University of Canberra Act 1989, the Financial Management Act 1996, the Gaming Machine Act 2004, the Security Industry Act 2003, the Liquor Act 2010, the Charitable Collections Act 2003, the Agents Act 2003, the Public Unleased Land Act 2013, the Aboriginal and Torres Strait Islander Elected Body Act 2008, the Fair Trading (Motor Vehicle Repair Industry) Act 2010, various other acts requiring the production of statutory declarations, and all acts requiring complaints to be made in writing as well as being signed by the complainant.

Madam Deputy Speaker, this bill presents amendments that will significantly lower the administrative burden for businesses and other organisations, saving them time, saving them effort but, most importantly, saving them money. Amendments within the bill are another step in our strategy to support the University of Canberra to continue to grow its reputation as a world-class higher education institution. We do so in this bill by making it simpler for the university to undertake commercial projects.

First, these amendments will ease the burden of establishing corporations or joint ventures in which the University of Canberra has a controlling interest. Second, they remove certain duplicative and unnecessary reporting requirements with respect to these corporations and joint ventures, such as providing reports to the government that have already been provided to the Australian Securities and Investment Commission.

Additionally, the University of Canberra will only have to apply to the government for approval of its joint venture and company-related activities where these are significant in nature. The amendments will provide for an automatic approval to such significant events unless notified otherwise within 30 days.

These reforms recognise that the University of Canberra is a mature and professional higher education and research institution. It will, of course, continue to work closely with the territory government on its expansion plans over the coming decade to ensure they meet both campus and community needs. But it is clear that the University of Canberra is a world-class university with a strong management structure and should be treated as such.

The bill will also reduce administrative pressure for new agents, such as stock and station, business or real estate agents. Once agents have established new trust accounts as part of their business, they will now have seven business days instead of two to report to the Commissioner for Fair Trading the details of these accounts. With greater flexibility, new agents can better allocate their time to building their business. This has come at the request of relevant agency sectors operating in the ACT as a step that will deliver a clear benefit at a crucial and busy time as they establish themselves in their industries.

I also introduce two additional reforms that will ease the day-to-day burden for individuals and organisations and build on our government's rapidly expanding digital environment. These also reflect the government's vision for making Canberra a truly digital city, a city in which our digital capability is fully utilised by businesses, individuals and other institutions.

Firstly, this bill removes from 50 pieces of legislation the requirement for signed and witnessed statutory declarations. They are replaced, instead, by the requirement for a statement that need not be "signed". Importantly, this means that such statements can be submitted electronically, reducing time and cost for the thousands of people who are required to submit such statements. The content of these statements will, of course, be every bit as important because there will still be offences in place for making false statements or providing false information in these documents. The maximum penalty for such an offence is up to 100 penalty units or up to one year's imprisonment, or both.

Secondly, the bill removes the requirement from seven acts that complaints submitted to government be signed. This means that complaints, too, can be submitted electronically. It is long overdue: in the 21st century people can simply jump online and tell government what is not working. That can help us fix things faster. This will also support easy communication between government and the community, chiefly through Access Canberra as our one-stop shop regulator.

The bill also responds to a rapidly changing motor vehicle industry. This bill amends the Sale of Motor Vehicles Act 1977 so that high voltage batteries in electric cars, including hybrid cars, will be considered as integral to the operation of the vehicle for the purpose of warranties referred to in the act. These high voltage batteries are essential to the propulsion of electric cars. They are also a significant cost component of these vehicles. As such, it is entirely appropriate that they fall within the warranty guidelines set in the act. The definition of motor vehicle accessories in the same act will also be updated to reflect new technologies such as bluetooth-enabled entertainment devices and computerised navigation systems.

An amendment in the bill will mean that renewals to liquor licences will no longer have to be applied for at least 30 days in advance. This will lower the burden of strict timing around the start of the renewal process. There are more than 680 liquor licences issued in the territory. This amendment will have a positive administrative impact on hospitality business operators into the future while in no way compromising safety and service requirements that they must maintain as licence holders.

Through this legislation we will also be making it easier for charitable organisations to report on charitable collection activities. It will enable incorporated associations that also hold charitable collections licences to align reporting of their charitable collections with their regular reporting activity. Charitable collection licence holders do not have the capacity and resources to be tied up in red tape and dual reporting requirements. Their focus should be on delivering support for those in the community who need it most. Crucially, this bill will lower the administrative burden for charities so that they can help more people every day.

The bill also removes requirements that simply do not make practical sense for businesses and workers. Firstly, certain businesses operating non-exempt and exempt lotteries will now be able to advertise those lotteries on the interior and exterior of their premises, and no longer at distances from their premises. This makes sense since lotteries do not present a material social harm to the community and through other media, such as smart phones, access to advertising is no longer limited to a physical location.

Secondly, the bill removes a confusing requirement that prospective security workers must already be employed by a master security licence holder before obtaining a security licence. There are more than 3,300 workers in the security industry in the territory and more men and women are joining this industry all the time. This amendment will provide clarity for prospective applicants and ultimately make it easier for them to join this industry.

Finally, Madam Deputy Speaker, the bill addresses three other consequential amendments and technical corrections. The amendments that I am presenting today will provide concrete, practical benefits to business and individuals by reducing the administrative burden on them, saving them time, effort and money. They will also remove unnecessary reporting and red tape burdens for charitable organisations and the University of Canberra.

These reforms continue building on the broader regulatory reform activities my government is undertaking from being the first jurisdiction in Australia to establish a legal ride-sharing regime to the establishment of Access Canberra as the one-stop shop regulator for business and the community. The government will continue to foster a regulatory environment that helps businesses to establish themselves in the territory.

Removing red tape and creatively structuring regulation is, as many have observed, a never-ending process. It is particularly important for Canberra at this point in our city's history if we want to retain our competitive advantage over other jurisdictions. It is therefore an essential part of our ongoing strategy for the economic growth and prosperity of the city of Canberra. I commend the legislation to the Assembly.

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

## **Planning and Development (Efficiencies) Amendment Bill 2016**

**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 and Land Management, Minister for Racing and Gaming and Minister for Workplace Safety and Industrial Relations) (11.27): I move:

That this bill be agreed to in principle.

The government is presenting the Planning and Development (Efficiencies) Amendment Bill 2016 today. The bill reduces red tape and improves administrative efficiencies and service quality in relation to the planning and development approval process in the ACT. Recognising the substantial benefits that could be gained, the government has looked at the Planning Act from the viewpoint of streamlining planning processes, and the result is this bill. Three planning processes—the territory plan, development assessment and environmental impact assessment—lend themselves to this objective.

To deliver on this objective the bill seeks amendments to the Planning Act. These amendments will reduce the burden on the building and construction industry to the benefit of the community as a whole whilst also providing the community with an opportunity to view development proposals from the initial concept through to approval, or not, of the final development.

A key premise of the bill is that it brings together these three planning processes for notification. After notification each planning process operates as it does now: the draft territory plan variation is progressed under the exact same legislated requirements, the DA is assessed in exactly the same way, and the environmental impacts of the

development are assessed in the exact same way as they currently are. However—and here is the key protection for the community in allowing these planning processes to be run concurrently—a concurrent DA cannot be approved by me as the Minister for Planning and Land Management or by the planning and land authority unless the concurrent process is completed. For a concurrent DA that is associated with a draft territory plan variation, this means when the territory plan variation has commenced under section 83 or 84 of the Planning Act. For a concurrent DA that is associated with an environmental impact assessment—be it an application to use a prior study or a full environmental impact statement of the proposal—the application is approved or the environmental assessment is completed under section 209 of the Planning Act.

The bill streamlines certain planning and development approval processes by allowing these processes to occur concurrently. Presently, the Planning Act treats each planning process as an individual process that is dealt with in isolation of any other process. For example, if a proponent wanted to progress a certain type of development but the territory plan would need to be varied to allow the development, the territory plan would have to be varied first. This process can take a considerable period of time. If the proposed development triggers schedule 4 of the act, an environmental assessment is required. If there is no prior suitable environmental study, a full draft environmental assessment process must be conducted. This, again, can take considerable time. If a proposal requires both a variation to the territory plan and an environmental assessment, these things must currently be finished sequentially: first the territory plan is varied then the draft environmental assessment is started.

It is easy to see here that years may pass from when the proponent first starts the planning process and the community becomes aware of the proposed changes—but only one piece at a time—and the development is commenced. Needless to say, the completion of the development is, or so it may seem to the proponent and the community, at some distant point in the future. Will anyone other than the proponent remember when it all started? Is the composition of the community still the same? Will new neighbours want to be consulted again? Each of these planning processes has common elements, and each requires notification.

At present, public notification of each process occurs separately, even though they all relate to an end development proposal. Each requires entity referrals, and the same referral entities are notified for a draft territory plan variation or a draft EIS or an application to use a prior environmental study or the DA itself. Each process allows the community to make comment but, again, on only one piece of the planning process at any one time.

By bringing these common administrative processes together, the bill provides an opportunity for a reduction in red tape and improved efficiency. There are further benefits that are broader than pure administrative efficiency. Bringing together the notification requirements of a number of processes as a single notification will give the community a holistic package of planning information to consider and comment on. As an example, let me focus here on a draft territory plan variation. One of the common concerns of the community, when a draft territory plan variation is proposed, is trying to envisage just what the variation will mean on the ground.



As is the norm when people are confronted with the unknown, it is very common for them to think the worst. From an assessment perspective, the capacity to have all the planning information about the proposal at the same time will mean assessment officers can also consider the development application in a holistic manner. For example, an assessor could consider as a package a proposed variation to the territory plan, information on the environmental impacts of the proposal and the actual proposed development.

Another challenge of the current provisions of the act is the inability of the planning and land authority to accept a development application if the proposal or any part of the proposal is prohibited. It has become evident that this inability is resulting in the authority not being able to accept applications that may have real merit and result in good planning outcomes and are consistent with the policy intent of the draft variation. The bill rectifies this situation by allowing the authority to accept applications that include prohibited development in limited circumstances.

Let me make it abundantly clear that the bill protects the concept of prohibited development. The bill makes explicit the very limited circumstance when a DA can be accepted, and it is also very explicit that accepting a DA is no guarantee of subsequent approval of that DA. Not only does the bill make it explicit when a DA for prohibited development can be accepted, but it prohibits me, as the Minister for Planning and Land Management, and the planning and land authority from approving a DA for a prohibited development. Put simply, if at the time of deciding the DA the prohibition remains, the DA cannot be approved. This applies even if I wanted to call in the DA under section 158 of the Planning Act.

I will now talk more specifically about the new concurrent process proposed by the bill. The proposed amendments provide an opportunity for a proponent to elect to bring together certain independent planning processes into one streamlined concurrent process. The bill achieves this through amendments to chapter 5, the territory plan, chapter 7, development approvals, and chapter 8, environmental impact statements and inquiries.

Presently, chapter 7 of the act does not allow the authority to accept a development application without a completed environmental impact statement if one is required by the act or if the proposal or any part of the proposal is prohibited. This means that the DA must wait for a considerable period until the territory plan is varied and/or the EIS is completed.

The bill amends the act to allow a DA to be accepted ahead of the territory plan variation or completion of an EIS, in limited circumstances. However, the DA cannot be decided until the territory plan variation commences or the EIS is completed. If either the territory plan or draft EIS is rejected, refused or withdrawn, then the DA must be withdrawn. The efficiency achieved is that the development approval process can be progressing at the same time as the process of varying the territory plan or completing the EIS.

From the proponent's point of view, the option of concurrent lodgement comes with some risk. The proponent risks the development application being rejected on the basis that the EIS or draft territory plan variation is rejected, refused or withdrawn. For this reason, the concurrent process is optional rather than mandatory.

The bill inserts a new division 7.3.2A that introduces the concept of concurrent development applications at chapter 7. A concurrent development application is an application that is notified at the same time as a draft territory plan variation and/or a draft environmental impact statement. Through the use of definitions, the bill links certain planning processes that require public notification, consultation and representations.

While linking processes, the amendments do not change existing processes except in relation to consultation periods and the time for deciding the DA. A longer consultation period is provided to the norm, and the decision on the DA is delayed until the concurrent processes are completed. If a DA is running concurrently with a draft territory plan variation, the DA will be assessed against the territory plan as if it has been varied in accordance with the proposed variation.

Concurrent development applications will have a longer public consultation period of not less than 35 working days, which allows sufficient time for the community to comment on the additional accompanying concurrent documents, that is, the draft territory plan variation and/or the draft EIS as well as the DA. A period longer than 35 working days can be provided to reflect the complexity of the proposal.

The bill does not change entity referrals, publication of submissions or appeal rights. If a requirement exists now, the requirement remains unchanged. The bill enables a development application to be made and assessed against a proposed draft territory plan variation. This allows the development application to progress at the same time as the relevant territory plan variation is progressed. There is considerable time saving and efficiency in permitting these two processes to proceed in tandem rather than in a linear, sequential manner. The DA can be approved only if the territory plan is varied in a way that would allow the proposal.

The bill includes another new efficiency option for possible use by a proponent of a development proposal. The bill permits a development application to be lodged with a draft EIS as opposed to a completed EIS. This option applies to the assessment of development applications in the impact assessment track. Such development applications would ordinarily require the completion of an environmental impact statement before the application can be lodged. The bill permits the proponent to complete the required EIS in tandem with the assessment of the development application itself.

Under this option, the public consultation on the draft EIS occurs at the same time as the public notification of the relevant development application. As well as saving time, the concurrent process permits the public to consider the draft EIS in the context of the actual development application. This gives the public a better understanding of the overall proposal.

A new process is also introduced by the bill to allow a technical variation to the territory plan in certain circumstances. A proponent can apply to have a declaration made by the authority that an encroachment on to unleased territory land or land leased by the territory would, if approved, deliver a good planning outcome. Criteria for making the declaration are embodied in the bill at proposed new section, 137AC. A declaration is a notifiable instrument ensuring that the decision is transparent to the community.

If a declaration is made, the territory plan can be varied through the technical variation. However, if a declaration is made, the technical amendment has a longer consultation period than the usual technical amendment. This is because the effect of the declaration is a possible zone change. The consultation period is at least 35 working days which is longer than the normal 30 working days for a full draft territory plan variation or the 20 working days for other technical amendments that require limited consultation. This longer period is warranted as the community will receive both the technical variation as well as the DA to consider and make comment on.

Maintaining an efficient development approval process requires regular ongoing efforts to make sure the process is effective and reasonable. Since introducing the Planning and Development Act in 2007, the government has monitored its operation, has listened to industry and the community, and continues to make improvements as required. It has not just reformed the planning and development system and then sat back and done nothing more. The government has kept an open mind and continues to be fluid in looking for ways to improve processes.

This bill is another example of the government being proactive to promote development in the ACT to the benefit of the whole community. I commend the bill to the Assembly.

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

## **Animal Welfare Amendment Bill 2016**

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

Title read by Clerk.

**MS FITZHARRIS** (Molonglo—Minister for Higher Education, Training and Research, Minister for Transport and Municipal Services and Assistant Minister for Health) (11.43): I move:

That this bill be agreed to in principle.

I am pleased today to present the Animal Welfare Amendment Bill 2016. In presenting the bill, I would like to thank the territory's peak animal welfare representative bodies, RSPCA ACT, the Animal Welfare Advisory Committee and the Veterinary Surgeons Board, for the important role they have played in these reforms, and for their ongoing role in protecting animal welfare in the ACT.

In October last year, I tabled a motion noting the efforts of RSPCA ACT, and called on the government to legislate for improved animal welfare, in consultation with our key stakeholders. The Animal Welfare Amendment Bill 2016 delivers on that undertaking, and demonstrates this government's commitment to working together with experts in our community. The bill is informed by the experience and expertise of the Animal Welfare Advisory Committee, the Veterinary Surgeons Board, and the RSPCA, which performs animal welfare inspectorate functions in the ACT.

The RSPCA has identified a number of emerging trends, including an increasing number of cases involving extreme neglect of animals; inspectors being threatened and assaulted on the job; and owners of seized animals indirectly shifting the costs of their animal's treatment and care to the territory. In relation to legislative and operational matters, both the Animal Welfare Advisory Committee and RSPCA expressed concerns about the operation and effectiveness of prohibitions on neglect, cruelty and cockfighting spurs; the need to update the act to improve and assist the performance of animal welfare inspectorate functions; and the operation and range of orders that can be made by the court to deter and prevent cruelty to animals.

A number of recent cases demonstrate these concerns. I would like to warn members that what I am about to discuss may be distressing to some members and to others who are present in the chamber today, and I do apologise in advance, Madam Deputy Speaker. These stories demonstrate the necessity of these reforms, and this is just a small selection. It is also a small selection of the range of issues animal welfare advocates in our community experience on a weekly basis.

In April 2014, the RSPCA visited a home and found four dogs that were emaciated and sick. One dog had an infected ulcer and was infested with mites. A second was infested with fleas. A third had a bacterial infection in its ear. I understand that none of these animals had been treated for any of these conditions. The animals in the yard had no shelter. A fourth dog was found locked inside the house in a room covered with faeces and rubbish. Inspectors believe that this dog had not been given water for several days. The owner was in Queensland. All four of her dogs were starving.

In September 2014, the RSPCA visited a home to investigate complaints about the welfare of two dogs. Both dogs were in poor condition and very skinny. The first dog was infested with fleas and had discharge coming from both eyes and one ear. The second dog, a large rottweiler cross, was tied to a trampoline in the yard, on a lead that gave it only 20 centimetres to move. This dog was unable to access food, water or shelter. It, too, had discharge coming from its eyes. It, too, was suffering from an untreated ear infection. The rottweiler's skin was thickened and inflamed as a result of untreated dermatitis.

Last year the RSPCA visited a home and found a dog that had suffered third-degree burns to its body after it was scalded in cooking oil. Despite the severity of the injury and his pet's obvious suffering, the owner had not sought treatment for his pet. One of the animals I have spoken about today had to be put to sleep because it was neglected so badly that an otherwise treatable condition became terminal.

Madam Deputy Speaker, when these cases were prosecuted, the construction of the offence required the territory to demonstrate that the owner's neglect had caused the animal pain. This issue of construction was the source of recent comment by Justice Burns, His Honour noting in his judgement:

It will immediately be observed that section 8(2) of the Act does not criminalise all forms of neglect of an animal, but only those that cause the animal pain.

This issue has two consequences. First, neglect becomes harder to prosecute, because it is not against the law to neglect your pets; it is only a problem if they feel pain as a consequence of neglect. Second, the community starts to think that neglect is not such a big deal.

To fix this problem, this bill provides that a person in charge of an animal has a duty to care for the animal. A person in charge of an animal commits an offence if the person fails to take reasonable steps to provide the animal with appropriate food and water, shelter or accommodation, opportunity to display behaviour that is normal for the animal, or treatment for illness, disease or injury; or if the person abandons the animal.

The construction of the duty to care, and the clear list of offences that constitute a failure of the duty, responds to situations like the ones I have just described. Through these amendments, the territory's animal welfare legislation will send a clear statement about responsible ownership of animals. The provisions impose no onerous requirements. Like us, animals require food and water. Like us, they need shelter from Canberra's hot summers and a place to keep warm during our cold winters.

The opportunity to display behaviour that is normal for the animal aims to capture tethering of animals, like the example I have already given of the dog that was given just 20 centimetres of movement in any direction. The requirement to take reasonable steps to provide appropriate treatment for illness, disease or injury also responds to cases like the ones I have mentioned today. These amendments are as practical as they are simple to follow.

Sometimes, unfortunately, people do not get proper treatment for their pets because they might fear a costly vet bill. I know the RSPCA see this as a problem, and they are only too happy to help people facing financial hardship with very manageable payment plans if that is necessary.

The bill also makes changes to more clearly and objectively identify cruelty and facilitate the prosecution of acts of cruelty. These key changes respond to the representations of our stakeholders and reflect the territory's ability to develop sensible and progressive reforms.

Amendments to the prohibition on spurs will more clearly and effectively capture cockfighting spurs and similar devices that are attached to an animal that lets the animal cause injury to another animal. Amendments will require any person who possesses these items to demonstrate that they are kept only for display or as part of a collection that is not intended for use on, or in relation to, an animal.

The maximum penalty for possession of a prohibited item is increased from five penalty units to 20 penalty units, or \$3,000. The maximum penalty for a person who uses a prohibited item on or in relation to an animal will remain at 100 penalty units, or \$15,000, imprisonment for one year, or both. The government's objective in amending the spurs offences is not just to increase the penalty but also to more effectively capture and prosecute offences involving these devices.

I referred also to concerns about inspectors being threatened and assaulted on the job. I am sure all members will agree that our laws must also protect the people who devote themselves to the protection of animals and the prevention of cruelty. To assist in the important work they do, this bill also updates the powers of inspectors and authorised officers so they can do their job effectively and safely in the interests of all involved: owners, animals, our authorised officers, and anyone else who may be present.

The updated powers will allow an inspector or authorised officer to require a person to take reasonable steps to comply with the requirements made of them by an inspector or authorised officer, give their name and address in circumstances where an inspector or authorised officer believes on reasonable grounds that the person has committed, is committing or is about to commit an offence against the act, or may be able to assist in the investigation of an offence against the act. These powers are consistent with the powers already exercised by officers authorised under other regulatory laws in the territory. They will be exercised in limited and specific circumstances within the existing framework for intervention and enforcement.

The bill also responds to concerns that some owners are indirectly but increasingly shifting the costs of their animal's care and treatment to the territory. These costs are ultimately borne by the community. As I noted last October, the RSPCA had asked the government to consider solutions to help manage the costs of caring for and treating seized animals. Caring for and treating animals seized under the Animal Welfare Act can be a resource-intensive and costly undertaking. The government's approach to this issue maintains policy consistency with the Domestic Animals Act 2000, which provides that an owner of an animal seized under the animal nuisance provisions is responsible for any costs or expenses incurred by the territory for seizing or impounding the animal.

The bill will allow a court to make an order in relation to the payment to the territory of expenses incurred in the care of animals. This new provision contemplates the services that are provided by the RSPCA on behalf of the territory. The approach we have taken is consistent with animal welfare legislation in New South Wales and the Northern Territory. I hope these amendments will reiterate the importance of responsible animal ownership and deter owners from neglect.

I have talked already about amendments that will facilitate the identification, investigation and prosecution of animal welfare offences. Further components of this framework are amendments that will allow the court to play a greater role in the prevention of cruelty to animals. The current act allows the court to impose an order on conviction which effectively bans a person from having an animal if the court

believes the person would be likely to commit further offences against the animal or any other animal. However, we know from the RSPCA that some people whose animals are seized in relation to alleged neglect and cruelty offences actually obtain more animals before the conclusion of the proceedings, which are then vulnerable to the same neglect or cruelty. To correct this unintended gap in the legislation, the bill provides for the court to make an interim order at the beginning of proceedings, prohibiting the person from obtaining any further animals until the proceedings against them are concluded. We have also corrected a problem in the operation of the existing power so that an order made at sentencing to prohibit a person from owning an animal is not dependent on the person owning an animal at the time of sentencing.

With this bill, the government is sending a strong message that this community will not tolerate animal neglect or cruelty. At the outset of this speech I mentioned a motion calling on the government to develop a long-term strategy and legislation on animal welfare. I am pleased to be able to deliver on one part of the motion today. While the motion asked for a strategy to be delivered by March, I ask for members' patience as the government works with our partners and animal welfare in refining that strategy. I look forward to being able to bring forward the ACT government's animal welfare strategy shortly.

I commend the bill to the Assembly.

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

## **Smoke-Free Legislation Amendment Bill 2016**

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

Title read by Clerk.

**MS FITZHARRIS** (Molonglo—Minister for Higher Education, Training and Research, Minister for Transport and Municipal Services and Assistant Minister for Health) (11.56): I move:

That this bill be agreed to in principle.

It is with pleasure that I introduce the Smoke-Free Legislation Amendment Bill 2016. This bill will protect the health of the ACT community from the potential harms associated with personal vaporisers, also more commonly known as electronic or e-cigarettes. It will mark important progress in the ACT government's commitment to protect the health of the community, particularly children under the age of 18 years.

The measures outlined in this bill are designed to regulate the sale, use and promotion of personal vaporisers in line with traditional tobacco products. The bill represents a prudent precautionary approach by the ACT government to prevent the widespread uptake of personal vaporisers in our community, including by non-smokers and children, whilst still allowing adults the freedom to purchase personal vaporisers that do not contain nicotine from licensed tobacco sellers.

The measures in the bill also protect against the renormalisation of smoking behaviours in the community. These hard-fought gains in tobacco control made over previous decades have seen the ACT record the lowest rate of adult daily smoking in Australia and continue the ACT's long history of achievement and national leadership on tobacco control.

The bill will also reduce the risk of personal vaporisers acting as a gateway to tobacco use for non-smokers, especially for children and young people. Personal vaporisers are devices designed to produce a vapour that the user inhales. Many devices use an electric element to heat liquid to produce vapour, and these devices are used in a manner that simulates smoking.

I am pleased to announce that this bill will introduce restrictions on personal vaporiser sales and promotion in the ACT in line with existing restrictions on tobacco and herbal products. This includes prohibiting the sale of e-cigarettes to under-18s and restricting in store and point-of-sale advertisements and displays.

This bill will also prohibit the use of personal vaporisers in legislated smoke-free areas, including all enclosed public places, for example, shopping centres, cinemas, office buildings, buses, taxis, restaurants, pubs and clubs, outdoor eating or drinking places, under-age music functions and in cars when children are present.

The bill amends the Tobacco Act 1927 to regulate the sale and promotion of personal vaporisers in the same way as tobacco and herbal products and apply the same offences for non-compliance. It also amends the Smoke-Free Public Places Act 2003 and Smoking in Cars with Children (Prohibition) Act 2011 to prohibit the use of personal vaporisers in legislated smoke-free areas and apply the same offences for non-compliance.

The bill also makes changes to the Smoke-Free Public Places Act 2003 to clarify the application of existing smoke-free laws at outdoor eating and drinking places. This bill utilises the existing regulatory framework for tobacco control to facilitate compliance and enforcement with the measures, avoiding the need to establish a separate licensing system.

There are a wide variety of personal vaporiser products that differ in their design, operation and appearance, as personal vaporiser technology is continually evolving. Some devices are made to look like tobacco products such as cigarettes or pipes, whereas some resemble everyday items such as pens and lipsticks. This amendment bill uses the term "personal vaporiser" in order to encompass the breadth of personal vaporisers currently on the market and allow flexibility to include devices that may emerge in the future as the technology and market evolve.

From a long-term health perspective, personal vaporisers are yet to be proven to be safe to use, and widespread use risks renormalising tobacco smoking in the community. In March 2015 the National Health and Medical Research Council advised:



There is currently insufficient evidence to conclude whether e-cigarettes can benefit smokers in quitting, or about the extent of their potential harms. It is recommended that health authorities act to minimise harm until evidence of safety, quality and efficacy can be produced.

With this bill, the ACT government is acting to regulate personal vaporisers in line with traditional tobacco products until further evidence on their efficacy and safety becomes available. Currently in the ACT the sale of personal vaporisers that contain nicotine is illegal without approval under the Medicines, Poisons and Therapeutic Goods Act 2008. The sale of nicotine-free personal vaporisers is not prohibited under public health laws, provided no therapeutic claim is made. Only products registered with the Therapeutic Goods Administration may carry a therapeutic claim.

As new products and further scientific evidence relating to personal vaporisers become available, there may be a need to review the restrictions that apply to the devices or particular models. In the interim, this bill moves to protect children and young people, our future generations, from the possible harms associated with personal vaporiser use.

This bill marks another important milestone in achieving the ACT government's goal to improve public health and protect the community from tobacco-related harm. I am proud to say that it will, therefore, enable a cleaner, healthier Canberra for future generations to come. I commend the bill to the Assembly.

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

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

### **Statement by chair**

**MADAM SPEAKER:** Pursuant to Standing Order 246A, I wish to make a statement on behalf of the Standing Committee on Administration and Procedure in response to the resolution of the Assembly of 18 February 2016 which referred proposed amendments to the standing orders to allow for the co-sponsorship of bills to the committee for its consideration.

The committee discussed the proposed amendments which would allow more than one member to sponsor a bill to be presented to the Assembly. The committee supported the proposed changes to standing orders, noting that with an enlarged Assembly from October 2016, the changes support the possibility of collaborative approaches to the development of legislation.

## **Estimates 2016-2017—Select Committee**

### **Membership**

**MADAM SPEAKER:** I have been notified in writing of the following nominations for membership of the Select Committee on Estimates 2016-17: Ms Burch, Mr Doszpot, Mr Hinder and Mr Smyth.

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

That the Members so nominated be appointed as members of the Select Committee on Estimates 2016-2017.

**Planning and Development Act 2007—variation No 334 to the territory plan**  
**Motion to reject**

**MR COE** (Ginninderra) (12.04): I move:

That this Assembly, in accordance with subsection 80(2) of the *Planning and Development Act 2007*, rejects Variation No 334 to the Territory Plan—ACT Public Housing Redevelopments—Red Hill section 25 block 1, section 26 block 1, section 29 blocks 26 to 34, section 31 blocks 1 to 15 and block 49 and section 32 blocks 51 to 55 Red Hill Housing Precinct.

The Canberra Liberals have serious concerns about draft variation 334 and the way the government has conducted the variation process. We are concerned that the government has not listened to the community and has refused to allow scrutiny of this decision. What the government has proposed is not the best planning outcome for Red Hill or, indeed, for Canberra more generally. The people of Canberra are sick of the gamesmanship and disingenuous way in which the government communicates with the community. Right across Canberra we see the government supposedly consult when, in actual fact, the outcome is a done deal. We also repeatedly see situations where the government seemingly deliberately inflates development sizes and densities only to slightly wind them back later on and in doing so expects people to be grateful. This is not the way a government should conduct business with its citizens.

I commend the Red Hill residents who have navigated the seemingly impenetrable territory plan to get to the bottom of what this variation actually means in reality. Stuart Rogers, Melissa Bennet and numerous others have done a very good job in tracking and keeping people informed about this issue. The original draft variation 334 allowed development of up to six storeys as well as a basement car park. However, the current buildings on the site are a maximum of three storeys in height. So, under the original variation, the height of the buildings could double. It is, of course, no surprise that residents were shocked that the government would even consider buildings of this height.

Another concerning aspect of the variation is the fact that there is no height limit in metres included. Although development is limited when it comes to the number of storeys that can be built, the total height of the buildings is not set. The community is concerned because it is not clear how high the buildings will end up being. A height limit that does not limit the height in metres is not really a limit at all. I have spoken often about the importance of certainty in the planning space, and this is yet another example of the government legislating for uncertainty. A height limit in metres would make it clear to residents what they could expect to have built in their suburb. Why is it not possible for the government to include this information in the variation? What are they trying to hide?

The final approved variation allows for a maximum of four storeys. However, it also allows for basement parking and attics. With exposed basements and attics, this means that buildings of effectively five or six storeys could be built on the site. This is not a reasonable outcome for this sort of development adjacent to a local centre with inadequate public transport. It is not appropriate for the area to have five or six-storey buildings. The government has made a small concession when it comes to building heights, but in doing so it has proved just how out of touch it is with community concerns and, indeed, with good planning. It is yet another case of the government doing too little too late and patting itself on the back for seemingly being generous to the community.

The community is also very concerned about the increased density this variation will allow. The government has not made it clear how many dwellings are likely to be built on the site, so residents are understandably concerned about the potential huge increase in density of the area. A significant increase in the number of dwellings will also have a marked impact on traffic and other services in the area.

The community is understandably very concerned that this impact has not been properly considered by the government when making the decision to approve the variation. In fact, it seems that the government has chosen to ignore the advice about traffic when advised that certain surrounding streets would be over capacity if the development went ahead. Any significant increase in the number of residents in a suburb should be very carefully considered. An increase in density always has an impact on the surrounding infrastructure and services, especially infrastructure and services as old as that in the inner south. The government has not demonstrated that it has properly consulted about or considered the impact of this development or even that it has determined what the impact would actually be. It is a clear example of poor planning.

Draft variation 334 is yet another example of this government's sham consultation. The government claims that consultation on this variation is beyond the required amount. However, a larger number of people who would have expected to have been consulted about this variation have informed the opposition that they did not hear anything from the government; the first they heard was from the Red Hill Residents Group. Other people have informed the opposition that they were advised about the consultation period weeks after it had started. Residents are understandably frustrated that despite the clear desire from the community to have a maximum of around three storeys for buildings, the government simply has not listened. Instead it has made a change which is clearly not in line with community views and expects the community to be thankful that they got a small concession.

The residents of Red Hill and surrounding suburbs are concerned about draft variation 334. They have tried to engage with the government to achieve a good result for the community. Last year Mr Doszpot tabled a petition that called for the variation to be redrafted. However, the minister's response to the petition did not address residents' concerns. The minister also had the opportunity to refer the variation to the planning committee for an inquiry. This would have ensured that the community had an opportunity to share its views in a public sense. As a result of an inquiry, a better variation would probably have been developed. However, the minister chose not to refer the variation to the committee and instead approved the variation in a hurry.

Refusing to refer the variation to the committee, even though there was clearly significant concern about its contents, shows just how arrogant the government has become. It refuses to let the community have their say. It refuses to have its decisions scrutinised. When the minister approved the variation, the community was unaware of the slight amendments that had been made until they had been approved. There was no opportunity for them to let the government know that the changes that were made did not address the fundamental concerns. For a government that claims to take consultation very seriously, this is another example which shows that that consultation is a sham.

The Canberra Liberals share the community's concern that RZ5 is inappropriate for this site. Putting potentially hundreds of apartments on this site is simply not the best planning outcome. The Canberra Liberals firmly believe that high density development should be undertaken in town centres and in major group centres where they can be adequately serviced by appropriate infrastructure. We understand that high density development appeals to many people, but we do not believe local centres are the appropriate place for high density development.

Residents have pointed out that the Red Hill site is not well serviced by public transport, and although it is close to local shops it is not close to other important services which usually go hand in hand with such high density development. The impact of a high density development on the existing infrastructure will surely be detrimental not just for the current residents but, indeed, for future residents too. We believe it is more appropriate to build high density developments where they can be properly supported by infrastructure and other important services.

We believe RZ3 would be a far more appropriate zoning for this area. I commend Mr Doszpot for his steadfast commitment to his constituents on this issue. He has been a true advocate for the community and for good planning outcomes. He should be commended for the sincere and genuine way in which he approaches this issue and others. The people of Molonglo, including the inner south, should be grateful for his work on this issue. In contrast, after the sitting started today at 10 am Mr Rattenbury called me to say that he had chatted with Mr Gentleman and that they would be adjourning this disallowance motion today. He told me there is confusion in the community about a number of issues.

I am very disappointed that Mr Rattenbury has left it until the eleventh hour to notify me that they were refusing to debate this issue today. All the concerned people in the gallery today should be let down by this fact. It was on the agenda today, and Mr Rattenbury and the government knew that. There was ample opportunity to let us know in advance that this would not be brought on for discussion today.

We feel that Mr Rattenbury needing more time to listen to the community and to actually comprehend what this means suggests that, at best, he does not understand the issue or, at worst, he is simply trying to buy more time. Rather than his view that there is confusion in the community, I suggest that there is indeed confusion in his office. There is no reason for this, given that Mr Gentleman, Mr Rattenbury and I

have all been kept well abreast of the issues and the facts by many people, including residents of Red Hill.

Madam Speaker, given the variation has already been approved and I am now seeking to disallow it, the zoning in place right now is as per the variation. If Mr Rattenbury's adjournment is successful it means we will not be discussing this again until April. I certainly hope the ship does not sail in the coming weeks regarding this matter, because it is quite possible that the government will accelerate their plans to dispose of this site in the coming weeks. If that happened it would be one of the biggest betrayals we would have seen in this place for many years. The opposition opposes this variation, and that is why we are seeking to disallow it. We hope those opposite agree.

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

That the debate be adjourned.

Question put.

*A division being called and the bells being rung—*

*Members interjecting—*

**MADAM SPEAKER:** Mr Doszpot and Mr Rattenbury, it is disorderly to conduct debate across the chamber—

*Mr Doszpot interjecting—*

**MADAM SPEAKER:** Mr Doszpot! It is disorderly to conduct debate when I am making a ruling, and it is also disorderly to conduct debate across the chamber while the division bells are ringing.

**Mrs Jones:** Can a point of order be taken while the division bells are ringing?

**MADAM SPEAKER:** Yes.

**Mrs Jones:** Madam Speaker, I ask that you ask Minister Rattenbury to withdraw the words “get off your high horse” directed at Mr Doszpot.

**MADAM SPEAKER:** I do not know that “getting off your high horse” is disorderly. I have already drawn members' attention to the—

*Mr Doszpot interjecting—*

**MADAM SPEAKER:** inappropriateness of exchanges of that nature during a division, Mr Doszpot.

The Assembly voted—

Ayes 9

Noes 8

Mr Barr  
Ms Berry  
Dr Bourke  
Ms Burch  
Mr Corbell

Ms Fitzharris  
Mr Gentleman  
Mr Hinder  
Mr Rattenbury

Mr Coe  
Mr Doszpot  
Mrs Dunne  
Mr Hanson  
Mrs Jones

Ms Lawder  
Mr Smyth  
Mr Wall

Question so resolved in the affirmative.

Debate adjourned to the next sitting.

### **Standing orders—co-sponsorship of bills Proposed amendments**

Debate resumed from 18 February 2016, on motion by **Mr Rattenbury**:

That the motion be agreed to.

**MR SMYTH** (Brindabella) (12.21): The opposition will be supporting the change to standing orders.

Question resolved in the affirmative.

**Sitting suspended from 12.21 to 2.30 pm.**

### **Questions without notice Hospitals—bed occupancy rate**

**MR HANSON**: My question is to the Minister for Health. In 2013-14, the Health Directorate annual report noted that due to “increasing pressure on ACT public hospitals” the ACT bed occupancy target had been increased from the desirable 85 per cent to a less safe 90 per cent. On 18 February 2016, I asked you, “Minister, do we have sufficient hospital beds?” Your answer was, “Unequivocally, yes.” Minister, how many hospital beds do we have in the ACT public health system, and where are they?

**MR CORBELL**: The exact number of beds is around 1,000. I am happy to get the exact number for Mr Hanson. What was the second part of your question?

**Mr Hanson**: Where are they located?

**MR CORBELL**: In our hospitals.

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

**MR HANSON:** I was hoping for a bit more of an accurate answer. Minister, if we have, as you say, sufficient hospital beds—unequivocally enough hospital beds—

**MADAM SPEAKER:** Preamble.

**MR HANSON:** why was the ACT bed occupancy target increased to 90 per cent, which is considered less safe by the AMA?

**MR CORBELL:** Bed occupancy is driven by a range of features. Effective utilisation of beds will be a very important part of managing demand in our hospital system moving forward. Certainly, the analysis that I have seen undertaken—and the advice from the Health Directorate confirms—is that we can continue to see improved utilisation of existing bed numbers without compromising on quality care. So we remain very focused on doing that. I note the AMA's views on what is an appropriate level of bed occupancy. We do not always agree with the AMA, and we do not on this occasion. They are of course an advocacy body for doctors, but they are not managers of public hospital systems. So we have due regard to the views of stakeholders such as the AMA, but we do not always agree.

The work that we are undertaking ensures that we have effective bed utilisation. In the most recent months, the government has implemented a range of further reforms to improve bed utilisation in our public hospital system to reduce the delays in seeing people admitted, for example, from the emergency department into public hospital wards. That has involved centralisation of bed management arrangements and improving flows of patients from areas such as the ED into the hospital proper, and that will remain a key focus for us.

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

**MRS JONES:** Minister, why did the government this term change the way in which bed occupancy is measured, now making the Health Directorate's performance data look better?

**MR CORBELL:** The government remains committed to an average overnight bed occupancy rate of 90 per cent and we are tracking at that rate right now. This is not an uncommon level of bed occupancy or bed utilisation across the Australian states and territories. We remain committed to continuing to improve bed occupancy rates—

**Mr Hanson:** Point of order, Madam Speaker.

**MR CORBELL:** Bed occupancy figures—

**MADAM SPEAKER:** Sit down, please, Mr Corbell. Stop the clock, please.

**Mr Hanson:** It is a point of order on relevance. The question was: why did the government actually change the way that the bed occupancy rates in the ACT are calculated, which then made the data look better—rather than the answer that the minister is giving. It does not go to that.

**MADAM SPEAKER:** I uphold the point of order and remind the minister that in accordance with standing order 118(a) he should be directly relevant to the question, which was, according to my notes: why did the government change the measurement?

**MR CORBELL:** We changed the measurement to reflect demand. That is a realistic and sensible thing for any government to do.

**Mr Hanson:** Point of order, Madam Speaker, on relevance.

**MR CORBELL:** I have just answered the question, Madam Speaker.

**MADAM SPEAKER:** Mr Hanson on the point of order. Stop the clock.

**Mr Hanson:** He should explain the relevance, not the figure—the 85 per cent to 90 per cent. He should explain the way in which the data is collected and accounted for to record bed occupancy. The government changed those figures in the last annual report—

**MADAM SPEAKER:** Can you get to the point of order?

**Mr Hanson:** so the minister is not answering the question, which is: why has the government changed the way in which bed occupancy is measured, not the target? It relates to the way it is measured.

**MADAM SPEAKER:** On the point of order, I think that it relates to my upholding my previous point of order but—

**Mr Hanson:** Yes, note this, Simon.

**MADAM SPEAKER:** Do not interrupt me, Mr Hanson, when I am making a ruling. As I was saying, it relates to the previous occasion on which I upheld the point of order but seeing that Mr Corbell had probably got 27 seconds out—probably less—it is hard to tell whether he is going to comply with my ruling on the point of order. I call the Minister for Health.

**MR CORBELL:** Thank you, Madam Speaker. As I said, why did we change the measure? We changed the measure to reflect increases in demand. That is why we changed the measure. But I can provide some further advice on how we are tracking against that—

**MADAM SPEAKER:** The member's time has expired. I thought I had asked for the clocks to be stopped, but I obviously had not; I am sorry. A supplementary question, Mrs Jones.

**MRS JONES:** Are any of the public hospital beds counted in fact as chairs, pools or gym equipment as previously asserted?

**MR CORBELL:** The figures are reported consistent with the national methodology.



**Asbestos—management issues**

**MR COE:** Madam Speaker, my question is to the Chief Minister. Minister, your answer to question on notice 539 states that four development applications and dozens of building applications were approved for Mr Fluffy properties in 2013 and 2014 for external works or building alterations. Chief Minister, why would the government allow for such approvals to be made, be it by ACTPLA or by certifiers?

**MR BARR:** Development applications are assessed independently by the planning authority and are done on a case-by-case basis.

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

**MR COE:** Chief Minister, were all the tradespeople for these sites informed of the risk of working on Mr Fluffy properties?

**MR BARR:** That may be a very difficult question to answer without knowing the name of every single person who may have worked on a particular project. I will need to take some advice from the relevant agency in relation to that.

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

**MR HANSON:** Minister, how are tradespeople informed prior to working on a Mr Fluffy property?

**MR BARR:** A list of Mr Fluffy properties is publicly available. Industry associations are also working in close partnership with the government on this matter.

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

**MR HANSON:** Prior to the 2013-14 notification, how were tradespeople employed?

**MR BARR:** That would require a check of the building file.

**Housing—east Greenway**

**MS LAWDER:** My question is to the Chief Minister. On 23 February the public housing renewal task force held a community meeting about the new public housing development on block 2 section 28 in east Greenway. The ACT government has changed the zoning of this block from leisure and accommodation to medium density. It has been reported to me that this block has been filled using soil from the excavation creating Lake Tuggeranong. The ACT government has expressed its commitment to the salt-and-pepper policy. However, there are no local shops in east Greenway. The closest public transport is on Drakeford Drive. Chief Minister, is it true that block 2 section 28 in east Greenway was filled using material excavated in the creation of Lake Tuggeranong? If so, is that a suitable base on which to build multi-storey medium density housing?

**MR BARR:** It is an interesting question. I am not certain of the soil composition on that particular site. That would of course be part of any assessment process for housing in such a location.

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

**MS LAWDER:** Chief Minister, how will building a new public housing development in east Greenway, where there are no local shops and inconvenient public transport, enable public housing tenants to access local services and actively participate in their community?

**MR BARR:** The proximity of east Greenway to the future Southquay development as well as the existing Tuggeranong town centre makes it a desirable location.

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

**MR SMYTH:** Chief Minister, what has been the public housing renewal task force response to the public feedback received about this development?

**MR BARR:** They have actively considered the range of representations and views on the specific issue, commissioned further studies and made alterations.

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

**MR SMYTH:** Chief Minister, what will be the percentage of public housing in east Greenway—that is east Greenway alone—when this proposal for 26 new public housing dwellings is included?

**MR BARR:** Broadly consistent with overall public housing densities around various suburbs in the ACT.

### **Federal government—spending cuts**

**MR HINDER:** My question is to the Chief Minister. What effects are the massive cuts imposed by Tony Abbott and Joe Hockey in 2014 having on Australia's—

**MADAM SPEAKER:** Sit down, Mr Hinder. Yesterday, Mr Hinder, we spoke about the way in which you refer to members in this place and in other places. Can I ask you to rephrase the question in accordance with the standing orders?

**MR HINDER:** Thank you, Madam Speaker. Chief Minister, what effects are the massive cuts imposed by the federal Liberal government in 2014 having on Australia's health and education systems?

**MADAM SPEAKER:** Could you read the question again for me, please. Can you read the question as you read it before, Mr Hinder?

**MR HINDER:** Chief Minister, what effects are the massive cuts imposed by the federal Liberal government in 2014 having on Australia's—and I should be saying "the ACT's"—health and education systems?

**MADAM SPEAKER:** I was going to rule the question out of order and give you an opportunity to rephrase, because there is no-one in this place who has responsibility for Australia's health and education system. I will give you the opportunity to rephrase the question to make it comply with the standing orders. Mr Hinder.

**MR HINDER:** Thank you, Madam Speaker. Chief Minister, what effects are the massive cuts imposed by the federal Liberal government in 2014 having on the ACT's health and education systems?

**MR BARR:** I thank Mr Hinder for the question.

**Mr Coe:** A point of order.

**MADAM SPEAKER:** A point of order.

**Mr Coe:** Madam Speaker, under the administrative orders health and education rest with different ministers.

**MADAM SPEAKER:** Stop the clock, please.

**Mr Coe:** In light of that, I wonder why the Chief Minister has the call.

**MADAM SPEAKER:** The Chief Minister, being the Chief Minister, can answer questions on any portfolio. The Chief Minister, Mr Barr.

**MR BARR:** Thank you, Madam Speaker.

*Opposition members interjecting--*

**MADAM SPEAKER:** Order! Mr Barr

**MR BARR:** I can take from the interjections of those opposite their determination not to hear the answer to this question that they are very sensitive about: the fact that their colleagues are cutting health and education funding.

*Opposition members interjecting—*

**MADAM SPEAKER:** Mr Barr, I remind you of the provisions of the standing orders: that you address the chair and you be directly relevant to the question.

**MR BARR:** Thank you, Madam Speaker. In short, the impacts of the federal government's cuts to health and education are catastrophic. That is not a word that is being used just by every state and territory leader, Labor or Liberal, but, in fact, one that is well understood by those who provide services in the health and education sectors.

In the ACT it means the equivalent loss of funding for 58,000 elective surgery procedures by 2026. The funding could have delivered 1,200 nurses into our system or 80 intensive care unit beds or 340 general inpatient beds in the territory. This is a significant—

*Opposition members interjecting—*

**MADAM SPEAKER:** Order! Members on my left will come to order.

**MR BARR:** This is a significant cut not only to the ACT's health system—

**Mrs Jones:** It was never funded.

**MADAM SPEAKER:** Mrs Jones!

**MR BARR:** but the health system of all states and territories. And if it was never funded, Madam Speaker, there is no way that the coalition in 2014 could claim it as a saving, and yet their budget papers claimed it as a saving. It cannot be both—it cannot not exist and be a saving. It was in the budget papers as an \$80 billion saving. As much as that might be inconvenient for Mrs Jones—who is one of the great deniers in this place of the appalling record of her federal colleagues—in this instance you cannot claim an \$80 billion saving and then say the money was not there.

You cannot claim that this will have no impact on health services when all of your state and territory colleagues are saying it will. The Canberra Liberals are the exception. They appear to be the only branch of the Liberal Party in this country at a state or territory level that wants to defend the \$80 billion cuts to health and education. They are the only defenders; over there, Mr Hanson, the Leader of the Opposition, is the only person at a state or territory level for the Liberal Party prepared to say, “Yes, I want my federal colleagues to cut \$80 billion from the health and education budget.” That is the position of the Leader of the Opposition. That is exactly what we are seeing from the Leader of the Opposition. That is what we see—defending the indefensible day after day.

*Opposition members interjecting—*

**MR BARR:** Here we go again. This is what animates them: defending \$80 billion in cuts. They otherwise sit there—

*Opposition members interjecting—*

**MR BARR:** They get a little bit excited, don't they! You get a bit excited when you are forced to confront the reality of what your colleagues are doing to hospitals and schools in this city. *(Time expired.)*

*Opposition members interjecting—*

**MADAM SPEAKER:** A supplementary question, Mr Hinder. Members on my left will come to order so that I can hear Mr Hinder.

**MR HINDER:** Chief Minister, have you and other state and territory leaders been working to recoup at least a portion of the health and education funding cut by the federal Liberal government?

**MR BARR:** Yes, we have been working hard, collectively, across party lines at a state and territory level to develop options and to advocate for the reinstatement of this funding. We need long-term funding solutions for our nation's health and education systems. Other leaders have told me that they are proceeding with the vocal, bipartisan support of some of their opposition counterparts at a state and territory level, support that we could only dream of in this place, because those opposite have dug in in support of their federal colleagues' \$80 billion cuts.

We tried and we advocated passionately to the former Prime Minister—and we are having another try with Prime Minister Turnbull—to come up with ways to ensure that the rises in health expenditure, which we all know are coming because of an ageing population and because of increased demand, do not completely consume state and territory budgets.

I note the New South Wales Premier's recent efforts to propose to the commonwealth a model of additional funding for the states which would at least extend the current activity-based funding arrangements for health out until the fiscal year 2019-20. That would buy us some time—a little more time—but it is still not a long-term solution to this challenge. Band-aids and short-term cash injections might be enough to get through the federal election, but they will not be good enough for the community in the long term.

*Mr Hanson interjecting—*

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

**MR BARR:** That is why we need movement from the federal government—

*Mr Hanson interjecting—*

**MADAM SPEAKER:** Mr Hanson!

**MR BARR:** and we need an end to the denying, the obfuscating, from those opposite in relation to this issue.

*Mr Hanson interjecting—*

**MADAM SPEAKER:** Mr Hanson, I warn you.

**MR BARR:** In relation to this issue, you are on your own. *(Time expired.)*

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

**MR HANSON:** Chief Minister, why did your government cut 60 hospital beds from the University of Canberra public hospital?

**MR BARR:** We did not, and this goes to the heart of the hypocrisy of the Leader of the Opposition. This man stands in this place and defends the cuts that have been made by his federal colleagues, and he is not prepared to stand up—

*Mrs Jones interjecting—*

**MR BARR:** He and the other colleagues here have done nothing. Mrs Jones leads the catcalls trying to defend the position of her federal colleagues.

**Mr Hanson:** Point of order on relevance, Madam Speaker.

**MADAM SPEAKER:** Point of order. Can we stop the clock?

**Mr Hanson:** The question was directly about why the Chief Minister cut 60 beds from the proposed University of Canberra public hospital, not about federal funding from another parliament two years ago.

**MADAM SPEAKER:** I think in his very first sentence the Chief Minister said that they had not cut the beds, and he has another one minute and 30 seconds to continue answering the question if he so chooses. Mr Barr.

**MR BARR:** Thank you, Madam Speaker. The sensitivity of the Leader of the Opposition on this is very telling, isn't it? What we have seen here is an absolute failure to stand up for this jurisdiction, an absolute failure to stand up for this jurisdiction on one of the most fundamental issues in this country at this time. Mike Baird, Will Hodgman, Adam Giles, Colin Barnett—they can all manage.

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

**MADAM SPEAKER:** On a point of order.

**Mr Hanson:** My point of order is under standing order 42. Could you ask the Chief Minister to address his comments through you, please.

**MADAM SPEAKER:** I have already—

*Mr Hanson interjecting—*

**MADAM SPEAKER:** Order, members! Mr Hanson, if you make a point of order, perhaps it would be polite of you to sit in silence while I have an opportunity to rule on the point of order. That would be helpful. I have already reminded the Chief Minister once today.

*Mr Corbell interjecting—*

**MADAM SPEAKER:** Mr Corbell, you are a serial offender in interrupting while I am attempting to make a ruling—as well as Mr Hanson. I remind you of that fact. I have already reminded the Chief Minister once today about the standing order in relation to addressing the chair. The Chief Minister has 55 seconds left.

**MR BARR:** Thank you, Madam Speaker. This reflects the sensitivity that we see from the Leader of the Opposition on this point. The other Liberal leaders at a state and territory level recognise what this means for state and territory budgets, what this means for their local communities. Their position is to want to fight for their communities and their share of health and education funding, but the reflex instinct of the Canberra Liberals is to fall in behind Tony Abbott. That is what we have seen—

**MADAM SPEAKER:** Again I ask you to refer to members of parliament by their appropriate titles.

**MR BARR:** Fall in behind the former Prime Minister, Tony Abbott.

**MADAM SPEAKER:** Mr Abbott; “Tony” is not a title.

**MR BARR:** The former Prime Minister Mr Abbott, the member for Warringah.

**MADAM SPEAKER:** Good; you got it right.

**MR BARR:** Fall in behind—(*Time expired.*)

*Members interjecting—*

**MADAM SPEAKER:** I think Ms Burch is on her feet to ask a supplementary. I would like to hear Ms Burch’s supplementary question.

**MS BURCH:** Chief Minister, can you outline the action that you and the government are taking to stand up for Canberra’s education and health systems? Are there alternative proposals, and what will be the impact of these cuts on our families and children?

**MR BARR:** Yes, we continue to raise these concerns directly. We did so with the former Prime Minister; we do so with the current Prime Minister. We were to be having a Treasurers’ meeting tonight and tomorrow. That has been cancelled and bounced some time into the future, to what appears to be a yet uncertain federal budget date at this point, so fluid are arrangements at the federal level at this time. We, together with the other states and territories, will continue to advocate for a long-term funding solution for health and education because it matters for our community. They are our hospitals and our schools that are being cut by the decisions of the Liberal Party.

There are a range of promising proposals that are being put forward, including the “your child, our future” policy that the federal opposition has released, and it would mean that students in the ACT would benefit from an extra \$30 million in targeted federal investment if that policy option was adopted.

**Ms Burch:** A point of order.

**MADAM SPEAKER:** A point of order.

**Ms Burch:** You have warned those opposite a number of times not to interject. The Chief Minister, when he is trying to respond, has been constantly interjected on, and I am finding it difficult to hear him.

**MADAM SPEAKER:** I uphold the point of order and remind members of the opposition that they have been called to order. When I call you to order, I expect you to come to order or I will start naming people.

**MR BARR:** In the remaining 15 seconds: there are policy alternatives and other options. They have been put forward, and we look forward to them being matched by the federal government in the lead-up to the federal election, because we do need viable, long-term funding solutions for our city's hospitals and schools. *(Time expired.)*

### **Planning—Tuggeranong**

**MR SMYTH:** My question is to the minister for planning and it relates to your statement on 3 March in which you announced the need to investigate an area adjacent to the Tuggeranong town centre to determine its suitability for development. Minister, given the government's neglect of the Tuggeranong valley, what will you do to arrest economic decline and stimulate business and employment in the town centre?

**MR GENTLEMAN:** I thank Mr Smyth for his question and for his acknowledgement of the opportunity presented with some discussion on a possible future development for the west of Tuggeranong town centre. This would in my view, if it goes ahead, really give the opportunity to stimulate the Tuggeranong Hyperdome and the surrounding town centre.

Of course, it is early stages, as I said when launching this idea. We want to get the community on board at that early stage, as I did with the statement of planning intent. It went through community consultation, and this is the early stage of that. But it could provide a great opportunity to stimulate businesses for the territory. Indeed, we know that sales in Southquay are going extremely well. One would imagine that as those sales results come forward and people start to move into the area, that would provide some great stimulation for businesses.

At the recent pop-up cabinet, we visited several businesses in Tuggeranong that are actually thriving. They presented some of their personal issues in regard to things like parking but the customer base was very strong and they are going successfully. So I imagine that as we continue to spend our time and our efforts in revitalising that area we will see those results as well.

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

**MR SMYTH:** Minister, why have you taken so long to announce the possibility of such a new development?



**MR GENTLEMAN:** The LDA has undertaken some of the preliminary analysis for this area between the Tuggeranong town centre and the Murrumbidgee River in Tuggeranong, exploring the suitability of the land for development. I gave it that task with some work with the Chief Minister several years ago. It takes time to understand some of the challenges involved in those new urban areas. Of course, the ACT government has a strong policy of 50 per cent urban renewal as well as 50 per cent green fill. We want to make sure that that fits into our current planning policy.

The early feedback so far from the community has been very positive. There have been some concerns about the river corridor. They have been well viewed and well shown in the media as well. We will be taking all of that analysis on board as we move forward.

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

**MS BURCH:** Can the minister explain the benefits of keeping the development on this side of the river, adjacent to the town centre, as opposed to going over and further putting at risk the river corridor?

**MR GENTLEMAN:** Yes, we know that Senator Seselja floated the idea of doing residential development to the west of the Murrumbidgee. I can say that, in discussions with Senator Seselja just the other day, he was very keen on the new development being proposed by the ACT government. Added to that, he would like to see it go a little bit further. Of course, we have concerns about the environment. We also have concerns about the cost of going west of the Murrumbidgee. We know the Tuggeranong Community Council have a motion opposing going west of the Murrumbidgee. So we take those community concerns on board.

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

**MR WALL:** Minister, why is the government pouring massive resources into other areas of Canberra, including \$698 million for light rail, when Tuggeranong is deprived of basic amenities such as a clean lake and effective transport services?

**MR GENTLEMAN:** Of course light rail is part of our integrated transport network plan for the whole of the territory, not just one end of it. It is important that we focus on those areas where congestion is at its maximum. We know from the Infrastructure Australia report that if we do not do something about the cost of congestion it will be \$700 million a year to territorians in the near future. It is important to focus on options for public transport as well as focusing on Tuggeranong. That is what I will be doing, certainly as we move into the future, to provide better opportunities for the people of Tuggeranong to reside in probably some of the nicest landscapes you could imagine.

### **WorkSafe ACT—investigation**

**MR WALL:** My question is to the Minister for Workplace Safety and Industrial Relations. Minister, on 16 February you made a statement in this place detailing an answer to a question asked without notice in relation to a recent WorkSafe ACT investigation. You said:

WorkSafe is investigating the matter to determine whether Milin Bros acted lawfully in denying entry to the CFMEU under the WHS Act.

Minister, will you confirm that both the CFMEU and Milin Bros were investigated by WorkSafe ACT in relation to this matter?

**MR GENTLEMAN:** I would have to take that on notice. I do not have the detail in front of me.

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

**MR WALL:** Minister, what recommendations, if any, were made to government in light of the investigation of this conduct?

**MR GENTLEMAN:** Again I do not have the detail in front of me, so I will take that on notice.

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

**MR DOSZPOT:** Minister, were there any changes to WorkSafe ACT policy as a result of these investigations?

**MR GENTLEMAN:** There has been no change as far as I have been advised. As I said, I will take those earlier questions on notice and come back with the details.

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

**MR DOSZPOT:** Minister, what advice have you received in relation to this investigation?

**MR GENTLEMAN:** Only the advice that I described to the chamber in my previous answers.

### **Disability services—Therapy ACT**

**MRS JONES:** My question is to the Minister for Disability. Minister, in the last sitting week you said you could not provide any guarantees that no child would be worse off as a result of the closure of Therapy ACT at the end of this year. You have also said that Therapy ACT is supporting the transition of clients to non-government organisations. Minister, will you now guarantee that there will be adequate services available for existing and future clients of Therapy ACT, in particular those under school age post December 2016?

**DR BOURKE:** I thank the member for her question. Of course, what I talked about in the last week, when I got up after question time to tell the house more, was the child development service, which will be a continued service that will be provided after the closure of the NDIS. It will enable parents to take their child along for assessment and also will provide some therapy and assistance to enable them to deal with the many short-term problems that young children have and that parents want advice and support on, to be able to get them back into an appropriate space.

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

**MRS JONES:** Minister, when will the aforementioned closure of the NDIS occur, and how many non-government service providers with speech pathology experience are currently in operation in the ACT?

**DR BOURKE:** The NDIS will not be closing.

**Mrs Jones:** That is what you said.

**DR BOURKE:** That was the question. The question, as I recall, Madam Speaker, was: when will the NDIS be closing in the ACT? The NDIS will not be closing. As for the numbers—

*Opposition members interjecting—*

**MADAM SPEAKER:** Order, members!

**DR BOURKE:** Perhaps I misspoke and meant Therapy ACT. But what I was talking about was the exact numbers for therapists within the service. I will take that on notice and provide a more detailed answer and a specific answer to the Assembly, because I know that is what Mrs Jones wants.

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

**MR WALL:** Minister, how many non-government service providers with occupational therapy expertise are currently in operation in the ACT?

**DR BOURKE:** I know that there are dozens of service providers seeking to work in this area within the ACT but, once again, I shall come back to the house with the specific number because I know that is exactly what Mr Wall wants.

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

**MR WALL:** Minister, will you guarantee that the same issues that faced families as a result of the cessation of government-run early intervention programs will not be repeated when it comes to the closure of Therapy ACT?

**DR BOURKE:** I have just said that that early intervention will continue with the child development service. So that is not being closed.

### **Education—kindergarten students**

**MR DOSZPOT:** Madam Speaker, my question is to the Minister for Education. The recently published Australian Early Development Census national report for 2015 measures the development of children in their first year of full-time school across five domains. It shows that, while a majority of children are on track in each of the areas measured, there is a decline in the percentage of ACT children who are

developmentally on track in three of the five domains. It also says the percentage of children developmentally at risk or vulnerable has increased. Minister, why are the ACT's kindergarten students falling behind?

**MR RATTENBURY:** While that data is obviously of concern to me, the ACT government and the education directorate, what Mr Doszpot highlights in the facts and figures he has cited in his question is that there are a range of measures. Some students are doing quite well. Some students will be doing above average, but some students are struggling or falling behind. The job that we have to do is to make sure we understand why that is the case and that we put appropriate responses in place so those trends are reversed.

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

**MR DOSZPOT:** Minister, why are 846 ACT kindergarten students developmentally at risk and 564 developmentally vulnerable in the area of physical wellbeing and health?

**MR RATTENBURY:** I imagine there is a range of reasons for that but, obviously, those numbers and those individual cases are concerning. I suspect they reflect a broader societal trend that we are seeing of less healthy lifestyles right throughout our community. The fact that it is happening to children at such a young age is of most concern because, obviously, in the formative years that is when lifelong habits are set. That needs to be addressed.

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

**MS LAWDER:** Minister, why are there over 1,100 children developmentally vulnerable on one or more domains and 531 students vulnerable on two or more domains?

**MR RATTENBURY:** As I indicated in my previous answer, there would be a range of reasons for that. Some will reflect socioeconomic background where individual children have come out of disadvantaged circumstances therefore they start behind. Others will be experiencing learning difficulties. The important response from government is to put in place programs to address that.

What has become clear—to, I think, everybody in recent years, and it is well accepted now—is that early intervention is an extremely important part of ensuring that children do not slip behind. That is why the government has taken steps to put in place things such as increased opportunities for early childhood learning, where efforts are being made to improve teacher quality in early childhood learning. Recently I indicated that I have sought the education directorate to undertake an internal review of data that was recently released through the ROGS process as to why the qualification levels for early childhood teachers in the ACT were deemed to be low. Part of that data was from 2013, when the new education quality framework first came into place, and the ACT did start off behind other jurisdictions.

My anecdotal advice is that the ACT has caught up very well since then, but I am looking for more than just anecdotal advice; I am looking for hard data, and that is why I have asked the education directorate to give me quite rapid feedback in that space so that I can identify whether there are further steps that need to be taken by government or whether in fact the data shows that we have caught up, as we might expect to.

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

**MS LAWDER:** Minister, when will you expect that information from the department, as to what the government can do to reverse these trends?

**MR RATTENBURY:** Ms Lawder has conflated two different things but, certainly, I will be looking very closely at the data that she and Mr Doszpot have cited today to identify what further steps might need to be taken. There are a range of measures already being put in place but, of course, this is an area where there are constant new research and new ideas. The ACT should be at the forefront. This government has an expectation of having an education system focused on excellence, making sure that we are getting the best possible educational outcomes for our students and making sure that those students who are struggling get the supports they need to get good educational outcomes.

### **Mental health—services**

**MS BURCH:** My question is to the Minister for Health. Minister, can you please outline how the government is supporting people with mental health conditions, including the types of services that are available?

**MR CORBELL:** I thank Ms Burch for her question and I am pleased to take the opportunity to speak about the range of mental health services that are available in the ACT. As a Labor government, we are committed to providing the best possible mental health services to our community.

Our services are delivered by a mix of providers: GPs and allied health staff, including social workers, mental health nurses and psychologists. We have a diverse range of community sector mental health providers as well. I am pleased to report that this financial year the government is investing nine per cent of our record \$1.5 billion health budget on mental health services.

According to Australians for Mental Health, just seven per cent of health spending nationally is on mental health. So the ACT government, spending over \$133 million on mental health services in the ACT in this financial year, including \$6 million in new funding to expand and improve services, is well above the national average for health expenditure across all the states and territories.

Our principles for funding and delivering services are pretty simple ones: they are recovery-oriented; they are focused on being delivered in the least restrictive environment; they are human rights oriented; and they are planned and delivered with extensive input from mental health consumers and their carers.

This year the new mental health legislation commenced on 1 March. This is new legislation that creates a new legal framework geared towards recovery and the least restrictive care model. It is also worth noting that in the latest report on mental health services from the Australian Institute of Health and Welfare, the ACT received the highest rating in consumer engagement of any state or territory jurisdiction—a strong endorsement of our approach in delivering better mental health services for our community.

There are a range of important services being delivered, including the child and adolescent mental health service focusing on perinatal mental health care, a dialectical behavioural therapy team, an eating disorders team and community teams, amongst other services. The adult mental health service has teams covering all areas of the ACT, including in our emergency departments at both our public hospitals and, of course, in our public inpatient facilities.

The government is also very committed to the delivery of new infrastructure, including the new secure mental health unit at Symonston, which is now under construction, and the delivery of the new University of Canberra public hospital, which will also provide important subacute mental health care for our community.

I think what you can see is that there is a comprehensive range of services designed to improve mental health care in our community.

**MADAM SPEAKER:** A supplementary question.

**MS BURCH:** Minister, can you please provide an overview of the new Mental Health Act?

**MR CORBELL:** The new Mental Health Act is a very important restructure and reform of our mental health services legislative framework here in the ACT. It has been long-awaited by healthcare consumers and by mental health consumers and their carers. The key principles are to create a legal environment that supports and is geared towards recovery and the least restrictive care model. It creates more empathetic and contemporary legislation better suited to our community's aspirations and expectations for the treatment and care of people with a mental illness or mental disorder.

Importantly, the changes incorporated into the new act follow on from improvements in the human rights area and ensure that we are compliant with the relevant international human rights instruments. It is about making sure that, wherever possible, mental health consumers can make decisions about their own care.

One of the key elements of the new act is that capacity to make decisions must always be assumed. Furthermore, a person with a mental illness or mental disorder must always be given the opportunity to make or contribute to decisions about their treatment, care and/or support. In counterbalance to the act's emphasis on an individual's rights, the act also of course retains protections for people who are assessed to be at risk of harm to themselves or others.

Importantly—and I am particularly pleased about these reforms that are now taking effect—there is legal recognition of advance consent directions and advance agreements. These allow people with mental illness or mental disorder to specify in advance, when they are well—when they are not in the middle of an acute episode—to determine how they will be managed, how they will be supported and how they will be cared for when or if they experience an acute illness episode. This is very important. *(Time expired.)*

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

**MRS JONES:** Minister, regarding mental health services, how is the government protecting nurses and clients in the adult mental health unit from physical attack, and why are police taking days to come when they are called because of attacks on patients?

**MR CORBELL:** The government takes the issue of safety for both staff and patients in our adult mental health unit very seriously. We have undertaken a very extensive review of the mechanisms and procedures that are in place to ensure that patients and staff are managed appropriately and that safety is a key priority. Obviously, in a secure adult mental health unit there is the potential for violence. That must be minimised, and the environment that we have created at the adult mental health unit has been designed to optimise and reduce the risks and opportunities for violence.

*Mrs Jones interjecting—*

**MR CORBELL:** In relation to police attendance, obviously police attendance is determined on a case-by-case basis—

*Mrs Jones interjecting—*

**MADAM SPEAKER:** Order, Mrs Jones.

**MR CORBELL:** If Mrs Jones wants to bring the specifics of the matter she is referring to to my attention, I am very willing to look into it, but you need to give me the details, Mrs Jones.

*Mrs Jones interjecting—*

**MADAM SPEAKER:** Order, Mrs Jones. This is not—

*Mrs Jones interjecting—*

**MADAM SPEAKER:** Mrs Jones—

**MR CORBELL:** I would be very happy to investigate the matter further. But if this is a matter of serious concern to Mrs Jones—

*Mrs Jones interjecting—*

**MADAM SPEAKER:** I warn you, Mrs Jones.

**MR CORBELL:** I think it would be beneficial for her to bring the details of that matter to my attention so that they can be investigated—

*Mrs Jones interjecting—*

**MADAM SPEAKER:** Mrs Jones, you are on a warning.

**MR CORBELL:** Rather than making some rhetorical flourish here in the chamber.

*Mrs Jones interjecting—*

**MADAM SPEAKER:** Mrs Jones! You are very close to being named. Supplementary question, Mr Hinder.

*Members interjecting—*

**MADAM SPEAKER:** I name you, Mrs Jones, and I move:

That the member be relieved of her duties to the Assembly.

Motion agreed to.

*Mrs Jones was therefore suspended at 3.19pm for three sitting hours in accordance with standing order 204, and she accordingly withdrew from the chamber.*

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

**MR HINDER:** Can the Minister for Health explain to the Assembly how consumers will benefit by the introduction of a new Mental Health Act?

**MR CORBELL:** The new act will promote recovery. It will ensure that care is in the least restrictive setting. This is particularly important because we know that there can be a tendency in mental health systems for patients to be placed in a restrictive care setting. I am pleased to say that here in the ACT we have the lowest level of seclusion being applied of any state or territory in the country. Seclusion is considered to be the last resort and is used minimally in the ACT compared to a much higher rate in other jurisdictions.

There are a number of other important changes that empower mental health consumers to decide their own treatment as far as they are able. In the new act consumers are assumed, as I said, to have capacity to make decisions unless a formal assessment has been undertaken that they cannot do so. There is also the capacity, as I was saying earlier, to make decisions to advance agreements and advance consent directions. Finally, we now have important arrangements where mental health carers and their families are able to also be consulted and have their concerns formally documented as part of a mental treatment plan. These are very important improvements, not just for consumers but for carers and families.



**Mr Barr:** Reluctantly, Madam Speaker, I call for all further questions to be placed on the notice paper.

### **Supplementary answer to question without notice Disability services**

**DR BOURKE:** In response to the questions about disability services and therapeutic services in the ACT that I was asked before, I can inform the Assembly that 64 organisations or individuals are registered for therapeutic services in the ACT with the NDIA.

On the subject of the child development service, I remind members that this commenced in January this year and provides speech therapy and occupational therapy expertise. It has a focus on early identification, screening and assessment of children from nought to six years, children from seven to eight years with complex needs who have not had a previous diagnosis, and autism assessment to age 12 years.

Families concerned about their child's development can be reassured that they will continue to have access to advice and expertise through attending a drop-in clinic at the child development service.

### **Land Development Agency annual report 2014-15— corrigendum Paper and statement by minister**

**MR BARR** (Molonglo—Chief Minister, Treasurer, Minister for Economic Development, Minister for Tourism and Events and Minister for Urban Renewal): I present the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2014-2015—Land Development Agency—Corrigendum.

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

Leave granted.

**MR BARR:** For the information of members, I present a corrigendum to the LDA's 2014-15 annual report. Pages 207 to 217 provide information on the agency's government contracts valued at \$25,000 or more with an execution date between 1 July 2014 and 30 June 2015. Since the release of the report, it has been found that a number of contracts were inadvertently omitted from the report, and the corrigendum provides the complete list of contracts valued at \$25,000 or more with an execution date between 1 July 2014 and 30 June 2015, and I have tabled that this afternoon.

### **Papers**

**Mr Barr** presented the following papers:

Remuneration Tribunal Act, pursuant to subsection 12(2)—Determinations, together with statements for:

ACT Civil and Administrative Tribunal—

Determination No 4 of 2013 (Amended), dated December 2015.

Determination No 16 of 2015 (Amended), dated January 2016.

ACT Region Catchment Management Coordination Group, Brand Strategic Advisory Board, Veterinary Surgeons Board, ACT Disability Expert Panel—

Determination No 15 of 2015, dated December 2015.

## **Justice and Community Safety—Standing Committee Report 4—government response**

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Capital Metro, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (3.24): For the information of members I present the following paper:

Justice and Community Safety—Standing Committee—Report 4—*Inquiry into Sentencing*—Government response.

I move:

That the Assembly take note of the paper.

Today I am pleased to table the government's response to the Standing Committee on Justice and Community Safety report *Inquiry into sentencing*. This response is to a very broad inquiry undertaken by the standing committee on sentencing practice in the ACT, its effects and implications, and the way sentencing practices affect other parts of the criminal justice system. The committee announced the inquiry in May 2014, and in September 2014 resolved to report by the last sitting day of April 2015. The report was eventually tabled on 24 March last year, following the receipt of 18 submissions and the convening of public hearings.

Key stakeholders were invited to be part of a steering group to discuss the committee's 55 recommendations and inform the government response. Members of that steering group included the Director of Public Prosecutions, ACT Policing, Legal Aid ACT, the ACT Community Service Directorate, ACT Health and ACT Corrective Services.

Many of the issues raised by the *Inquiry into sentencing* report have been addressed or are under development by the ACT government. These include the introduction of a new community-based sentence option, the intensive corrections order scheme which commenced in March this year. This sentencing option replaces the use of periodic detention in the ACT and will allow an offender to serve a sentence in the community under intensive supervision.

The committee also recommended that phase 2 of the restorative justice program be proclaimed. Legislation commenced in February this year to implement phase 2 of the restorative justice program in a two-stage approach. This will expand the availability

of restorative justice to offenders including adults for all offences except domestic violence and sexual offences. Restorative justice has proved to be highly successful over the past decade in satisfying the justice needs of victims of crime, helping young offenders to accept responsibility for their offending and finding ways of repairing the harm they have caused.

Other key recommendations that the government agrees with address the needs of vulnerable people in the criminal justice system, including Aboriginal and Torres Strait Islander people, young people and people with disability, and people with alcohol and other drug issues and mental health issues. The committee also made more systemic and procedural recommendations, including to support reform of listing practices in the Magistrates Court.

The report further recommended an evaluation of prisoner rehabilitation programs and the government agrees in principle with this, with evaluation already part of government practice, including drawing on the experience and knowledge gained by other jurisdictions.

The *Inquiry into sentencing* represents a snapshot of the sentencing landscape in 2015. The issues and challenges raised in the lengthy report illustrate the need for government to maintain its commitment to providing access to justice and consistently and incrementally improving the operation of our criminal justice system. In 2014, to this end, the government announced the justice reform strategy, a two-year project which is working to identify how sentencing legislation and practice can reduce recidivism and improve outcomes for victims, offenders and the wider community. The strategy is also guiding the development of proposals for government reforms to sentencing and related laws.

I acknowledge the contributions to the committee's inquiry by key people and organisations in our criminal justice system, including the Aboriginal Legal Service, the Bar Association, the Law Society, the Human Rights and Discrimination Commissioner, and the Alcohol Tobacco and Other Drugs Association, as well as Dr Lorana Bartels from the University of Canberra.

The government's response to these recommendations demonstrates our commitment to innovation, community safety and access to justice. I commend the government response to the Assembly.

Question resolved in the affirmative.

## **Paper**

**Mr Corbell** presented the following paper:

Public Accounts—Standing Committee—Report 19—Review of Auditor-General's Report No 4 of 2014: Gastroenterology and Hepatology Unit, Canberra Hospital—Update report on the progress of implementing the Auditor-General's recommendations—Statement.

## **Digital Citizenship—report on the School Education Advisory Committee**

### **Papers and statement by minister**

**MR RATTENBURY** (Molonglo—Minister for Corrections, Minister for Education, Minister for Justice and Consumer Affairs and Minister for Road Safety): For the information of members I present the following papers:

Digital Citizenship—Report of the School Education Advisory Committee—

Report, dated December 2015.

Education Directorate response, dated March 2016.

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

Leave granted.

**MR RATTENBURY:** I am pleased to present to the Assembly the School Education Advisory Committee on Digital Citizenship report and the Education Directorate response. Upon receipt of the report the directorate was asked to begin preparing a response by the former Minister for Education and Training. I am very happy today to make both publicly available. Both the report and the response will be published on the directorate website, as the terms of reference were, in the interests of transparency.

The ACT is leading the nation in access to information and communications technology and internet connectivity, delivering high-speed internet to all schools and a continuing program to improve wi-fi access. To take full advantage of this increased connectivity, the directorate has launched world-leading education cloud platform Google Apps for Education for ACT public schools. Google Apps for Education is a modern platform for communication, and provides students and staff with unlimited online storage available anywhere, anytime, on their own device of choice. The Google Apps for Education platform is proving to be one of the most successful learning services provided to public schools. Thirty-four thousand students are now connected to the platform, and more than 1.5 million resources have been created by teachers and students since release in February 2015.

ACT public schools are committed to working with families and the wider community to assist young people to prepare for the future. The technology we provide enables our schools to work in partnership with parents and the community to support our young people to be safe and productive online; in essence, to be digital citizens. To this end, the previous Minister for Education and Training, Joy Burch MLA, initiated a school education advisory committee on digital citizenship in June 2015. The committee was tasked with finding opportunities to strengthen the partnership between parents and schools to develop a consistent, safe and high quality approach to the use of ICT in schools.

I would like to take this time to personally and publicly thank members of the committee for their expertise on the very first school education advisory committee.

Members of the committee were: Mr Craig Curry, the chair; Mr Alastair MacGibbon, Australia's Children's eSafety Commissioner, Ms Samantha Yorke from Google Australia, public policy and government affairs; Ms Charuni Weerasooriya, former president of the Association of Parents and Friends of ACT Schools; Ms Belinda Bartlett, the principal of Alfred Deakin High School; Mr Matthew Purcell, information and software technology teacher at Canberra Grammar School and Microsoft leading educator for 2014; Mr Thomas Duck, a student at Mount Stromlo High School; and Mr Mark Huxley, the Chief Information Officer in the Education Directorate.

A reference group on digital citizenship was also formed and included: students from each sector—public, Catholic and independent schools; staff from the directorate, Catholic Education and Association of Independent Schools; members of the ACT Council of Parents and Citizens Associations and APFACTS; members of the Aboriginal and Torres Strait Islander Elected Body; representatives of the ACT Youth Coalition; representatives of the Australian Education Union and the Independent Education Union; and sergeants of ACT Policing.

Again I thank all the people and organisations who supported the committee for their valued participation and input into the final report.

The committee identified the essential ingredients to success and the shared responsibility of parents, students and schools to become better digital citizens. The report provides some very tangible resources available to schools and parents, including the Office of the Children's eSafety Commissioner website, Google safety centre, Facebook safety centre, and Safe Schools Hub.

The committee's final report included six key recommendations as well as focusing on what best practice looks like and how it might be achieved in ACT schools. The directorate has responded to these recommendations as outlined in the response. The directorate agrees with all recommendations in the report and will continue to work closely with Catholic Education and the Association of Independent Schools to implement the recommendations.

Digital citizenship will continue to remain a key focus for schools, and technology will be a powerful influence on students and learning techniques. We will ensure that students and school communities are partners in the digital world. There are tangible recommendations from the report that will be implemented over the coming year, and I look forward to continuing the conversation on digital citizenship in our schools.

I commend the report and the directorate response to the Assembly.

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

### **Report 11—government response**

**MR GENTLEMAN** (Brindabella—Minister for Planning and Land Management, Minister for Racing and Gaming and Minister for Workplace Safety and Industrial Relations) (3.35): For the information of members I present the following paper:

Planning, Environment and Territory and Municipal Services—Standing Committee—Report 11—*Inquiry into Draft Plan of Management for the Albert Hall*—Government response.

I move:

That the Assembly take note of the paper.

I am pleased to present to the Assembly the government's response to the Standing Committee on PETAMS inquiry into the draft plan of management for the Albert Hall. The Albert Hall opened in 1928 and has served as Canberra's town hall since that time. It is heritage listed and reflects its role as the cultural heart of the early federal capital. The plan of management has been prepared with considerable community consultation, with the committee inquiry being part of the consultation process.

The inquiry considered the requirement for a plan of management and the content of the draft plan of management itself. The draft plan of management details the strategic plan and framework for the management of the Albert Hall over the next 10 years, commits to the development of action plans to address operational matters, and establishes a management reference group to provide input into the management of Albert Hall.

The report of the inquiry identified eight recommendations for consideration. The government response to the report is that it agrees to six of the recommended improvements and notes the other two recommendations.

A key change made in the final version of the draft plan is that the government has committed that a permanent cafe will not be established on the site during the 10-year term of the plan of management. I will consider the final draft plan consistent with the provisions of the Planning and Development Act 2007 and, as such, present that response.

Question resolved in the affirmative.

### **Auditor-General's report No 9 of 2015—government response Paper and statement by minister**

**MR GENTLEMAN** (Brindabella—Minister for Planning and Land Management, Minister for Racing and Gaming and Minister for Workplace Safety and Industrial Relations): For the information of members I present the following paper:

Auditor-General Act—Auditor-General's Report No 9/2015—Public Transport:  
The Frequent Network—Government response.

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

Leave granted.

**MR GENTLEMAN:** I am pleased to table the government response to the A-G's report *Public transport: the frequent network*. In light of the government's new administrative arrangements that were announced in January this year, and in recognition of the importance of transport for this government, ministerial responsibilities have been shared between me, as Minister for Planning and Land Management responsible for strategic land use and transport planning, and Minister Fitzharris, as the Minister for Transport and Municipal Services responsible for public transport operations and roads. The minor delay in tabling the government response provided the opportunity for both ministers to inform the finalisation of the government response to the Auditor-General's report which I have presented to the Assembly today.

The objective of the audit was to provide an independent opinion to the Legislative Assembly on the effectiveness of the delivery of the public transport frequent network. It examined arrangements involving the delivery of the frequent network, including supporting governance and administration, planning and review mechanisms. Transport for Canberra, which was released in 2012, establishes the frequent network as a series of rapid transit corridors and frequent local lines with fast, reliable public transport. The network is planned to be the backbone of Canberra's integrated transport system which guides land use, planning and transport investment.

Since the release of transport for Canberra, the government has made significant investments in a range of transport infrastructure, including busway improvements, new park and ride and bike and ride facilities, active travel infrastructure, new ACTION networks and the private-public partnership with a world-class consortium, Canberra Metro, to deliver light rail for Canberra.

In addition, we undertake a number of surveys and data collection processes that provide important transport data, including road traffic volumes, bus patronage, bicycle counts, customer transport preferences and car travel time. We have also progressed our significant transport policy agenda with the release of parking and active travel strategies, as well as discussion papers for the light rail network, freight and low-emission vehicles.

Notwithstanding the significant work already completed on the provision of transport infrastructure and planning in the ACT, the government values the Auditor-General's review on the frequent transport network and notes one of the recommendations and agrees with the remaining six, some of which are already taking place. In response to the Auditor-General's recommendations regarding governance and administration, a whole-of-government transport coordination group of senior executives has already met to ensure that whole-of-government coordination is occurring. This group will be responsible for responding to many of the recommendations of the Auditor-General.

The establishment of transport Canberra in July this year will bring together ACTION, capital metro and Roads ACT into a new single public transport agency to provide a world-class transport system for Canberra that is integrated, convenient, reliable and efficient. It will meet the needs of our growing city, providing a transport system that offers a genuine alternative to driving, making Canberra an even more sustainable,

modern and livable city. Transport Canberra will be responsible for integrating buses with the light rail, ensuring a single ticketing system, a central contact for information and coordinated timetabling.

Other improvements responding to the Auditor-General's recommendations include improving the data collection, monitoring and reporting of the frequent network and improvements to the transport report card.

Since the introduction of transport for Canberra in 2012, the government's strategic land use plans and projects have incorporated consideration of the frequent network. The government will progress its work on a territory plan variation and with the National Capital Authority on amending the national capital plan to embed the frequent network into these plans.

The government's significant investment in transport infrastructure is informed by comprehensive, project-specific business cases and cost-benefit analyses which require significant government funding and resources. A revised cost-benefit analysis for the ACT strategic public transport network is not currently required, as future transport budget initiatives will be supported by specific business cases.

The ACT government will continue to successfully deliver the frequent network. I take this opportunity to thank the office of the Auditor-General for its comprehensive audit and recommendations.

## **Public education—Gungahlin**

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

**MS FITZHARRIS** (Molonglo—Minister for Higher Education, Training and Research, Minister for Transport and Municipal Services and Assistant Minister for Health: For the information of members I present the following paper:

#### **Petition—out of order**

Petition which does not conform to the standing orders—Public education—Gungahlin region (628 signatures).

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

Leave granted.

**MS FITZHARRIS:** This out-of-order petition presented by the Franklin Early Childhood School community supporting public education in the Gungahlin region, and Franklin in particular, relates to land use around their beloved school. I would like to acknowledge the work of members of the Franklin parents and citizens association—in particular, Amy Thomas, Brian Moore and Andrea Wild—as well as others in the school community, including Carmen Campbell, Brad Kane and Bree Cook, with whom I have been working closely over the past four or five months to come up with a solution that works for existing and new residents in Franklin. Ultimately, this is a good-news story. It is what I believe to be a wonderful example of grassroots activism and community consultation working for the best interests of our community.



As we in the chamber are aware, the government is undertaking a program of public housing renewal in the ACT. This is an important program that will see improved outcomes for public housing tenants through the delivery of more sustainable public housing that better meets the needs of public housing tenants now and into the future. The multi-unit public housing properties identified for redevelopment under the program are the oldest of any jurisdiction in Australia. The residences were built for a growing public service over 50 years ago and they no longer meet the often complex needs of today's public housing tenants, including people with a disability, ageing tenants or tenants with children.

Many of the new dwellings will be free-standing homes. However, an important part of this process has been the identification of land for groups of dwellings of between 12 and 30 units or townhouses for public housing residents. And that brings me back to the Franklin Early Childhood School. Two sites identified by the public housing task force are adjacent to the school. The community first met for consultation with the task force on 9 December 2015 and had a follow-up meeting on 15 December at the Franklin Early Childhood School. The meetings were very well attended and many views were aired. The school community made it very clear at these meetings that, whilst they were supportive of the work of the task force, they wanted to keep the land adjacent to the school available for the possible expansion of the school grounds. There were, of course, some others that expressed concern about locating public housing adjacent to the school, but within the school community this sentiment was in the minority.

As a result of the advocacy of the Franklin community, it was recognised by the task force that these particular sites were inappropriate for development until the Education Directorate and the ACT government had definitively ruled in or out an expansion. This consultation process worked precisely as intended. A proposal was made, the community presented reasoned and reasonable arguments against the proposal, and the government responded appropriately to those concerns.

The petition I table this afternoon is part of the well-run, constructive and ultimately successful campaign to communicate valid and reasonable concerns to the government. Collectively, the P&C and the school community should be very proud of the work they did and the manner in which they conducted themselves.

This matter also demonstrates that the ACT government takes consultation very seriously and is always ready to work with the community to address reasonable concerns and find the best outcomes for all Canberrans. I would also like to thank Minister Rattenbury who, earlier this year, upon taking on the portfolio as Minister for Education, was able to meet with members of the Franklin P&C, the Franklin school community and other representatives from P&Cs throughout the Gungahlin region to talk about the issues raised by the Franklin school around capacity in the Gungahlin region. I thank him also for his contribution to that discussion.

## **Paper**

**Ms Fitzharris** presented the following paper:

Gene Technology Act, pursuant to subsection 136A(3)—Operations of the Gene Technology Regulator—Quarterly report—1 July to 30 September 2015, dated 23 November 2015.

## **Local services**

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

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

The importance of good local services in the ACT.

**MR COE** (Ginninderra) (3.48): I am delighted to bring this matter of public importance in my name to the Assembly today. And what an important one it is. The ACT government's role is to provide good local services to the people that they represent. We in the Assembly will do all we can to ensure that services get better than they currently are. If you think of the fees, taxes, charges and rates that Canberrans pay, they should get better than they currently get.

In this MPI today I would like to run through a number of local services which have clearly been neglected by this government over the past 15 years. They are, of course, all opportunities for this government to improve on how they deliver services for the people of Canberra.

Of course, one of the top complaints that I receive, and indeed many of my colleagues receive, is that of the quality of footpaths in Canberra. Unfortunately, the footpaths right across the territory, where they exist, are reflective of this government's neglect of local services. Residents frequently contact us to raise concerns about cracked, lifting, or, indeed, non-existent footpaths. There are many places where it is dangerous for residents to walk on footpaths.

The maintenance of footpaths is, of course, an important part of this government's responsibility. But I was surprised to find out that there is in fact no formal inspection program and there is in effect no formal programmed maintenance. It is all done on a response or reactive process. The government does not know where footpaths are in poor condition unless people tell them. It takes a trip or a near-fall for those issues to be identified. It is for that reason that I know why this government had to pay out so much money through insurance to people who have had falls on Canberra footpaths. This is an all-too-regular occurrence and something which I think clearly needs to be addressed.

Something else in this urban services space is the maintenance of streetlights. Many streetlights, particularly in older suburbs, are insufficient. Indeed, not only are many of the light bulbs not of a suitable standard but the actual poles themselves are often located behind trees and sometimes quite a few metres back from the road. So you

have a situation whereby what little light is being emitted from these bulbs does not actually cast any light on to any relevant areas, meaning that they are, in effect, redundant. Residents often contact the opposition in frustration over streetlights which have been out for weeks or even months. This should not be in the too-hard basket. The provision of streetlights is something which quite a few other towns and cities seem to conquer, but here in the ACT we seem to struggle with it on a regular basis.

Perhaps the number one issue of concern for so many Canberrans is the quality of the public land and the public space around local shops. They are, of course, the heart of local communities, but this government has neglected them for years. There are many local shops that are run down and neglected, despite the very best efforts of business owners and landowners across the ACT. Owners and businesses at local shops work hard to provide great services to their local communities, but they are so often being let down by the government's neglect of the public realm.

In September 2012 the government promised, if it was re-elected, 11 major upgrades and eight minor upgrades that would be completed over four years. Indeed, every few months the government puts out a media release announcing an upgrade to local shops. I think they announced Cook shops about 13 times in about six months. Sometimes parts of it got done; parts of it did not get done. There are parts in media releases have not been done and parts that were in media releases that have. However, the truth is that it is going to take more than spin to get many of these local shops upgraded by the time of the next election. The government talks about the importance of local shops but in four years they have delivered very little.

Another area of real concern to Canberrans is trees and the maintenance, or lack thereof, of street trees. Overgrown native trees are very problematic in many suburbs across Canberra. Many of these trees are located close to houses, powerlines and other assets. This means that frequent inspections and frequent pruning are necessary. However, it seems that when a reasonable or sensible request is put to the government to have a street tree removed that has died or is dying, or that is a serious risk to people or property, they have to jump through so many hoops in order to have that tree removed. Yet we have a government that says they can abolish 871 trees between Gungahlin and the city, and there is no problem there.

It is a pretty serious double standard. You can have a tree in your backyard which has roots that are blocking pipes. It might have a trunk which is rotting. It might have limbs which are at risk of falling off and falling on play equipment or a roof, and the government does not give approval for it to be removed. Meanwhile, you do a deal with the Greens after the last election and you can knock off 870 trees. The inconsistent position of this government is stark.

Of course, the government's mowing program is another constant source of frustration for the community. The government has failed time and time again to get on top of this program. Once again, we seem to get this standard media release from the government pretty much every November, "Shock! Spring has come around again. We need to mow. But we don't have enough resources because we got surprised by spring coming." It happens time and time again. It is quite extraordinary. For the rates, fees, charges and taxes that all Canberrans pay, I think they deserve better than what they currently get.

Graffiti detracts from the amenity of our city. Removing graffiti is often complicated and it can be expensive. However, instead of assisting residents with removal, the government's approach to graffiti is to employ a graffiti coordinator. It is all very well to appoint a graffiti coordinator, but that really does not do much for people who happen to live perhaps backing on to Baldwin Drive, Hindmarsh Drive or numerous roads across the ACT where graffiti is rife up and down those streets.

The neglect of Canberra's roads is another disappointment to Canberrans. Every year the government sets targets for resurfacing and every single year it fails to meet those targets for municipal roads. Roads in the ACT are not being resurfaced as frequently as they should be, which means that potholes and further damage are more likely. When roads are resealed, the use of inferior chip seal often leads to damaged vehicles and simply does not do the job it is intended to on many occasions. Gravel is stirred up by vehicles and it makes a dangerous surface for pedestrians and cyclists. These chip seal surfaces are noisy and residents frequently raise concerns with the opposition about how unhappy they are with the increase in traffic noise brought about by this chip seal.

Further to that, chip seal resurfaced roads regularly have to be repaired. Usually they are able to do this under warranty when the job is botched. However, it just goes to show, when you have experts applying chip seal and they struggle to do so, how temperamental this surface is, how troublesome it is and how difficult it is to actually apply this surface correctly. There are certain circumstances where chip seal is a good choice, but there are many other circumstances, I believe, where chip seal is being used in the ACT where it simply should not be. The reason for that is because of this government's budgetary pressures. Of course, the reason for these budgetary pressures is none other than light rail.

Buses in Canberra are playing second fiddle as this government concentrates all its attention on light rail. Throughout the term of this Assembly annual bus patronage has dropped. Each year under this Labor-Greens coalition government, as we heard Minister Corbell describe the arrangement yesterday, the patronage has dropped. Just imagine if this were a Liberal government and public transport patronage had fallen each year. Just imagine the uproar that would arise from those opposite. But this is a Labor government that not only cares about public transport for all of Canberra; it simply wants to replace probably the best bus in the network with a slower tram.

It seems to us, and I think it seems to many Canberrans, that the ACTION bus network is simply a poor cousin to the government's obsession with light rail. Mr Rattenbury spoke yesterday about his pleasure of seeing a patronage increase on the 783 Xpresso service from Molonglo to the city. One of the greatest attributes of this service is that a direct service from Holder, Duffy, Wright and Coombs goes straight into the city every weekday morning. It is a direct suburb to the city service. You get on the bus, you sit down and the bus takes you to the city in a single-seat solution. That is what Canberrans want. That is exactly what Mr Rattenbury was saying yesterday with the 783 Xpresso.

I cannot imagine that a resident of Holder or of Duffy would be particularly excited about catching a bus to Cooleman Court only then to transfer on to a tram, then to stop 15 times to get into the city and doing all that in probably an hour and a half. There is no way in the world that that is an appealing option for someone in Holder or Duffy. In the same way, I cannot imagine how many residents of other suburbs in districts across Canberra would like the idea of having their bus terminated in order to have to shuttle on to a slower tram service.

Madam Assistant Speaker, local services are an essential part of any local government's responsibility. Unfortunately, the ACT government has been neglecting these local services because all their attention, all their effort, seems to be on light rail. This term the government has spent close to \$50 million already pursuing light rail. That is \$50 million that was not allocated to other services. Once operational, we expect—who knows?—\$50 million a year to operate and maintain the trams as well as paying huge finance costs along the way. The Canberra Liberals understand that Canberrans want the ACT government to focus on getting local services right rather than pursuing grandiose projects that simply do not do what they are meant to.

That is why we continue to hold the government to account for the way it has neglected its fundamental responsibility to serve Canberrans. Canberrans pay high rates. In return, it is a reasonable expectation that the government will provide good local services. Instead, the government is neglecting these services and letting Canberrans down. The Canberra Liberals will ensure that a future Liberal government returns the focus of government back to the things that matter most to Canberrans.

Unlike this government, the Canberra Liberals will focus on providing good local services that people expect when they pay the rates, fees, charges and taxes that all Canberrans pay.

**MS FITZHARRIS** (Molonglo—Minister for Higher Education, Training and Research, Minister for Transport and Municipal Services and Assistant Minister for Health) (4.02): It gives me great pleasure to be able to speak today on this matter of public importance. Ensuring that we have good local services in the ACT is at the very heart of everything that this ACT Labor government does, although you would not know it from listening to Mr Coe or the Canberra Liberals. In fact, if you listened to them, you would think this city is a ruin. They love to talk down our city. This is despite having some of the best outcomes of any jurisdiction in the country. Mr Coe talked about what matters to Canberrans most. What matters to Canberrans most is the wellbeing of them and their families.

Our population is growing. We have an education system that puts us in the top 10 internationally, we have some of the best economic and employment outcomes in Australia, and we are some of the healthiest people in the country. Then there is the recent attention Canberra has been getting as one of the best places to live and visit, not just in Australia, as the Property Council recently declared, but in the world, according to the OECD. We have been named the most livable city in the world, and not by accident, because this government over many years has ensured that our city's services are top rate. Imagine how much better it will be once our integrated transport system is up and running and light rail stage 1 is running down Flemington Road and Northbourne Avenue.

However, these facts never seem to enter the dialogue of the Canberra Liberals. I understand that they have decided they need to take this approach to win this year's election. I think it is unfortunate they feel the need to talk Canberra down instead of presenting a positive vision of Canberra's future, like this government is doing.

One of the ACT government's key priorities is to improve our transport system. To manage Canberra's growth, reduce congestion and protect our livability, we are committed to improving our whole public transport system. This is a key plank of this government's vision to create a vibrant, sustainable and livable city that upholds our recently gained titles.

The ACT government's public transport improvement plan sets out how we will improve our public transport system so it becomes more convenient, efficient, affordable and reliable, a genuine alternative to driving. On 1 July we will establish a new agency, transport Canberra, which will be responsible for integrating buses with the new light rail, ensuring a single ticketing system, a central contact for information and coordinated timetabling. We have also committed to redistributing buses freed up by the light rail line within the bus network, creating an even better service for suburbs across Canberra.

The government is committed to innovation in public transport. Already travellers on ACTION are able to access wi-fi on some of our businesses through our wi-fi trial. More than 80 per cent of our fleet is equipped with bike racks, and we are looking at ways to expand it to more buses. We have made it easier for people to carry goods such as fold-up bikes on board.

Of course, there is the government's flexible transport service, which provides door-to-door transport for vulnerable members of our community, including the elderly and those with a disability who lack access to regular transport services.

Despite what we hear from those opposite, it is often remarked that Canberra has some of the best roads in Australia. Indeed, in TAMS's latest annual satisfaction survey, it was found that the ACT has the best roads in Australia when benchmarked against 52 similar councils. This included in the areas of road construction and maintenance as well as traffic and parking management. The ACT's footpaths and cycle paths were also the highest ranked.

Canberrans make close to one million trips a day for the purpose of attending work, commercial, educational, social and/or recreational activities. In addition to this, there are many more trips generated from outside the ACT that pass through or have the ACT as a destination. To support these transport movements in a safe, effective and efficient manner, the ACT has in place an infrastructure network that includes over 3,300 kilometres of roads, 964 bridges, 2,400 kilometres of footpaths, 77,000 streetlights, 3,700 kilometres of stormwater drains, 420 kilometres of cycle paths, over 410 kilometres of on-road cycle lanes and over 300 sets of traffic lights. Each part of this infrastructure network supports the important and essential transport services that are required for the economic and social development of a city with a population closing in on 400,000 people.

Each year close to \$50 million is expended on providing these services. And every day the wonderful staff in TAMS undertake a range of services, including street sweeping of some 15,000 kilometres of roads each year, replacement or repair of close to 5,000 road signs, resurfacing close to 700,000 square metres of road pavement, repairing over 4,000 potholes, and replacing over 18,400 square metres of damaged footpaths and cycle paths. I reiterate my comments about the incredible work that TAMS staff do around our city every day, seven days a week, 24 hours a day. The Canberra Liberals' constant refrain that our city is not up to their standard really does go to the heart of their disrespect for the hardworking TAMS staff.

Just last month I announced \$1.5 million worth of upgrades to community footpaths and cycle paths, which will see 3.9 kilometres of new shared paths created, including more than 200 metres of path widening. We are working on ways to ensure our suburbs are more age friendly. Last week I was able to drop in to a consultation session in Kaleen, and it was great to see some of the practical things people are suggesting to help them stay active in their suburbs.

Further, the ACT government is currently undertaking several road upgrade projects to further improve safety and increase capacity. These include the Majura Parkway, a \$288 million investment in our regional transport network, and the largest ever road infrastructure project in the ACT; duplicating Ashley Drive between Erindale Drive and Ellerston Avenue; duplicating Gungahlin Drive to provide an additional south-bound lane from north of Sandford Street through to the Barton Highway; upgrading the Barton Highway-Gundaroo Drive-William Slim Drive roundabout to provide an additional lane on all approaches; the duplication of Horse Park Drive getting underway under this Labor government, with stage 1 between Anthony Rolfe Avenue and Well Station Drive; and stage 1 of the duplication of Gundaroo Drive.

Another key focus of this ACT Labor government is improving our 89 local shopping centres. Mr Coe made a comment similar to one that one of his colleagues made recently that there are a number of press releases around shopping centre upgrades. Perhaps we need to do this to remind Mr Coe and the Canberra Liberals of the significant work this government has done in this term alone on local shopping centre upgrades. In this term we have upgraded Griffith, Theodore, Chapman, Farrer, Red Hill, Charnwood and Waramanga. Recently I announced works on shopping centres at Kambah, Cook and Rivett, with work set to commence on upgrades at other local shops soon, including Evatt, Florey, Hughes and Torrens, not to mention work to improve active travel access to our group centres, for example, Cooleman Court, which we discussed earlier this week. These projects collectively result in great improvements in amenity, public access, safety and security through a number of practical upgrades.

Mr Hinder will mention also the important work in TAMS that goes to maintaining our urban forest, maintaining our trees, mowing, and, of course, the wonderful libraries that are a key part of our community life.

I can think of no more important local service than our health and education systems. This is why this year we have invested a record \$1.5 billion in our health system and

\$1.1 billion into our education system to ensure that ACT residents have the best community health services and schools, staffed by the best doctors, nurses, teachers and other skilled professionals.

As assistant health minister, I am so pleased that the ACT government has considerably boosted the level of community nursing services over recent years. We have funded a further 10 community nurses, which enables earlier discharge of some patients from hospital, easing the pressures on inpatient beds. Both nursing and allied health offer home support and treatment services that assist people with chronic conditions or those discharged from hospital with continuing support needs, such as women recovering from breast cancer surgery.

In education, this government has continued to invest, with a record \$1.1 billion in last year's budget. In particular, we committed over \$62 million for refurbishing our schools, including, this year, upgrades to Curtin primary, the Woden school and Lyneham High School; a new roof at Melrose high; and new science and food technology classrooms at Lake Tuggeranong College, Dickson College and Melrose high. I would also like to acknowledge the new campus of the CIT being delivered in Tuggeranong.

To close, let me say that this government does care about our local services—all our local services. We will continue to invest in them to ensure that this city remains the most livable city in the world.

**MS LAWDER** (Brindabella) (4.12): I would like to make a few brief comments this afternoon about the provision of basic services and how important they are in the ACT, based on comments that are provided to me at mobile offices and other interactions with the community that I have. The common refrain that I hear is that people feel they are paying more and more rates and getting less and less for their money in terms of basic local services. Someone said to me just last week, "If you can't get the little things right, how can you ever get the big things right?" That is the concern of many of our constituents.

I will run through the list very briefly; Mr Coe has already prosecuted the discussion quite adequately. I will list the things that are commonly raised with me, including footpath maintenance, graffiti on fences and public structures, public toilets being kept clean, mowing, potholes, weeds management, streetlights, and smell from the tip. I could go on for a while, but I will not. And there are the lakes. When I first arrived in Canberra, you used to be able to swim in our lakes. Those days do not appear to be around very often anymore. There are the issues of litter, lack of bins in public places, not picking up litter before mowing and the maintenance of playgrounds. That is just a quick snapshot of some of the things that people raise with me.

As opposed to what Ms Fitzharris said about talking Canberra down, the approach of the Canberra Liberals would actually be to trust the staff of TAMS, to trust the professionals who go about their business every day and let them get on with doing their job. Instead of being focused on light rail and all the money going into light rail, we need to adequately resource, support and trust those workers in that important area of territory and municipal services or urban services, whatever you would like to call it. That is the difference between those over there and the Canberra Liberals.



**MR HINDER** (Ginninderra) (4.14): I would like to thank Mr Coe for the opportunity to discuss how our government is delivering good local services across the ACT. The ACT Labor government is committed to ensuring that Canberra is a vibrant, sustainable and livable city. We are focused on achieving that objective through the delivery of high quality local services to the community. The ACT government, through Territory and Municipal Services, is responsible for delivering these core services and programs to ensure Canberra remains a great place to live, work and relax.

These essential services include tree management and protection; animal welfare; city-wide cleaning; graffiti removal; mowing; maintaining parks and reserves and the community facilities within them, such as barbecues and playgrounds; fire protection; library services; and the delivery of public assets that help our community make active lifestyle choices. Living in a clean and safe city with opportunities to enjoy urban open space is a key part of being a livable city. The work undertaken by TAMS each day ensures Canberra is a city we can all be proud of.

You do not have to go far to enjoy all that nature has to offer in Canberra, from local and district parks in our town centres to areas to Namadgi national park and Tidbinbilla nature reserve. The ACT parks and conservation service are responsible for planning and conservation management of our national parks, nature reserves, water catchments and rural land. They manage fire and biosecurity, protect and conserve the cultural resources of the ACT, and promote recreational, educational and scientific uses of our parks and reserves. They manage over 70 per cent of ACT land, including Canberra nature park; Namadgi national park; Tidbinbilla; the Murrumbidgee River corridor, including the lower Cotter catchment; the Googong foreshores in New South Wales; Kowen forest and other pine plantations; equestrian trails; and other rural land. They also provide approximately 140 fully trained and skilled firefighters as the largest single fire suppression resource available to the ACT, the Rural Fire Service, in addition to managing more than 4,500 kilometres of fire trails across the ACT.

Providing opportunities for Canberrans to get outdoors and enjoy the bush capital is important. The ACT government provides more than 270 ranger-guided activities for over 3,000 participants per annum and conducts a breeding program for the endangered brush-tailed rock wallaby, eastern bettong and northern corroboree frog at Tidbinbilla.

Canberra has one of the largest mowing programs in Australia, which is required to maintain approximately 4,500 hectares, equivalent to more than 5,000 football fields, of grass in our town, district and neighbourhood parks; fire hazard protection zones; suburbs; sportsgrounds; and verges along arterial roads. Suburban parks and public open spaces are generally mown every four weeks during peak growing periods and every two to three months at other times of the year. Fire fuel reduction mowing is undertaken in low maintenance areas twice a year during the hotter months to ensure that grass is maintained at an acceptable level during the fire season. Public safety, particularly line of sight access and fire fuel reduction, remains a priority when delivering mowing programs.

The government provides almost \$1 million to manage 501 playgrounds across the ACT. The government also has an ongoing commitment to reviewing and renewing barbecue facilities to improve the safety, quality and functional amenity of public picnic areas. There are currently 115 barbecue units in urban parks and 211 barbecues in campgrounds throughout Canberra. In addition, the 65 public toilet amenities in urban areas are cleaned daily, and TAMS coordinates a program of works that cleans 438 kilometres of cycle paths.

The ACT government is committed to providing opportunities for Canberrans to make healthy lifestyle choices. Through the healthy weight initiative, much effort has been directed towards encouraging the use of open space, including the construction of new fitness equipment at John Knight park in Belconnen and in Tuggeranong town park; and the commencement of construction of new fitness equipment adjacent to Yerrabi Pond and in Eddison Park in Phillip, due for completion later this year. The use of fitness equipment is supported by community engagement activities such as online video and demonstration classes to show people how to use these facilities.

Following the rollout of road safety, walking and cycling improvements, the first of the ACT's active streets schools initiative was recently launched. Active streets builds on ACT Health's ride or walk to school initiative. Madam Deputy Speaker, you may be aware that I was involved with that as a director of the Physical Activity Foundation. That program is designed to create a supportive environment around schools that is safer and more suitable for working and cycling. The active streets pilot is being trialled around four schools in my electorate, Macquarie, Macgregor, Latham and Mount Rogers primaries. The infrastructure measures rolled out in the four schools include dragon's teeth, 30-kilometre per hour school zones, path and parking improvements and active streets icons on the paths to show how far and how long students have until they reach their school.

Providing infrastructure that helps our ageing population stay active and ensures that they can more easily move about the city is also a key priority for this government. The age-friendly suburbs initiative is helping to meet this objective. Consultation is currently underway in Kaleen and Monash to identify issues that impede active travel by older residents around these two suburbs. Kaleen and Monash have been selected for the second round of pilot suburbs in our age-friendly suburbs active travel project. These suburbs were chosen based on their demographic profile and follow Ainslie and Weston, which we consulted the community on in late 2015. The age-friendly suburbs initiative will address issues that may be impeding older people in moving around our city, such as footpaths being too narrow or cracks in the pavement. Lighting upgrades, places to rest, signage and shelter at popular bus stops are also being looked into to help improve livability in these suburbs for older people.

One of Canberra's most valued assets is the urban forest. Canberra has the largest, in terms of sheer numbers, and the tallest urban forest in the country, with approximately 750,000 trees in urban open space and street verges. Last year, TAMS responded to more than 8,500 tree-related inquiries for pruning, replanting and tree removal. TAMS also removed approximately 1,500 trees and planted 2,230 new trees in streets and parks. Survey data from 2014-15 show that in recent years public satisfaction

about how urban parks and street trees are being managed in Canberra has improved. For example, public satisfaction with the maintenance and pruning of street trees achieved 86 per cent satisfaction in 2014-15, increasing from 68 per cent satisfaction in 2008-09. That is from a MARS survey, Madam Deputy Speaker.

There is also Libraries ACT, which services the ACT community through their nine public library branches, the Home Library Service and the ACT Heritage Library. There are currently 244,533 registered library members. Libraries ACT receive almost two million visits annually, and over three million items were borrowed from Libraries ACT in 2014-15. They have over 666,000 books, DVDs, CDs, magazines, audio books and other materials. The material is provided in 23 languages other than English. In 2014-15, over 77,000 people participated in library programs. A large proportion of program participants were children who participated in programs like Giggle & Wiggle, Story Time and school holiday programs. Adult participation in programs included digital training sessions and book groups.

Our government is continuing to deliver better local roads for the ACT, with a number of road upgrades currently underway around Gungahlin. The roadworks being undertaken include the Gungahlin Drive upgrade, the Barton Highway roundabout improvements and Horse Park Drive duplication. Work has also begun on Gundaroo Drive and the Manning Clark Crescent and The Valley Avenue extension project. Residents are invited to attend drop-in information sessions outside the Gungahlin Marketplace to find out more about these important road projects. The drop-in sessions will answer any questions residents might have and will be held outside the Gungahlin Marketplace on Thursday, 17 March, 5 pm to 7 pm and the following Friday, 18 March, 10 am to 12 pm. The ACT government will also have a stall at the Celebrate Gungahlin Festival on 2 April. I hope to see all members there.

*Discussion concluded.*

## **Executive business—precedence**

*Ordered that executive business be called on forthwith.*

## **Drugs policy**

**MR RATTENBURY** (Molonglo) (4.25): I move:

That this Assembly:

(1) notes:

- (a) on 2 March, the Australian Parliament's cross-party Group on Drug Policy and Law Reform held the Parliamentary Drug Summit in Canberra;
- (b) the Summit was attended by approximately 70 experts and representatives from academia, the health sector, the justice sector, NGOs representing drug users and families, the drug and alcohol sector, as well as politicians from all sides of politics;

- (c) the Summit produced *The Canberra Declaration on Illicit Drugs*, which calls for governments to approach illicit drug use from a health and community safety perspective, and to move away from the punitive enforcement approach;
  - (d) there is extensive evidence demonstrating that treatment and harm reduction are the most effective strategies to respond to illicit drug use; and
  - (e) despite the evidence there remains a strong policy and funding bias towards law enforcement strategies as a response to illicit drug use; and
- (2) calls on the ACT Government to:
- (a) focus its drug policies to prioritise treatment and harm minimisation and emphasise a policy approach that treats personal illicit drug use as a health issue, rather than a criminal issue; and
  - (b) become a signatory to *The Canberra Declaration on Illicit Drugs* in support of this approach.

This is a motion about health. It is about reducing the amount of harm, death, social disadvantage and tragedy that arises due to illicit drug use. Through this motion, I hope to focus the Assembly's attention on illicit drug policy and on the evidence about what is effective or not when it comes to responding to illicit drug use. In particular, I want to ask members to engage in a rational and thoughtful discussion about the topic of illicit drugs, detached from the temptation to sensationalise it. Unfortunately, this is often not the way the discussion occurs in politics or in the media. We often see a rather unhelpful and over-the-top reaction to any discussion about drug law reform.

I note that some of these issues have been pre-empted in the Assembly in the past few days as the opposition raised them in question time. There is plenty of time now for them to say everything on the issue they wish. However, I urge opposition members, in particular, to treat the issue seriously and to treat with the respect the many people working in health and drug policy who are crying out for politicians to engage in sensible discourse about this topic. They are sick of the tabloid-style sensationalist scaremongering.

The reforms I am discussing are not extreme or sensational. As I said, they are about reducing deaths, illnesses, incarceration and a range of other negative and often tragic outcomes that result from illicit drug use and our response to illicit drug use. As my motion sets out, the change I am advocating is for the government, through its laws and policies, to view personal illicit drug use for what it is: a health issue. Viewing drug use through a health prism means putting our focus on treatment and harm reduction. This contrasts with the common view that it is a criminal issue to be dealt with by a punitive enforcement approach.

I regret to say that I think the ACT is at risk of losing its way. We have been known as a progressive jurisdiction, a jurisdiction at the forefront of drug policy and one that led

the way on issues such as supervised injecting rooms, because that was the right way to get health outcomes, regardless of the controversy. Where is the ACT now? Other states move forward on medicinal cannabis schemes and we lag behind. Doctors and health professionals say we can save lives with pill testing and, like the Liberal government in New South Wales, we reject it in favour of the failed punitive approach. The experts prepared a candid declaration on illicit drugs to try to refocus governments on health outcomes and on sensible progressive discussions, and our government will not sign up.

The reforms I am advocating recognise that users of illicit drugs are people and members of society with families, just like everyone else. We should not accept these people dying, becoming ill, suffering or becoming hopeless and trapped in the criminal justice system when there are actions we can take to prevent this.

The reforms I am advocating are also supported by extensive evidence and by experts who work every day in relevant fields, such as the health and justice sectors. They are not even new or untested reforms; we can look to jurisdictions around the world where they have been implemented and where they have been successful.

My motion not only asks the government and the opposition to recognise the value of this policy shift, it also asks the government to sign the Canberra declaration on illicit drugs to indicate its commitment. The Canberra declaration on illicit drugs is a document produced by the parliamentary drug summit held on 2 March this year, only a handful of days ago, and attended by approximately 70 experts and representatives from academia, the health sector, the justice sector, NGOs representing drug users and families, the drug and alcohol sector, and politicians from all sides of politics. Indeed, the forum was convened by the Australian parliament's cross-party group on drug policy and law reform, which is comprised of members from the Greens, the Liberal Party and the Labor Party.

The Canberra declaration reflects the health-focused approach to illicit drugs. It calls on governments to put health and community safety first by concentrating on proven health and social interventions. It recommends implementing and evaluating the health benefits of removing criminal sanctions for personal drug use, as demonstrated in international settings. It recognises that drug checking or pill testing presents a potentially valuable option for reducing harm at public events and asks governments to enable trials as a matter of priority. It also asks all stakeholders to pursue an open debate on more effective policies to prevent and reduce all harms relating to drug use and its control.

Drug policy is of course a vast and complex area. In the short time available, I would like to present the Assembly with some of the evidence that supports the policy shift I am advocating. I was pleased to hear Mr Corbell yesterday committing the government to an evidence-based approach to drug laws. This is exactly what I want as well. Unfortunately, I do not believe this is the approach governments are typically taking, including here in the ACT on occasion. It is my view that if the ACT government were to genuinely take an evidence-based approach to drugs it would support my motion, it would sign the Canberra declaration, it would support pill testing, it would support an examination of decriminalisation initiatives and, for the record, it would also support an ACT-based medicinal cannabis scheme.

One of the expert presenters at the parliamentary drug summit, Dr Caitlyn Hughes from the University of New South Wales National Drug and Alcohol Research Centre, spoke about the issue of evidence. She looked in a clinical and academic fashion at the evidence of what works in drug policy. It is very clear that the policies that work and which get the best outcomes are those that focus on treatment and on harm reduction. An example of a treatment approach occurs in Portugal. Instead of prosecuting individual drug users, the money that would be spent on law enforcement is being redirected into treatment. If the police catch a person using drugs, rather than send someone to court, they issue that person with a treatment order. The individual appears before a panel that recommends a course of treatment, and access to treatment is guaranteed for the next day. This treatment panel also supports the person with a range of other needs they may have arising from and contributing to their drug use, such as securing housing and employment.

Example of harm minimisation initiatives include needle and syringe programs, Naloxone programs, pill testing at events and drug consumption rooms such as the very successful supervised injecting centre located in Kings Cross in Sydney. These are all examples of the sort of approach I am talking about. These are the policy approaches that work. And when I say they work, not only do they result in better health outcomes, but they also reduce the prevalence of use and reduce harm in other areas such as drug-related crime. Presumably that is something that every member of this place would agree with.

It can seem counterintuitive, but the fact is that tough enforcement response does not result in reduced use or reduced drug-related crime. Australia provides an example: Australian governments spent approximately \$1.6 billion in 2009-10 on illicit drugs. Of this spending, \$1 billion, or 64 per cent, went on law enforcement, 22 per cent on treatment, 10 per cent on prevention, and two per cent on harm reduction. Despite this overwhelming bias in funding towards law enforcement, we continue to see deaths, overdoses, accidents, illness and addiction in our communities.

Australia has one of the highest rates of drug use per capita in the world. Extensive evidence shows that not only is an approach focused on enforcement and supply reduction ineffective and expensive but that it has a high risk of counterproductive impacts. These include drug-related crime, increased violence and displacement of problems, for example, into areas that are hidden where it is more difficult to address and where people are less likely to seek treatment.

In discussing these various approaches and their effectiveness, Dr Hughes referred to the evidence policy paradox. This refers to the fact that current drug policy in most societies takes little or limited account of the scientific research. In fact, unfortunately, policies that have shown little or no evidence of effectiveness continue to be preferred options of many governments and international organisations, and this is a critical point. No matter how much opponents might claim it is crazy to focus on treatment and harm reduction as opposed to enforcement or to explore decriminalisation options for drugs, the evidence clearly shows that these are the approaches that get the best results. The fact is that the lion's share of investment is directed into areas that have the least amount of evidence—that is, law enforcement. That is the evidence policy paradox when it comes to drug policy.

Earlier I mentioned examples of harm reduction, and I cited the use of Naloxone amongst opiate users and the use of needle syringe programs. These are areas where, thankfully, the ACT government is still leading and should be congratulated for doing so. The ACT's Naloxone program is an example of the success, and it shows the benefits, of harm reduction efforts. That program acknowledges that people do take opiates and in doing so they are at risk of an overdose. We prescribe people Naloxone on prescription to prevent them dying. Let us all agree that this is a good and sensible harm minimisation approach that can save lives.

When you get down to it, there is not a lot of difference between the Naloxone program and a service that will test illicit drugs at a music festival for substances or a composition that might kill or seriously harm. Both approaches recognise the reality that people take drugs. Both approaches accept that a practical intervention can save a person's life.

I take this opportunity to reiterate my call for the ACT government to support pill testing services for Canberra events where drug taking is likely. If the ACT government really does support a treatment and harm minimisation approach, then it will separate itself from the rather pig-headed approach shown by some other jurisdictions and explore how it can support pill testing to help save lives in the ACT.

Why could we explore supervised injecting rooms in the 1990s but we cannot explore pill testing in 2016? It should not even be a controversial topic. Pill testing is now relatively routine at festivals in several countries. It has even occurred before in Australia before it was shut down by the Howard government. We need to accept that sometimes people take drugs regardless of the efforts and resources we pour into enforcement. We need to accept that deaths and harm occur from this drug taking and that this is preventable.

Testing drugs at festivals can save a person's life. It can prevent a person getting seriously ill and going to hospital. At the Sydney Stereosonic festival last year, a young woman died, 120 people were treated for drug-related issues, and nine were taken to hospital. The number of emergency admissions for so-called party drugs at New South Wales hospitals has doubled in five years. Last year at music festivals in Australia there were six deaths and countless overdoses as a result of ingesting drugs.

I suggest we all think for a moment about our own children or young relatives or perhaps young family friends. What would we think if they were to take a pill at a festival because on that one day they made a mistake or because they succumbed to peer pressure or because they thought they would experiment? It is worth thinking about that from a personal perspective. Would you rather they got that smart advice or would you rather stick to your law enforcement policy that says this is a crazy approach? Let's face it, these are the things that young people sometimes do. It is easy to say kids should just say no, but we know that sometimes they do not. Do we really accept that a young person who makes this mistake deserves to be hospitalised or even to die from taking that drug? How do we feel knowing their life could have been saved by a very simple pill check conducted by a professional who would also counsel the person about the risks of the drug right at the most relevant moment? I urge the government to rethink this issue.

I want to mention the issue of decriminalisation, and I note Mr Hanson's amendment as I make this point. Despite what some tabloids and politicians suggest, decriminalisation is not legalisation. I have noticed the political attacks on progressive drug policy often rely on the deliberate blurring of decriminalisation and legalisation. Let us be clear about what decriminalisation is and what it is not.

Decriminalisation removes criminal penalties for personal use and possession of illicit drugs, either by law or by practice. To clarify, I am not talking about decriminalisation for supply offences such as manufacture or trafficking. As the National Drug and Alcohol Research Centre explains, under decriminalisation there is no legal means to obtain drugs and drugs will be confiscated if a person is apprehended. However, a person possessing drugs for personal use would not receive a criminal record, at least in the first instance.

Research also shows that individuals who avoid a criminal record are less likely to drop out of school early, be sacked or to be denied a job. They are less likely to have fights with their parents, family or friends or to be evicted from their accommodation as a result of their police encounter.

Again, there is substantial research evidence showing that drug decriminalisation results in significant benefits to society as well as individuals. It shows that decriminalisation of drug use reduces the cost to society, especially the criminal justice system costs. Decriminalisation does not increase drug use. It does not increase other crime. And none of this is speculative. Portugal is one of many jurisdictions that provides an example of decriminalising drugs.

When in 2001 Portugal decided to treat illicit drug use as a health issue rather than a criminal one, it decriminalised the use and possession of all illicit drugs. At the same time, it expanded investment in drug treatment, harm reduction and social reintegration. The results in that country 15 years later have been very positive. It has a reduced burden on the criminal justice system, reductions in drug related HIV and AIDS, reductions in drug-related deaths, and lower social costs of responding to drugs. Most importantly, drug use in Portugal did not go up; it went down.

There will be more to say in this debate today, but I ask members to think about this issue carefully, to not take the kneejerk response but to think carefully about what is at stake here. I commend my motion to the Assembly.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Capital Metro, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (4.40): I would like to thank Mr Rattenbury for raising this matter in the Assembly this afternoon. This afternoon I would like to emphasise what the government is focusing on and to provide examples of how we place great emphasis on harm minimisation, including investing in quality drug treatment and support services and how this is done in a collaborative manner by a number of directorates, health services including those provided in the community sector, illicit drug users, their families and friends.



Late last year the government sought public feedback on our draft alcohol, tobacco and other drug strategy. This whole-of-government strategy recognises that if we are to continue to build a safe and healthy community we need to prevent the uptake and delay the onset of harmful drug use and support people to reduce harmful drug use, prevent, stop and disrupt the production and supply of illicit drugs and regulate and manage the availability of legal ones, and reduce drug-related harm to individuals and our community as a whole.

According to the global burden of disease study, although alcohol and tobacco are the drugs that continue to cause the most harm in Australian society, accounting for 11.9 per cent of the total burden of disease and injury, illicit drugs are responsible for nearly three per cent. The proportion of people using illegal drugs has remained relatively stable and use of some illegal drugs has even slightly decreased over the past three years. However, the use of illicit drugs is a direct cause of death and disability and it is a key risk factor for a number of health conditions and diseases.

The increase in the non-medical use of pharmaceuticals has been associated with an increase in a range of harms, both nationally and internationally. In the Australian context opioid and amphetamine dependence are the most common forms of illicit drug dependence. Opioid dependence was responsible for the greatest health burden. Pharmaceutical opioid-related poisoning hospitalisations have exceeded those associated with heroin use.

Seventy-one per cent of opioid drug deaths are deemed unintentional, with heroin being the opioid drug most frequently involved in death. The injection of oral medicines is becoming increasingly prevalent and poses risks for the spread of blood-borne disease. Inappropriate prescribing leads to suboptimal treatment outcomes for a range of conditions, including pain, anxiety and sleep disorders. Illicit trade in pharmaceutical drugs has been ongoing for decades in Australian states and territories, and crimes are routinely committed to obtain pharmaceutical drugs while under their influence.

There have also been, as has been noted in this place previously, significant changes in the patterns of use of crystal methamphetamine. Between 2010 and 2013, while there has been no significant increase in methamphetamine use overall, the use of powder decreased while the use of crystalline methamphetamine doubled. This shift in the use of powdered methamphetamine to crystalline methamphetamine is typically associated with increasing levels of harm among users, including increased dependence.

The long-term consequences of methamphetamine use are well established. They include harms in the social sector area, such as financial and legal problems, as well as health dependency domains. Injecting drug use is a major source of blood-borne virus infection. This is well understood in relation to diseases such as hepatitis B and C and HIV/AIDS. It has also been concluded by the Australian Institute of Health and Welfare that mental illness is reported in higher proportions by those who had smoked cannabis in the previous 12 months compared with those who had not.

Illicit drugs are also a significant contributor to crime, road accidents and domestic and public violence. In 2014-15, 2,346 random roadside drug tests were conducted by ACT Policing and 344 positive results were recorded. Methamphetamine use is commonly detected among people who test positive in these circumstances. It is also worth highlighting that pharmaceutical drug misuse in Australia is common and ranks highly among other forms of illicit drug misuse.

With knowledge of the flow-on effects of drug use and abuse, the three pillars of harm minimisation—that is, demand reduction, supply reduction and harm reduction—work together in a careful balance to protect our community from the impact of drugs. Supply reduction strategies in this jurisdiction focus heavily on individuals and criminal groups who deal in large quantities of drugs for profit rather than on those who possess small quantities for personal use.

This is demonstrated in two key ways. First, our data from sentencing shows that convictions for drug possession offences and subsequent penalties are consistently proportionate with the relative seriousness of the offence type. While the data does not account for the amount of drugs in each case or the overall circumstances of the offences involved, it gives useful insights into the pattern of sentences imposed by our courts.

For example, between July 2012 and November 2015 in the Magistrates Court, of 135 offences for possessing a drug of dependence, the most common sentence imposed was a good behaviour order—40.7 per cent—and most commonly for a period of 12 months. The court imposed a fine in just over a quarter of all cases, with most fines ranging from \$250 to \$500. Similar sentencing patterns can be seen with the offence of possessing a prohibited substance. While approximately 20 per cent of offenders spent a period of time in full-time or periodic detention, these offences were normally sentenced in combination with a number of other offences.

Over the same period 162 offenders were sentenced for the offence of possession of up to 50 grams of cannabis. A fine was imposed in 75 per cent of cases, with most fines ranging between \$50 and \$100. A good behaviour order was imposed in approximately 20 per cent of cases for periods of between one and 12 months.

The second key measure taken by the government has been the introduction of the Criminal Code (Controlled Drugs) Legislation Amendment Regulation in 2014, which amended the Criminal Code Regulation 2005 by changing the trafficable quantities of the four most common drugs, that is, heroin, methamphetamine, cocaine and ecstasy and their associated substances, and adopting a “mixed weight” regime for determining the amount of a drug.

The government took expert advice and undertook extensive research and consultation on where to draw the line between personal use and a presumption of trafficking. The amendments ensure that if there is evidence of actual trafficking, even if the quantity is low, a person can still be prosecuted for trafficking. But these reforms are even more important as they allow police, prosecutors and the courts to more effectively respond to trafficking offences. This avoids individual drug users being caught by more serious offences which carry significant penalties simply for personal use.

Another means to divert drug offenders from the criminal justice system is the issuing of simple cannabis offence notices, also known as SCONs, to people who are found in possession of less than 50 grams of dried cannabis or two cannabis plants, excluding hydroponically or artificially cultivated plants.

The SCON is an on-the-spot fine and does not require the person to attend court. In that respect it is similar to a traffic infringement notice. If the fine is paid within 60 days no criminal record is incurred. However, failure to pay the SCON may result in criminal proceedings. It must be remembered, however, that possession of any amount of cannabis in the ACT remains illegal, with only the less than 50 grams threshold decriminalised. Police retain discretion to issue a SCON or charge an offender with a criminal offence at all times.

In addition to these law enforcement reforms, both drug diversion and expanded drug treatment and support programs help improve harm minimisation. Drug diversion plays a vital part in the government's strategy to prevent and reduce harm. Alcohol and other drug diversion programs, once seen as controversial, are now widely considered to be a very pragmatic response to offending that relates to drug use and increasing demands on the criminal justice system. Evaluations of our diversion programs have confirmed positive outcomes, including reduced utilisation of criminal justice system resources, reducing the incidence of reoffending, increased time between incidents of offending and decreased likelihood of imprisonment, reduced drug use and/or harmful use, improved physical health, mental health and relationships, and improved cost effectiveness.

Our police service supports early intervention strategies that divert suitable drug offenders into treatment and away from the criminal justice system. In the 2015-16 purchase agreement specific focus has been placed on increasing support for early intervention and diversion. ACT Policing is required to refer 5½ thousand or more people to community support agencies and divert 80 or more people into drug diversion programs as a component of the drug demand reduction effort.

Between July and December last year, 106 individual referrals were made by police to drug diversion programs rather than proceeding with criminal charges or fines. These drug diversion programs are a partnership between our police, our health agencies and non-government agencies and provide early incentives for drug offenders to address their drug problems and divert their entry into the criminal justice system. We also have a range of other programs in place, particularly in our education sector, and through services provided by non-government organisations.

Shortly I will be moving an amendment to Mr Rattenbury's motion that seeks to reflect the government's policy position of harm minimisation focused on reducing demand, reducing supply and reducing harm. Each of these is important. There are people who profit from trafficking. There are large, organised criminal groups that deliberately foster markets for drugs in our community. We need an interdiction effort that targets those individuals. But we also need to reduce demand through diversion, through education and through a health-based focus, and we certainly need to reduce harm by recognising that addiction is fundamentally a health concern.

That remains the government's position. We do not support a number of the elements of Mr Rattenbury's motion. We do not support a commitment to signing up to the Canberra declaration. The government does not agree to that. We do not agree to the decriminalisation of all drugs, including serious illicit drugs. We do not agree with that approach either because we have to recognise that drugs are dangerous products that cause harm. In many respects, they are a form of product that cannot be easily regulated in terms of manufacture and supply in a way that we deal with other forms of drug.

My amendment recognises these facts. It restates the work that the government is doing that focuses on harm minimisation and it calls on the government to continue to focus our policies on prioritising treatment and harm minimisation and on treating personal illicit drug use as a health issue rather than as a criminal issue. It restates the government's commitment to continue to use an evidence-based approach to deliver policy that provides positive outcomes for our community.

I note that Mr Hanson has also foreshadowed an amendment that deals with decriminalisation of serious drugs, including ice, heroin and what is characterised as other dangerous illicit substances. Whilst that is a broad assertion—what are other dangerous illicit substances?—the government agrees in principle that that is reasonable wording. I am happy to indicate that the government will support Mr Hanson's amendment to my amendment in due course. I move the following amendment that has been circulated in my name:

Omit all words after "That this Assembly", substitute:

"(1) notes:

- (a) on 2 March, the Australian Parliament's cross-party Group on Drug Policy and Law Reform held the Parliamentary Drug Summit in Canberra;
- (b) the Summit was attended by approximately 70 experts and representatives from academia, the health sector, the justice sector, NGOs representing drug users and families, the drug and alcohol sector, as well as politicians from all sides of politics;
- (c) the Summit produced *The Canberra Declaration on Illicit Drugs*, which calls for governments to approach illicit drug use from a health and community safety perspective, and to move away from the punitive enforcement approach;
- (d) there is extensive evidence demonstrating that treatment and harm reduction are the most effective strategies to respond to illicit drug use;
- (e) the ACT Government's ongoing commitment to harm minimisation;
- (f) the increasing numbers of people using crystal methamphetamine and the associated levels of harm among users, including dependence;
- (g) the impacts drug use has on crime, domestic and family violence, and road accidents; and

- (h) the numerous ACT Government policies and programs that focus on harm minimisation, including:
  - (i) the Draft Alcohol Tobacco and Drug Strategy 2016-2020;
  - (ii) possession offences, including Simple Cannabis Offence Notices;
  - (iii) changes to the Criminal Code (Controlled Drugs) Legislation Amendment Regulation 2014 (No 1);
  - (iv) the Naloxone program;
  - (v) the Needle and Syringe program;
  - (vi) the success of the ACT Policing Drug Diversion programs;
  - (vii) the ACT Justice Reinvestment Strategy; and
  - (viii) the Justice Reform program; and
- (2) calls on the ACT Government to:
  - (a) continue to focus its drug policies to prioritise treatment and harm minimisation and emphasise a policy approach that treats personal illicit drug use as a health issue, rather than a criminal issue; and
  - (b) continue to use an evidence-based approach, using the three pillars of harm minimisation (demand, supply and harm reduction) to deliver policy that provides positive outcomes for the Canberra community.”.

**MR HANSON** (Molonglo—Leader of the Opposition) (4.54): Turning firstly to the comments of the Attorney-General, I was glad to hear much of what he said. I welcome the fact that the majority of this government, at least, has the position that he has indicated. A couple of the points he made were pertinent—the flow-on effect of drug use, and that these drugs that we are talking about are not harmless. He talked about roadside drug testing. It is somewhat ironic that Mr Corbell, who is part of a government that previously described that legislation as “redneck” is now supporting it, and Mr Rattenbury, who previously supported my legislation in 2010 for roadside drug testing, now seems to want greater liberalisation. Anyway, that is a bit historical.

The other point that needs to be made, and it was alluded to in the three elements that Mr Corbell talked about—demand, supply and harm reduction—is that of deterrence. If you speak to people on the front line of organisations who are dealing with the drug affected and the homeless, their efforts to get those individuals onto rehab programs and away from these insidious substances are often aided by the fact that there are penalties involved, and without the deterrence of action through the court system and the police, the ability for those organisations to get people onto the programs that they need to be on, because of the nature of those sorts of highly addictive drugs, is more difficult.

I turn to the original motion. Mr Rattenbury is calling on us to support a declaration. There are some elements of the declaration that I would be able to support, but there are certainly elements in terms of the decriminalisation of illicit drugs and the supporting of illegal activity that I cannot support. Expanding treatment programs, which is also in the declaration, is something that we would all support. But it is not a “one or the other” situation. Just because we do not support the declaration does not mean that we do not necessarily want to see expanded treatment options for people affected by drug use.

In essence, what Mr Rattenbury is asserting and what the declaration asserts is that drug use, particularly amongst young people, is inevitable. I do not think that drug use amongst younger people should be so lightly dismissed as inevitable and that our policies should be simply reversed as a consequence. Illegal drugs are illegal because of the enormous damage that they cause, not just on an individual but more broadly on their families, on communities and on the wider society. An individual who is affected by drugs will often take actions to support their habit that have significant impacts on those around them. That needs to be well understood. That does not mean there is any lack of compassion for those individuals who have found themselves in those circumstances. This is not about lacking the desire to get people off those substances; this is about how to basically prevent that from happening and to manage it should it occur.

Drugs are dangerous, and Mr Rattenbury’s view that we can test drugs and liberalise the process does not recognise the fact that they are dangerous; they should not be marketed as party drugs so that you can just select those drugs that you think are okay at festivals and so on.

The declaration, in essence, by saying, “The policies aren’t working,” implies that we should give up, and that we need to completely change the policies. This is a very complex issue. This is a very difficult area of policy. I note as an aside that rates of speeding in motor vehicles have gone up in the ACT. We will not, as a response to that issue, then say, “Okay, law enforcement of speeding doesn’t seem to be working. Let’s not worry about law enforcement for speeding anymore because clearly it’s not working.” It is the same argument essentially that Mr Rattenbury is putting forward. Yes, it is a difficult issue. Yes, it is challenging. Yes, we will not always get a 100 per cent result, obviously. But to say, “We need a completely changed approach,” is simply a nonsense.

Can we improve the policies that we have? Yes, we can; I am sure we can. Can we have extra rehab and support? Yes, we should. Can we make sure there is more education? Yes. I note that the federal government instigated last year a task force federally to deal with the scourge of ice. I know that we have talked about this issue locally, and I note a number of the policies and initiatives that have been introduced here in the ACT.

But this declaration is suggesting that we move away from illegal drug enforcement. In essence, we would be decriminalising drug use without reference to the impact on the broader society. We cannot just limit this to the effect on the health of the

individual. That is very important, but we cannot ignore the broader impact on our community and on their families. To an extent, it sanctions illegal drug use. It essentially says that the government should be involved in the testing of drugs, making their sale easier, should be providing recipes for drugs and the components of drugs online, and providing public injecting facilities. I reject that as the appropriate response.

When it comes to messages, we have to be very careful about what messages we are putting forward. Mr Rattenbury is the minister for justice. When you have the minister for justice in a government—in a coalition government; Mr Corbell used those terms yesterday—saying we should decriminalise drugs, we should test drugs at parties, we should provide places to inject drugs and we should decriminalise drugs, that is sending a message out there that makes a parent's job even harder.

I am a parent, Mr Rattenbury. I have a 17-year-old and a nine-year-old, and I understand the complex issues that are at play here. But should we be simply putting these messages out when you have younger adults, teenagers, who are often in a state of rebellion? That is the natural course; we have all been there, as we have all been teenagers before. To have a minister of the ACT saying, "Hey, drugs should be decriminalised, drugs should be legal. We'll test your pills for you so that you can party on at festivals," does not send the right message and makes parents' lives in terms of what they are trying to do, which is to keep their kids safe and keep their kids away from drugs, even harder.

What I would say to Mr Rattenbury—through you, Madam Deputy Speaker—is that, whenever he opens his mouth about providing testing of drugs at festivals, decriminalising drugs, making them legal and providing places where you can use drugs, he makes it difficult for parents in the messages that they are trying to send to their kids, which is to stay away from drugs. It is no different from the message he was sending out in the last sitting period in this place about not worrying about wearing bike helmets. He said, "Let's have a conversation about that." There are parents out there, myself included, who want to send a message to their kids saying, "Stay away from drugs. These are not good for you. They are dangerous. We want you to stay away from them." I try to send messages to my kids, to my nine-year-old, saying, "Make sure you wear your helmet at all times," and here we have a minister of this government sending a different message, the wrong message, and one that is entirely contradictory to the actual established message of this government.

It is not good practice. It is not good governance to have one minister—the minister for justice—at odds with the rest of the government, with the Attorney-General. It might be seen in this place as executive members' business, but in the broader community the distinction is not so clear. We have the minister for justice touting a message and causing confusion, particularly amongst younger, more impressionable and vulnerable people.

We will support the government amendment, once we have amended it. I thank Mr Corbell for indicating that he will support my amendment. My amendment, as the Attorney-General stated, makes it very clear that this government will not go down the path of decriminalising dangerous illicit substances such as ice and heroin. That is

certainly not a path that the Liberal Party would endorse, and I am glad to hear that that is not a path that the Labor Party will go down. It is a path that the Greens want to go down, that Mr Rattenbury wants to take. If he does so, he does so on his own, but against the will of 16 other members in this place. I move the following amendment to Mr Corbell's proposed amendment:

Add new paragraph (2)(c):

“(c) refuse calls to decriminalise Ice, heroin and other dangerous illicit substances.”.

**MR RATTENBURY** (Molonglo) (5.06): I will both speak to the amendments and close the debate, if that is agreeable to colleagues. I will not be supporting either Mr Hanson's amendment or the government's amendment. As I said in my comments earlier, this is not a motion to congratulate the government on what it is doing and it is not a motion to endorse the status quo. It is, in fact, a motion to say that we need to go further and we need to do more. It is a motion to emphasise that the ACT actually seems to be losing touch with the evidence and it is slipping on its apparent commitment to harm minimisation and treatment.

The proposed amendment says that the government already prioritises treatment and harm minimisation and that it already treats personal illicit drug use as a health issue rather than a criminal issue. If this is the case, the government should then be willing to sign the Canberra declaration on illicit drugs, because this is exactly what it says. I do not think that the ACT government fully embraces this health focus to the extent that it could or should. Nor is it reflected in our distribution of funding. Yes, there are treatment and harm minimisation programs occurring, but I think it is hard to argue that they form the central focus of the ACT's response to illicit drugs.

I agree that some of the ACT's existing efforts and programs are good, and I would be the last to want to disparage them. I already mentioned the naloxone program and the work being done on the NSP as examples. Our drug diversion programs, which can be used as an alternative to referral to court, are another good example. The point remains that these are small examples in a system that overall is focused on an enforcement approach.

Despite this enforcement focus, it is interesting to note that in the ACT our five-year statistical data shows illicit drug offences are trending upwards. There has been a decrease over the last year, but the five-year trend is still up. At the same time, our five-year trend for drug diversions remains relatively flat. So, again, we are seeing a greater emphasis on enforcement than on the recognised pathways to reducing drug use. It is also worth noting that we have a civil penalties scheme for cannabis. Essentially that is decriminalisation. The diversion programs we have in place for other illicit drugs are a form of de facto decriminalisation. Similar schemes exist in most other jurisdictions.

I hear from members of the Assembly today that they are not interested in expanding any of these decriminalisation initiatives, nor are they interested in exploring new opportunities for harm minimisation, such as pill testing, an obvious harm reduction



method that can save lives. This is an attitude that members of the Assembly take, despite the evidence to the contrary. Minister Corbell says the government takes an evidence-based approach that delivers positive outcomes for the Canberra community. In some areas this is the case. In other areas the government does seem to have a blind spot. It is not because the evidence does not exist; it appears to be because the ACT government and the opposition are just not ready or willing to explore some of these options.

What benefits might be realised if we explored civil penalties for other drugs in addition to cannabis? Would there be merit in removing the criminal sanctions that apply for people who do not comply with the requirements of our drug diversion programs or by reconfiguring the eligibility requirements? We will not know because it seems it is not an approach the government supports. In the 1990s and 2000s, under both Labor Party and Liberal Party governments, we had governments that were willing to explore safe, supervised injecting facilities. Clearly the world has changed, and perhaps it is the different political and media environment, but now we do not see that same courage in trying to tackle the hard issues that this Assembly should be tackling.

There is plenty of work to be done in the area of harm minimisation, treatment and a health-focused drugs policy. The parliamentary drug summit confirms this. The Canberra declaration on illicit drugs and its signatories confirm this. Essentially, the amendment proposed by the government rejects the premise and says the ACT is already doing everything right. Interestingly, despite the fact that members in this Assembly do not support an examination of decriminalisation initiatives, there is considerable support among the Australian population for decriminalisation responses to illicit drugs. The 2013 national drug strategy household survey showed 88 per cent support for decriminalisation responses to cannabis, 74 per cent for ecstasy, 64 per cent for heroin and 66 per cent for methamphetamine.

On the issue of ice, I know that nationally the level of seizures of methamphetamine has been rising. However, it has not been rising as fast as the number of arrests of users of methamphetamine. Again, we see that the enforcement approach is taking the lead. Not only is the lion's share of funding going into enforcement but also within that enforcement model it is still individual users who are being captured into the criminal justice system more than the suppliers of the drug.

The ACT criminal justice statistical profile also shows that charges for personal use or possession of illicit drugs are considerably more frequent than charges for offences such as supply, cultivation, import or export or dealing. It is these suppliers and manufacturers that I would like to see subjected to criminal sanctions more often. Users, the people who are really at the end of the illicit drug system, can often do with our help, more so than a criminal justice response.

I listened to members' contributions today and there were some positive comments, but there was also some of the same old myth-peddling that does not move us forward in this debate at all. Mr Hanson noted that these drugs are not harmless, and I completely agree with him. The very point is that they do inflict harm, and the policies that we are putting in place at the moment and the approaches that we are taking are not reducing that harm.

Australia has one of the highest rates per capita of drug use in the world; so the system we are using—the approach we have taken—is broken. It is not doing the job we want it to do. I wish people did not take these drugs. In my perfect world, they would not. But the bottom line is that they do, and the approaches that are being put in place have not changed that. It is time for something different. It is time to try new approaches if we are ever going to break the cycle that we seem to be in.

We also saw a blurring of the lines, because suddenly the words “drugs liberalisation” crept into the debate. I never use that term. That was Mr Hanson’s term. I do not believe in drug liberalisation. I talked very specifically about decriminalisation and compared that quite clearly and quite specifically to legalisation, which I do not support.

I believe that we should decriminalise individual use, but certainly not the supply. The enforcement dollars we are spending should be targeted at the supply end of the spectrum rather than some kid who goes to a dance party whose mates say, “Hey, take this pill.” They should not be subject to a criminal penalty. Why should some 19-year-old end up with a criminal record because they got peer-pressured by their mates at a music festival? Why should they risk taking a drug that is contaminated and possibly end up in hospital, or worse, when we could put policies in place that would avoid those terrible outcomes?

We also heard from Mr Hanson about how, because I am a minister, I should not be prepared to debate these issues. I just think that is wrong. It is important that we have these discussions. I am not touting some message about “go for it”. I would be the last person to say that. I am not interested in young people taking drugs. But in the real world, where they are taking them, we need to think about what we are going to do.

I actually think that Mr Hanson does young people a discredit. I think they understand the nuance. These days the average 19-year-old—or, for that matter an 18-year-old or a 17-year-old—is pretty sophisticated on a whole lot of issues. They do make some bad decisions. They are actually a very interesting group. They are incredibly worldly in some regards and incredibly they still make poor decisions in others. That is the environment in which we are operating and in which these actions are taking place.

I am disappointed that the Assembly has not supported this motion today and that we have not been able to take the step to be a little bit bolder and try to move beyond the current situation that we are stuck in. I welcome some of the more progressive comments from members. I will continue to discuss this. I hope that in future we can be more courageous and look at the evidence, the things that seem to be working in other jurisdictions, and be willing to try them here in the ACT so that we can tackle the scourge of drugs in our society.

Question put:

That **Mr Hanson’s** amendment to **Mr Corbell’s** proposed amendment be agreed to.

Amendment agreed to.

Question put:

That **Mr Corbell's** amendment, as amended, be agreed to.

The Assembly voted—

Ayes 15

Noes 1

Mr Barr	Ms Fitzharris	Mr Rattenbury
Ms Berry	Mr Gentleman	
Dr Bourke	Mr Hanson	
Ms Burch	Mr Hinder	
Mr Coe	Ms Lawder	
Mr Corbell	Mr Smyth	
Mr Doszpot	Mr Wall	
Mrs Dunne		

Question so resolved in the affirmative.

Motion, as amended, agreed to.

*Ordered that executive business be called on.*

## **Standing and temporary orders—suspension**

Motion (by **Mr Corbell**) agreed to, with the concurrence of an absolute majority:

That so much of the standing orders be suspended as would prevent order of the day No 1, Executive business—ACT Civil and Administrative Tribunal Amendment Bill 2016 being called on and debated forthwith.

## **ACT Civil and Administrative Tribunal Amendment Bill 2016**

Debate resumed from 8 March 2016, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

**Mr Corbell:** I'm ready.

**MR HANSON** (Molonglo—Leader of the Opposition) (5.21): Mr Corbell seems to be anticipating the debate here, or that I may have something to say that would upset him, and I would hate to do that, Madam Deputy Speaker. I will just deal with the substance of the issue.

**Mr Barr:** Why break the habit of a lifetime?

**MR HANSON:** Yes, particularly after Mr Barr's, I think unseemly, behaviour in question time. Anyway, the Canberra Liberals—

**MADAM DEPUTY SPEAKER:** You did commit to deal with the substance of—

**MR HANSON:** Yes, my apologies, Madam Deputy Speaker. The Canberra Liberals will support this bill. The bill and the explanatory statement make it clear that they reappoint two members of the ACT Civil and Administrative Tribunal, Peta Spender and Elizabeth Symons, as presidential members. They were both originally appointed for seven-year terms but they were revoked in error on 1 January this year. The purpose of the bill is to reinstate the members from 1 January and to ensure that their decisions—the decisions of both members for the period from 1 January through to the current—are not subject to review or appeal.

The government proposes that this bill be dealt with as urgent under standing order 192, and that it be debated this week. Certainly, I understand the consequences if this bill were not to be passed. I am disappointed, obviously, that we are here today, but I will resist any urge to point score. I am glad that when the minister tabled this legislation he accepted that this was not good practice, that this was an error. Although I am not happy to see such an error take place, and understand the consequences of it, it is important when these errors are identified that they are addressed immediately and that is occurring today.

The decisions of the ACAT are important decisions and we have to make sure that the community, and those people who have been subject to the decisions of the ACAT, can have confidence in that process. As I said, regardless of the background to what has occurred, the Canberra Liberals will support this bill today.

**MR RATTENBURY** (Molonglo) (5.24): As the Attorney-General and Mr Hanson have outlined, this legislation arises as a result of an unfortunate error. Clearly, I am happy to support legislation that seeks to amend that error. I will be supporting this bill today.

**MR CORBELL** (Molonglo—Deputy Chief Minister, Attorney-General, Minister for Capital Metro, Minister for Health, Minister for Police and Emergency Services and Minister for the Environment and Climate Change) (5.24), in reply: I would like to thank the Liberal opposition and the Greens for their support of this bill today. As members have observed, it makes amendments to the legislation governing the Civil and Administrative Tribunal to remedy the effects of the inadvertent revocation of two ACAT member appointments.

As I stated on its presentation, the bill amends the ACT Civil and Administrative Tribunal Act 2008, in effect, to reinstate the appointments of the two members from the 1 January 2016, the date on which their appointments were wrongly revoked, to the end of their original terms of appointment. The amendments not only reinstate the appointments of the members but ensure the validity of decisions the members made during the time their appointments were not in place.

As members have observed, prompt action is needed to remedy this problem. I have taken that action as soon as it has been brought to my attention. While I regret, significantly regret, the need to bring this bill before the Assembly, it is very important that this matter and uncertainties it raises be clearly resolved at the earliest opportunity so that the validity of decisions and orders made by the members concerned is put beyond doubt.

It is also important that the circumstances that gave rise to the situation are understood and, most importantly, that steps are taken to prevent it from occurring again. I would like to provide members with more information as to how this issue arose. The first three ACAT presidential member appointments were made in a 2008 instrument of appointment. The term of two of these members expired on 1 January 2016. The third expired on 2 February 2016. The 2008 instrument was amended in 2012 to appoint another presidential member. His appointment was to expire on 2 April 2019.

It is now not considered best practice to make appointments through amending instruments as, unlike acts and regulations, instruments are not consolidated and republished on the legislation register. As such, amendments to instruments are not readily apparent on the face of the original instrument, although they are identified on the register page for the original instrument.

Last year the instrument that made presidential members' appointments to take effect on the expiry of the 2008 appointments wrongly contained a clause that revoked the 2008 appointment instrument on 1 January 2016, and this resulted in the early termination of two presidential member appointments.

I take this matter very seriously. I have explicitly sought assurances from my directorate that procedures are in place to make sure that this situation does not arise again. I can advise members that my directorate is undergoing an audit of their appointment procedures with a view to refining comprehensive guidelines to govern the process of future statutory appointments. The guidelines will address the specific issues that resulted in this problem we are rectifying today, including: (a) avoiding the use of revocation clauses in appointment instruments; (b) avoiding making appointments by amending instruments; and (c) when possible aligning the terms of appointment within instruments to expire on the same day, and where this is not possible, providing individual instruments for appointments with different terms.

Once again, I would like to apologise to members for the limited opportunity given for scrutiny of the bill this week. Members, know that I am grateful for your support and your recognition of the importance of putting beyond doubt the validity of decisions made by the two members of the tribunal during this period.

Finally, I would like to apologise to the two affected members of the tribunal themselves, whose appointments were inadvertently revoked. They are dedicated to the service of our community through their work with the ACAT, and they were of course completely unaware that their appointments had been inadvertently revoked. This bill will of course reinstate their appointments from the date of revocation until the date their original appointments were due to expire, and it puts the decisions they made in the belief that their appointment was in place beyond doubt.

I thank members for their support and I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Transplantation and Anatomy Amendment Bill 2016**

Debate resumed from 18 February 2016, on motion by **Ms Fitzharris**:

That this bill be agreed to in principle.

**MR HANSON** (Molonglo—Leader of the Opposition) (5.29): The Canberra Liberals will be supporting this bill. It clarifies arrangements in the ACT around who can remove what organs and tissues for transplant. It removes doubt in an area of medicine that requires urgent action which should not be compromised by any legal uncertainty. It is important to note that this bill does not change the circumstances around which permissions are given, or not, by an individual or their family for organ donation.

It is also important that this bill does not require the coroner to give permission for a body to be released after death prior to death but enables it at the discretion of the coroner. The benefit of this legislation is that more organs and tissue could more quickly be made available for transplant. The benefit will be that potentially organ and tissue transplant recipients will be the beneficiaries. Ultimately, that will mean that we will save lives.

This bill amends one act, the Transplant and Anatomy Act 1978, in two ways: in terms of whole-organ removal, the act currently allows only doctors to remove whole organs for transplant use and appropriately qualified health officers who are not doctors to remove only parts of organs, for example, heart valves. It was written this way since only doctors have the expertise to remove whole organs that are to be transplanted.

The bill allows for circumstances where it is desirable for appropriately qualified health officers who are not doctors to remove a whole organ to better preserve components of the organ where it is only those components of the organ that will be subsequently be used in a transplant. For example, a whole heart is removed to better preserve the heart valves.

The other issue that is being amended is that of the actions of coroners. For a range of nominated deaths, the coroner is required to hold an inquest and must issue a certificate before releasing a body after which organ harvesting can proceed. In the event that a person's death can be anticipated—for example, in a situation where relatives are engaged to turn off life support for a family member—the bill enables the coroner's permission to be given in advance. This could ensure that organs are not lost for want of not being able to contact a coroner at an inconvenient time or an inappropriate time.

I think that we all understand the importance of organ and tissue donation. Certainly, Ms Fitzharris was at the walk around the lake the other day. I am not sure if any other members were. I think maybe Mr Wall may have been. Ms Lawder was. But the importance of organ and tissue transplants has been spoken about in this place on many occasions since I have been here, also the lives that they can save and the betterment to people's lives. I would welcome everything we can do to make that process simpler, improve it and make it more effective. As I said, the Canberra Liberals will be supporting this bill.

**MR RATTENBURY** (Molonglo) (5.33): The Greens support organ transplantation, and we have long campaigned for more voluntary organ donors, as we understand the importance of the organ donation scheme to those people who are suffering from life-threatening disease. We know that many lives are saved each year, perhaps even each month, due to the amazing organ transplantation technology and surgery that is now available.

This is a short and simple bill. It does only two things: firstly, it allows for the removal of whole organs, to the extent necessary, for the purpose of tissue transplantation. These provisions will allow for whole organs to be transplanted, which can help support viable transport, storage and transplantation of tissues.

Previously, the legislation prohibited this, as whole-organ transplant procedures are complex and high-risk procedures in cases where the removal of the organ is critical to the transplant outcome. For example, in cases such as only the heart valves being needed, it is more practical and better protection if the whole heart can be removed. In the current legislation, it is not clear whether this is permitted. This amendment clarifies this by allowing designated officers to remove all relevant musculoskeletal, cardiovascular, eye and skin tissue for the purpose of transplantation.

The ACT does not have capacity to process or store organs and tissues for transplant; so these organs and tissues need to be transported to a specialised sterile facility in NSW. Transporting the tissues as part of a whole organ helps to maintain the correct shape of the tissue and maintain sterility prior to collection.

The second area that this bill covers is the issue of early consent. The bill allows the coroner, prior to death of an intended organ donor, to direct that a coroner's consent is not required to release the body for the purpose of organ or tissue donation. Currently, the coroner can provide consent only after the person has died. For the best outcome, organs must be harvested within five minutes after the person's heart stops. If there are any issues with contacting the coroner, the organs may be collected too late for the best outcome or collection may not be viable. This provision will help to speed up the retrieval of organs and achieve the best outcome for the person receiving the organ or tissue transplant.

Allowing the coroner to advise, before the person dies, that the coroner's consent is not required after the death for organ donation will not change the rights of the next of kin or any other person empowered to consent to the organ or tissue donation. They will still make the final decision about whether donation goes ahead. But it does mean that the retrieval of organs and tissues will be more timely and efficient.

In conclusion, these two amendments will help support the best transplant outcomes for the recipient. The Greens will be supporting this bill before us today.

**MS FITZHARRIS** (Molonglo—Minister for Higher Education, Training and Research, Minister for Transport and Municipal Services and Assistant Minister for Health) (5.36), in reply: I would like to begin by thanking both the Canberra Liberals and the ACT Greens for their support of this important piece of legislation. The Transplantation and Anatomy Amendment Bill 2016 seeks to amend the Transplantation and Anatomy Act 1978 in order to resolve two key issues. Currently, the act does not clearly state that nurses and technicians who are trained tissue retrievalists can remove whole organs where only parts of the organs, such as heart valves, are to be used. This has led to uncertainty about whether the process is endorsed by the act.

Secondly, currently the coroner can provide consent to release a person's organs for donation only after a person has died. For the best outcome, organs must be retrieved as soon as possible after a person's heart stops. If there are any issues with contacting a coroner, the organs may be retrieved too late for the best outcome or retrieval may not be viable.

The bill provides for amendment of section 29(4) of the act to enable the coroner to provide direction before death that coronial consent is not required for organ donation to occur after death; amendment of section 31(5) to define relevant tissue as "any tissue or whole organ necessary to support effective transplantation of musculoskeletal, cardiovascular, eye and skin tissues"; and minor amendment to the wording of sections 29(1), 34(1) and 40(1) to simplify the wording describing the circumstances where a coroner may be required to hold an inquest into the death of a person. The object of the amendment to section 29(4) of the act is to enable a coroner to advise before the person dies that coronial consent for organ donation does not need to be sought after death. Most states or territories already make this provision in their legislation.

Waiving the requirement to seek coronial consent after death will not change the rights of the next of kin or any other person empowered to consent to the organ or tissue donation. It will help to speed up the retrieval of organs and achieve the best outcome for the person who receives the organ or tissue transplant. The coroner will make this decision based on whether the removal of the organs would impact on a potential coronial investigation.

The amendment to section 31(5) clarifies that suitably trained officers can remove whole organs for the purpose of supporting safe transport and storage of tissues for transplant. Transporting the tissues as part of a whole organ helps to maintain the shape and sterility of the tissue and provides the best transplant outcomes for the person who receives them.

It is anticipated that these reforms will improve the efficiency, effectiveness, timely delivery and quality of services in the organ and tissue donation sector in the ACT. I commend the bill to the Assembly.



Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Smoke-Free Public Places Amendment Bill 2016**

Debate resumed from 18 February 2016, on motion by **Ms Fitzharris**:

That this bill be agreed to in principle.

**MR HANSON** (Molonglo—Leader of the Opposition) (5.39): The Canberra Liberals will be supporting this bill. It has always been the case that we will endeavour to reduce smoking rates in our community. I recognise that this has been an effort of the government as well. This is another step in that process.

This is an area that across the nation has been an area of policy; there has been a national endeavour to reduce smoking rates. This bill specifically, though, addresses the issue of smoking in public places or at events. It amends the Smoke-Free Public Places Act 2003.

The bill states that the Chief Minister and minister may declare a public place or an event smoke free. The declarations will be made through a disallowable instrument, which I think is important because it means each individual case can be subject to debate in this place as required. The Chief Minister and minister must consult prior to any such declaration. The bill does not explicitly state who that consultation is with, but it would be assumed that it would be event owners and organisers, place managers and so on. Some clarification of that would have been useful, but nonetheless it is important that the requirement for consultation is addressed in the legislation.

When a public place is declared smoke free, designated areas may also be designated as smoking areas. These have a range of restrictions on them, similar to spaces where alcohol is served. The DOSAs, as they are called, are designated outdoor smoking areas. As for those areas in our pubs, cafes and clubs, entertainment cannot be provided in these areas, signage is required and so on.

We will stay alive to this legislation and look at what events and places are declared by the minister. We will then engage in that debate. It would be useful if the opposition could be consulted to prevent any unnecessary debate in this place should an area that is going to be designated or an event to be designated appear to be one that may be controversial. But as I stated, we will be supporting this legislation.

**MR RATTENBURY** (Molonglo) (5.43): Australia has long been a world leader in addressing the dangers of tobacco smoking. Smoking tobacco is recognised as one of the largest preventable causes of death and disease in Australia. Each year smoking kills an estimated 15,000 Australians and costs Australia \$31½ billion in social and economic costs.

The Australian government and state and territory governments, through COAG, have committed to reducing the national adult daily smoking rate to 10 per cent by 2018. Over several decades, Australian governments have delivered a series of robust policies and programs designed to reduce the level of smoking in Australia. The introduction of graphic visual warnings, the ban on indoor smoking, the introduction of plain packaging, the requirement not to display tobacco products at the point of sale and the frequent increases in taxes levied on tobacco products have all contributed to a long-term and effective campaign that has seen the number of smokers in Australia halve over the past 20 years.

The Smoke-Free Public Places Amendment Bill seeks to continue that work. The bill will allow the designation of smoke-free public places by ministerial declaration rather than by primary legislation. It is thought that this will allow for a speedier and more responsive rollout of smoke-free public places. The bill also shifts the focus away from the built environment to outdoor and open locations such as sporting fields, bus stops, playgrounds and large public gatherings, amongst others. As one of Canberra's many non-smokers, I look forward to breathing easier as the Smoke-Free Public Places Amendment Bill further limits the locations in which tobacco smoking can occur.

I remind members that progressive public health policies such as this exact bill will in future be subject to the investor state dispute settlement provisions of the transpacific trade agreement that was recently signed by Minister Andrew Robb on behalf of the federal Liberal government. Much as the Ukraine sued Australia over our tobacco plain packaging laws in the World Trade Organisation, the Smoke-Free Public Places Bill will potentially be subject to profit-driven lawsuits in the future, courtesy of the federal government signing up to the TPP.

The Greens will be supporting this bill today.

**MS FITZHARRIS** (Molonglo—Minister for Higher Education, Training and Research, Minister for Transport and Municipal Services and Assistant Minister for Health) (5.45), in reply: I am pleased that the Assembly is today debating the Smoke-Free Public Places Amendment Bill. This bill enacts a robust process to allow the Chief Minister and responsible minister to jointly declare a public place or event smoke free. In doing so, it significantly streamlines the process to establish new smoke-free areas in the ACT.

Smoke-free areas are a vital tool for reducing community exposure to tobacco smoke. Tobacco smoking remains a leading cause of preventable death and disease in Australia. Smoking is responsible for the death of up to two-thirds of Australian smokers aged 45 years and over and is a primary risk factor for various cancers, respiratory and cardiovascular disease and other illnesses.

Second-hand smoke contains a mixture of particulate matter and thousands of chemicals, many of which are toxic or cancer causing. Exposure to this smoke has been shown to cause a range of adverse health effects, including lung cancer and heart disease. Significantly, there is no safe level of exposure.

Second-hand smoke can be particularly harmful to children, due to their smaller lungs and higher breathing rates than adults. Those exposed to the smoke can suffer an increased risk of sudden infant death syndrome, middle ear infections, upper and lower respiratory infections, asthma, chronic cough, development delays and other conditions.

As such, smoke-free areas are a vitally important tool to protect the health of our community. They reduce exposure to second-hand smoke and improve health outcomes in smokers and non-smokers. They assist smokers to quit or reduce their cigarette consumption. They also play an important role in de-normalising smoking in the community, which helps to prevent our children and young people from taking up the habit.

The ACT government has a strong record of leadership in tobacco control and smoke-free environments. The ACT's comprehensive approach to tobacco control includes measures intended to reduce demand, control supply and protect non-smokers from the harmful effects of tobacco smoke. Under existing ACT laws, smoking is banned in all enclosed public places, including shopping centres, cinemas, office buildings, buses, taxis, restaurants, pubs and clubs. Smoking is also banned in outdoor eating and drinking areas, at underage music and dance functions and in cars when children under the age of 16 years are present.

This bill will enable new smoke-free areas in the ACT to be introduced via subordinate legislation rather than time-consuming and inflexible primary legislation. There are several benefits from this new streamlined approach. Importantly, the new approach will enable the ACT government to respond in a more timely manner to community calls for additional smoke-free areas. The new approach also promotes greater flexibility in declaring specific public places or events smoke free, as each place or event can be considered on a case-by-case basis.

The ACT government recognises the need to ensure a balanced approach to establishing new smoke-free areas using the proposed ministerial declaration power. It is for this reason that the bill requires two ministers to jointly declare a public place or event smoke free following a rigorous risk assessment process to ensure there is due consideration of the costs and benefits of making a public place or event smoke free. This assessment will include consideration of factors such as how often the area is visited by children or families, the impact on community health, economic and business impacts, the outcomes of community consultation and measures to promote compliance.

Community consultation will help inform the decision-making process for each ministerial declaration. This consultation will include the people and organisations that would be directly affected by the declaration. It is envisaged that there may be circumstances where it is both feasible and desirable for a designated smoking area to be established at a declared smoke-free public place or event. For example, at some events there may be a business case to permit smoking in part of the event and it may not be practicable for smokers to periodically exit the event. Given this, the bill allows for a designated smoking area to be declared if needed.

Where a declaration permits a designated smoking area, the decision to establish such an area would ultimately be at the discretion of the occupier or manager. When a designated smoking area is established, safeguards will be in place to ensure that the public remains protected from exposure to second-hand smoke.

The bill contains strict liability offences, which highlights the need for community education, and will hold smokers and businesses accountable for actions against the act. Strict liability offences are predominantly crafted to address unlawful behaviour in a context where the person knows or ought to know their legal obligations. It is for this reason that strict liability offences are most commonly used for regulatory offences. However, it has also been appropriate to apply strict liability in situations where there is adequate signage or forewarning that particular conduct is an offence. This includes offences for smoking at outdoor eating or drinking places and the consumption of liquor at certain public places.

Under the bill, penalties will apply to smoking in a declared smoke-free public place or event, and to occupiers or managers that do not meet their obligations in respect of the declared smoke-free area. This could include failing to display no-smoking signage or failure to meet the requirements for a designated smoking area, for example by serving food or drink in that area. The penalties for the new offences are consistent with current penalties for similar offences in the Smoke-Free Public Places Act 2003.

When new smoke-free areas are declared, community education will be undertaken to ensure that people know where smoking is and is not permitted. “No smoking” signs will also be used. Further, community education will be targeted at occupiers and managers to ensure that they understand their obligations. Measures to promote compliance, including the appointment of inspectors, will be considered on a case-by-case basis during the assessment process for each declaration.

This bill will be an important milestone in achieving the ACT government’s goal to improve public health and protect the community from tobacco-related harm. It supports the implementation of *Future directions for tobacco reduction in the ACT 2013-2016*, which outlines potential areas to restrict tobacco use in the ACT.

The Standing Committee on Justice and Community Safety made four comments when reviewing this bill, and I thank the chair of the standing committee for the rigorous oversight provided. I have responded to the chair of the committee to address each comment.

The committee sought advice on the feasibility of outlining the specific steps for community consultation in the bill. The ACT government is committed to engaging effectively with the ACT community. A guide to community engagement has been in place since 2011 to assist directorates to improve community engagement, planning and practice. ACT Health follows this guide and would do so in relation to consultation on subsequent proposed smoke-free areas under the bill. As such, we do not consider it necessary to outline the steps for community consultation in the bill.

The standing committee sought advice as to whether a failure to adhere to subsection 9Q(4) would be covered by the offence in subsection 9Q(5). I have advised the standing committee that it is intended that failure to adhere to any requirements in section 9Q, most notably those in subsections (2) and (4), constitutes an offence as per section 9Q(5).

The standing committee recommended consideration of permitting a defendant to raise a “taking reasonable steps” defence in relation to paragraph 9Q(4)(b). At essence, the wording of “minimising” has a comparable effect to that which “taking reasonable steps” would for a defence framed as an absolute requirement. As such, modification to the provision is not required.

Finally, the standing committee requested an explanation as to why the defence under subsection 9R is limited to one of the four kinds of obligations imposed. I have advised the standing committee that the provisions of subsection 9R were specifically drafted by the Parliamentary Counsel’s Office to be consistent with the existing equivalent provisions in the Smoke-Free Public Places Act 2003. Again, I would like to thank the standing committee for its consideration and comments on the bill, and wish to advise the Assembly that no changes or amendments to the legislation are warranted at this time.

Following the bill’s passage, priority will be given to exploring smoke-free options at places used by children and their families, such as playgrounds and bus waiting areas. Canberrans are overwhelmingly supportive of new smoke-free areas at these places, as demonstrated through the community consultation on potential new outdoor smoke-free areas in late 2015.

The bill will ensure that the ACT keeps pace with other jurisdictions on tobacco control by streamlining the creation of new smoke-free areas. I am proud to say that the bill will enable a significantly more flexible, responsive and timely approach to the creation of new smoke-free areas in the ACT. It will be an important milestone in ensuring that all Canberrans can enjoy our public amenities without exposure to harmful second-hand smoke. I thank members for their support, and I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Adjournment**

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

That the Assembly do now adjourn.

**Local services**

**MRS DUNNE** (Ginninderra) (5.54): To continue the theme of today's matter of public importance, I would like to address some of the issues that I see in my electorate. A staff member in my office headed this speech, "The government looking busy in an election year". As you know, Madam Assistant Speaker, 2016 is an election year, and it seems that the government is going all out to make sure the people of Canberra know this.

Every weekday I set up a mobile office at our local shopping centres. At those mobile offices I meet local residents who tell me their concerns about the government's performance, the state of their suburbs and the issues that are personally important to them. You can guess that most of these issues cover things like rates, light rail, stamp duty, bus reliability, suburb and road maintenance and urban renewal. Suburb and road maintenance are particularly prominent, and it is obvious to see why.

Every time a Belconnen resident walks out of the house they are confronted by the appearance of their neighbourhood. They see the cracks in the footpath and the unkempt nature strips. Every time a Belconnen resident drives a car they are confronted again by potholes and loosely sealed roads. I did mention in passing this week that I had occasion to have my shock absorbers repaired after I hit a pothole in Evatt recently. The spare parts supplier was somewhat at a loss as to how I could have possibly broken a set of Peugeot shock absorbers in such a new car. I reported on the servicing of potholes and it took four weeks to have this dangerous pothole marked, let alone repaired. These are things that I hear on a constant basis at my local mobile offices.

People are starting to mention to me that they know it is an election year because the roads are being resealed. It seems that TAMS are out everywhere resealing and mowing lawns more frequently and keeping the parks neat and tidy more diligently. That is not to say this government have started to excel in suburban maintenance. It is just that they have started doing what they should have been doing for the past 3½ years.

Belconnen residents are noticing these things. Belconnen residents are still talking about the lack of maintenance and the poor effort of the government to spend their rates wisely and effectively, but it is now mingled with cynical comments about how they are upping their game because it is an election year. It is not just the people of Belconnen claiming that. They are backed by the government's own figures. The 2015-16 budget states:

This budget provides for more mowing, cleaning and maintenance to spruce up our suburbs.

It also states:

In the 2015-16 Budget, the Government will provide for additional waste collection, street lighting and the maintenance of public places and assets in new suburbs.

While these are not bad promises, they come at a particularly opportune time for the Labor Party. The Labor government might think that by increasing their focus on urban maintenance they might be able to convince the public that they have been doing their job this whole time. The Labor government might think that by scrimping on upkeep and shirking on services in the previous years of this Assembly to save up a nest egg to blow in election year on urban improvements they can make up for their shortfalls in previous years. The Labor government might think that they have gotten away with adopting a dysfunctional workplace culture of “the boss is coming, so look busy”.

The Labor government have not convinced the people of Canberra that they are doing their job. You cannot fool the people of Belconnen that easily. The people of Belconnen are well aware that this government have taken Belconnen for granted for the past 15 years. We can add to that the focus on wrongly prioritised grand plans like light rail instead of the things that matter. Roads matter, especially when they have potholes in them. So do better bus services and better health facilities. What has happened to our education system, which should and could be the best in the country but is not? The election is coming. The people of Belconnen are not fooled by the government’s attempt at looking busy because the boss is back.

### **Trade unions—CFMEU**

**MR WALL** (Brindabella) (5.59): I rise this evening to put on the record once again concerns raised with me by many Canberra small businesses, particularly those in the construction industry, about the influence of the CFMEU on workplaces in the ACT and how this influence has had a negative, detrimental effect on the business sector.

The royal commission into trade union governance has concluded and a number of investigations ensued as a result. We have been repeatedly told by the ACT Labor-Green government that they will provide a more substantial response to the royal commission and the damning evidence that came to light once investigations were concluded.

As we all know, the royal commission referred a very serious matter of intimidation to the ACT government for investigation. As was publicly announced this week, this matter has been taken no further as it is statute barred under the relevant legislation, meaning that the time frame to commence prosecution has passed. This means the evidence will never be tested in a court. However, this does not suggest that the offence did not occur at all.

The evidence presented by many Canberrans and Canberra businesses at the royal commission was comprehensive and consistent. In many cases the individuals who spoke up did so in the knowledge that they were risking their livelihoods to do so. However, insult is adding to injury for these people in the wake of silence from this government. The ongoing silence is testament to tacit approval of what has been going on in the industry locally and what I dare say continues to happen on building sites across the ACT to this day.

An honourable government would have responded by now and spoken out to condemn the behaviour that came to light as a result of the royal commission into trade union governance. I have called on this government on numerous occasions to distance itself from unions, in particular the CFMEU, but we all know too well the financial support which props up its electoral prospects for this year, not just for Labor but also the Greens. That money comes in bucket loads from the union movement.

It is not just my view but the view of the broad community that now is the time for the Chief Minister to respond to the evidence presented at the royal commission in relation to the ACT construction industry. It is the responsibility of the Chief Minister to send a clear signal that the behaviour of the union movement as outlined in the royal commission is simply unacceptable in the ACT and that the government he leads is independent of union influence and instead represents the interests of all Canberrans.

### **Marymead**

**MS LAWDER** (Brindabella) (6.01): I rise today to talk about the launch of Marymead's new strategic plan last week, on 7 March, which I attended along with my Assembly colleagues Dr Bourke and Mr Smyth.

Marymead is one of those household names in Canberra. It was established in 1967 by the Franciscan Missionaries of Mary. The sisters identified a need for a residential care facility for children and families in temporary crisis. Marymead is a well-respected, community-based not-for-profit organisation with almost 50 years of history now in providing a range of support services to children, young people and their families.

Marymead has been providing services to around 1,000 children, young people and young adults each year. Most of the people they work with are vulnerable, with complex needs, including those with disabilities and mental health issues. Marymead works to ensure that children, young people and families, including those who are most vulnerable across Canberra and the surrounding New South Wales region, are well supported through their key life transitions and able to achieve positive life outcomes and live fulfilling, productive and happy lives.

Marymead works to address the complex issues that surround them and affect their lives. They provide short stay accommodation, early intervention, clinical therapeutic services, counselling and education, foster care services and support programs and services to children, young people, their parents and their families. They work to ensure that children and young people are able to achieve positive life outcomes and live fulfilling, productive and happy lives.

Their new strategic plan, covering 2016 to 2020, continues this important focus and celebrates three new major areas of service and achievement for Marymead for the upcoming four-year period: firstly, the commencement of Ricky Stuart House short stay accommodation service to provide respite for families in the region; secondly, recognition of Marymead as a world leader in circle of security counselling for families; and, thirdly, celebration of 50 years of service of the Marymead Auxiliary.



Prior to the opening of the Marymead centre in Narrabundah in 1967, a group of local Canberra women commenced fundraising to help finance social welfare and missionary activities within the ACT. They tentatively called themselves the Marymead Association of St Francis. They had their inaugural meeting on 18 August 1964, and they raised 1,000 pounds in each of the following two years. Later they were renamed Marymead Auxiliary, in March 1966.

Since that time, the Marymead Auxiliary has coordinated hundreds of fundraising events and activities, including walkathons, fetes, tennis days, card days, balls, raffles and garden parties, with the funds raised being donated to Marymead, which, in turn, has provided much-needed support to thousands of children, young people and their families within the Canberra community.

The auxiliary continues to go from strength to strength. It has a current active membership of 48 and a staggering half a million dollars raised within the past eight years—2015 was its most successful year ever. There is no doubt that the Marymead Auxiliary has made and continues to make a long-term commitment to the ACT.

Congratulations to past and present members of the Marymead Auxiliary, who were presented with a pin at the launch of the strategic plan last week. I would also like to mention Marymead Nexgen, who fundraise, and congratulate their members as well for their hard work. They are younger people who complement the work of the auxiliary. Finally, thanks to Camilla Rowland, the CEO, the board, and all the staff and volunteers of Marymead, for their hard work, professionalism and dedication.

### **Mr Ian Wells**

**MR HINDER** (Ginninderra) (6.06): I take this opportunity to mark the passing of Ian Derek Wells.

Ian was born in Ceylon, as it was then known, on 9 May 1934 and died on 1 March 2016. Ian spent his professional career in the RAAF and was a very distinguished pilot. He spent some time in the USA flying high-level altitude surveillance jet aircraft.

In 1962, Ian and his wife, Ingrid, also now deceased, moved to Canberra. Ian was, like me, a rugby tragic, involved with the Easts Rugby Club for 55 years. He was a life member of that club. Ian had been with my own club, the ACT vets rugby union, since its very early days, and last year received his 20-year badge. Ian contributed to both rugby and swimming here in the territory for over 50 years, as a coach and manager. Ian was instrumental in the creation of the ADFA women's rugby club, which went on to foster many fine female players. Ian will be sorely missed by the rugby community, friends and, of course, his family.

Ian is survived by his sons Addam and Brendan—he had another son, Sean, who is also deceased—by Addam's and Brendan's partners, Kim and Karen, and by grandchildren Serena, Jade and Rhys. Ian was buried today at Gungahlin cemetery. Madam Speaker, if indeed rugby is the game they play in heaven, Ian will go straight into the first 15. My thoughts are with the family.

### **Lions Club—youth of the year quest**

**MR COE** (Ginninderra) (6.08): I rise this evening to speak about the Lions Canberra regional final for the youth of the year quest, which was held last Thursday at the Gold Creek Country Club. I have spoken on previous occasions in the Assembly about the great work done by Lions clubs in our community.

The youth of the year quest is run by Lions clubs and is designed to encourage, foster and develop leadership in conjunction with other citizenship qualities in young people, at the stage when they are about to enter employment or higher education. The qualities which the Lions clubs seek to promote, apart from academic attainments, include leadership, personality, sportsmanship, public speaking and good citizenship. The development of these qualities will help to ensure that our young people are equipped to take an active and constructive role in the community.

By nurturing these qualities in potential leaders, the Lions clubs also aim to promote outstanding role models for the youth of Australia and improve the confidence levels of young men and women. The students meet in fellowship and have the opportunity of open discussion, exchange of ideas and to meet committed people who are involved in serving the community.

Entry is open to young people who are attending or have attended a high school or secondary school or equivalent standard of school in any other educational establishment, in the Lions year in which the national final is to be conducted, who are over the age of 15 and under 19 years of age as at 30 June, in the year of the final.

The main activities involved in the running of Lions youth of the year include initial promotion in schools and local communities, judging of candidates, selection and announcement of the national winner, and arrangements for the winner's overseas travel and attendance at an international youth camp. The youth of the year quest begins in June-July and culminates in final judging and the announcement of the winners at the multiple district convention, normally held in May.

Last week's regional judging was attended by a number of senior Lions Club representatives, including district youth of the year chairman Kevin McInerney and his wife Gail, the president of the Gungahlin Lions Club, Graham Erickson, and his wife Robyn, the zone chair, Beverly von Stein and Carl von Stein, past district governor, as well as by Mick Richardson, chair of the youth of the year quest.

The judges were Julia Hammond, area manager of NAB, Julia Hesse, former chair of the Canberra Philharmonic Society and the Canberra Genealogical Society, and Peter Batley, an AFP volunteer in policing who has had a long career in the RAF and RAAF police.

Both entrants in the regional final were very impressive young people with a lot to offer and with a great future in front of them. Tessa Mills, a student at UC Senior Secondary College, represented the Belconnen Lions Club, and Joshua Guest, a student at Melba Copland Secondary School, represented the Gungahlin Lions Club.

Both students delivered powerful speeches with strong personal narratives about how their issues related to them. Tessa spoke of environmental challenges, including the Great Barrier Reef, and Joshua spoke of the stolen generations and his family's personal story.

I congratulate both Joshua and Tessa on their fantastic presentations on the night and their work at the interview stage during the weekend before. Joshua was successful in progressing through to the next round, which will take place in Goulburn next month.

I congratulate all students who participated in the quest and commend Lions clubs across Australia for their support and development of Australia's young people. More information about the quest can be found via the web at [lionsclubs.org.au](http://lionsclubs.org.au).

### **Seniors Week Hawker Primary School fete**

**MR DOSZPOT** (Molonglo) (6.11): I rise this evening to speak about ACT Seniors Week, which will begin this Saturday and run until Sunday, 20 March. It is an initiative developed by the Council on the Ageing, and I think it is a positive promotion for the community.

Seniors Week aims to engage seniors in a range of activities and encourage them to connect with others in the Canberra community. This year there are more than 200 events planned, with literally something for everyone. The Chief Minister's concert has become a regular highlight, with the Royal Military College band and the Australian Rugby Choir performing this year at the event.

Seniors Week will be launched with the opening night of Camilla Blunden's *All This Living!* Show at the Street Theatre. This is a one-woman show in which Camilla explores a range of issues facing people as they move into their senior years.

The Seniors Week expo is always a crowd-pleaser and will be held at Thoroughbred Park on Thursday, 17 March. Visitors to the expo will be able to speak to a number of exhibitors on a wide variety of topics, from leisure activities to legal issues and health, just to name a few. It is appropriate that the entertainment on the day will include a key performance by Keith Potger, a founding member of the Seekers.

Other activities included in the week are bus tours around north and south side retirement villages to provide people with information about various housing options and give people a firsthand look at some of the villages and the facilities they provide. ACTION will be providing free travel for all seniors cardholders for the entire week. I hope the varied activities on offer and the prospect of free travel will encourage our senior community to actively engage with the broader Canberra senior community.

I will be attending a number of activities throughout Seniors Week, and I would urge other colleagues in the Assembly to do the same, to connect with some of our senior community members.

Madam Speaker, I would also like briefly to talk about an event that I know is high on your calendar. This year, Hawker Primary School is celebrating its 40th anniversary, and one of its special celebrations will be the annual fete which this year is being held on Sunday, 3 April from 10 am to 2 pm. Fetes are always great events. They are enormously hard work for the organisers, usually the school P&C, but they are also usually the biggest single fundraiser in the school calendar, and profits from fetes go to equip schools with so many important things.

The Hawker fete this year is a smorgasbord of food, cakes, barista coffee, wine tasting, and a variety of activities. Obviously the good parents of Hawker have worked out that the way to a parent's contribution is through their taste buds. The highlights on the school fete flyer are the French crepes, barista coffee, wine tasting, international food stalls, homemade cakes, jams and preserves, fresh produce, eggs and plants. The number of items and activities is almost endless.

The flyer also talks about some of the other items on show, including thousands of books. I will be very much involved in that, and get into trouble when I get home. There are clothes, women's accessories, toys, a white elephant stall and a craft stall focused on creating beautiful upcycled gifts. I congratulate the school community on having such a full program of activities. I would especially like to commend Emma Dykes and Suze Carr, the fete coordinators, for their enthusiastic marketing and for being so proactive in publicising their fete widely. I wish them every success, good weather and a big crowd.

Question resolved in the affirmative.

**The Assembly adjourned at 6.15 pm until Tuesday, 5 April 2016 at 10 am.**

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## Answers to questions

### Government—ministerial correspondence (Question No 586)

**Mr Coe** asked the Minister for Capital Metro, upon notice, on 19 November 2015:

- (1) Can the Minister provide the standard deadline for replies for ministerial correspondence from (a) Members of the Legislative Assembly and (b) members of the ACT public.
- (2) Can the Minister provide for the period from 1 July to 31 October 2015 the (a) number of completed ministerial correspondence items and (b) percentage of the ministerial correspondence items completed within the standard deadline.
- (3) Can the Minister provide for the period from 1 July to 31 October 2015 the number of (a) ministerial correspondence items not completed within the standard deadline and (b) ministerial correspondence items marked for no further action for the period.
- (4) What is the average time for ministerial correspondence to be signed and completed for (a) Members of the Legislative Assembly and (b) members of the ACT public for (i) 2014-2015 financial year and (b) 1 July to 31 October 2015.
- (5) Is it a requirement that ministerial correspondence from Members of the Legislative Assembly be responded to.

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

- (1) There is no standard deadline for replies to ministerial correspondence. Correspondence whether from an MLA or member of the public is responded to in the same manner.
  - (2) (a) 58 pieces of correspondence which related to the Capital Metro Agency were responded to in the period 1 July to 31 October 2015.  
  
(b) There is no standard deadline for ministerial correspondence.
  - (3) (a) There is no standard deadline.  
  
(b) 10 correspondence items relating to the Capital Metro Agency were marked as 'not requiring further action' in the period 1 July to 31 October 2015.
  - (4) The Capital Metro Agency tracking system does not produce average time data. Correspondence whether from an MLA or member of the public is responded to in the same manner.
  - (5) No, it is not a requirement.
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**Housing ACT—maintenance costs  
(Question No 646)**

**Ms Lawder** asked the Minister for Housing, Community Services and Social Inclusion, upon notice, on 9 February 2016:

Can the Minister provide the (a) full annual average cost of maintenance for a Housing ACT dwelling, (b) full annual costs of providing keys, including replacement keys, for a Housing ACT dwelling and (c) average cost to design, build and fit out a Housing ACT dwelling.

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

- (a) the annual average cost of maintenance per dwelling is approximately \$3,300.
- (b) the annual cost of providing keys, including replacement keys, for a public housing dwelling in 2014-15 was approximately \$132.00. This figure includes replacing keys that were lost, stolen, where a tenant had been locked out, broken locks and where a break in had occurred. The figure does not include the cost of providing locks and keys for vacant properties.
- (c) The average cost to design, build and fit out a Housing ACT dwelling is \$415,000. This figure can vary considerably depending on the number of bedrooms or whether the property is a detached cottage or part of a multi-unit complex.

Please note the type of dwellings constructed range from units in multi-unit complexes to stand alone properties, ranging in size from 1-6 bedrooms.

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**Our Canberra newsletter—publication  
(Question No 647)**

**Mr Coe** asked the Chief Minister, upon notice, on 9 February 2016:

- (1) In 2016 (a) what is the proposed publication timing for the *Our Canberra* newsletter, (b) will different editions of the newsletter be published for the five main regions of Canberra, (c) how much funding has been budgeted for (i) printing, (ii) production and (iii) distribution, (d) what is the proposed print run for each edition and (e) will editions of the newsletter be printed in the Australian Capital Territory.
- (2) Will the content of the *Our Canberra* newsletter be produced in print and electronic format only in 2016 or will other material be included with the newsletter.
- (3) If other material is to be included with the *Our Canberra* newsletter can the Chief Minister (a) provide a description of the item to be included, (b) provide the cost of the producing the item and (c) advise if that material will be produced in the Australian Capital Territory.
- (4) What other community newsletters or public information campaigns are proposed to be released in 2016 by the ACT Government.

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

- (1) The print edition of Our Canberra is distributed the first week of every month, except January and February when a combined edition is distributed the last week of January.
  - (b) Yes.
  - (c)
    - (i) printing – the printing cost per month is \$16,885.
    - (ii) production – the five editions each month are produced internally by existing staff.
    - (iii) distribution – costs vary slightly each month due to changes in Canberra's total dwellings. The average total cost in 2016 is approximately \$26,700 per month.
  - (d) Newsletters are distributed monthly to all Canberra households. For example, the January 2016 edition was distributed to 177,960 households, as advised by Australia Post), as follows:
    - Belconnen – 42,994
    - Central – 45,282
    - Gungahlin – 25,014
    - Tuggeranong – 35,608
    - Woden/Weston Creek/Molonglo – 29,062
  - (e) Yes. The newsletter is printed by Canberra-based printer CanPrint.
  - (2) There are no current plans to include other materials with the print and digital newsletter for the remainder of 2016.
  - (3) N/A
  - (4) This information is not currently available.
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**Dunlop—anti-social behaviour  
(Question No 650)**

**Mrs Dunne** asked the Minister for Transport and Municipal Services, upon notice, on 9 February 2016:

- (1) How many complaints has the Government received about speeding or other anti-social driving behaviour (a) along Douglas Waterhouse and Kerrigan Streets in Dunlop and (b) in Dunlop generally in each of the years (i) 2012-2013, (ii) 2013-2014, (iii) 2014-2015 and (iv) 2015-2016 (YTD).
- (2) What studies has the Government undertaken or analysis made as to speeding or other anti-social driving behaviour in Dunlop and what were the outcomes of those studies or that analysis.

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

1. Roads ACT has received the following complaints about speeding in Dunlop:



a) One complaint in relation to Kerrigan Street in March 2015.

Two complaints in relation to Douglas Waterhouse Drive, one in March 2014 and another in September 2015.

b)	(i)	2012-2013	1
	(ii)	2013-2014	2
	(iii)	2014-2015	2
	(iv)	2015-2016 (YTD)	5

2. Speed surveys were undertaken in Dunlop. The results indicated the average speeds on these roads to be as follows:

#### 2012-2013

Hanrahan Crecent	29km/h
Triton Street	34km/h
Archdall Street	54km/h
Lance Hill Avenue	49km/h

#### 2013-2014

Henry Sutton Circuit	33km/h
Hugh McKay Crescent	30km/h
Coolgardie Street	33km/h
Archdall Street	53km/h
Kerrigan Street	62km/h
Traeger Street	49km/h

#### 2014-2015

No surveys undertaken

#### 2015-2016 (YTD)

Douglas Waterhouse Street	61km/h
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### ***Our Canberra* newsletter—publication (Question No 651)**

**Mr Coe** asked the Chief Minister, upon notice, on 9 February 2016:

- (1) In relation to the *Our Canberra* newsletter dated January/February 2016 (a) how many editions of this newsletter were published, (b) for which regions of the ACT, was a separate edition of this newsletter produced, (c) did each copy of this newsletter include a 'Get Re psyched about Recycling' magnet and (d) what was the print run for each edition of this newsletter.
- (2) What was the cost of (a) printing, (b) production, (c) producing and affixing the magnet and (d) distribution for each edition of this newsletter.
- (3) Was the newsletter printed in the ACT.
- (4) Was the magnet produced in the ACT and is the magnet recyclable.

- (5) Why was the 'Get Re-psyched about Recycling' magnet included with the newsletter when the text on the magnet was also printed on the back page of the newsletter.
- (6) Was the content, including the message from the Chief Minister which outlined the 2016 agenda of the Government, approved by the Independent (Campaign Advertising) Reviewer.
- (7) What is the production and distribution timetable for other editions of the *Our Canberra* newsletter in 2016.

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

- (1) (a) Five editions
    - (b) 1. Tuggeranong 2. Belconnen 3. Gungahlin 4. Woden/Weston Creek/Molonglo and 5. Civic and Central
    - (c) Yes
    - (d) 1. Tuggeranong – 35,608 2. Belconnen – 42,994 3. Gungahlin – 25,014 4. Woden/Weston Creek/Molonglo – 29,062 5. Civic and Central – 45,282
  - (2) (a) Printing costs for the newsletter were \$16,885 (for all five editions). There was nil cost to the ACT Government of printing the magnet. The printing of the magnet is part of the Ricky Starr recycling campaign, which is fully funded by the recycling industry. ACT taxpayers did not fund the magnet.
  - (b) The five editions of the newsletter each month are produced internally by existing staff. There was no additional cost for producing the newsletter due to the inclusion of the magnet.
  - (c) Nil to the ACT Government. The production and distribution of the magnet is part of the Ricky Starr recycling campaign, which is fully funded by the recycling industry. ACT taxpayers did not fund the magnet.
  - (d) Distribution costs vary slightly each month due to growth in Canberra's total dwellings. The average total cost in 2016 is approximately \$26,700 per month for all five editions of the newsletter. There was no additional cost for distributing the January/February edition of the newsletter with the magnet attached.
- (3) Yes
  - (4) No. A supplier in Canberra that could produce the magnets was unable to be found. Supply and affixing of the magnet was therefore outsourced through the print contractor, CanPrint, which is Canberra-based.
- The magnet is not recyclable. The purpose of the magnet is for Canberrans to keep it as a reminder of what can be placed into their recycling bins.
- (5) The intention was for the magnet to be removed from the newsletter and kept (ie placed on the fridge) as a reminder of what can go in our recycling bins. By repeating the information on the newsletter, it ensured these five key recycling messages were reinforced to one or more members of the household, whether the magnet was attached to the newsletter or not.

(6) Yes.

(7) The print edition of *Our Canberra* will be distributed by Australia Post during the first week of every month. Production for each edition commences prior to distribution.

### **Energy—individual utility metering (Question No 652)**

**Mrs Dunne** asked the Minister for Planning and Land Management, upon notice, on 10 February 2016:

- (1) Can the Minister explain the Government's policy on individual utility metering for units in unit title plans.
- (2) How many new unit title plans did the Government's planning agency approve in (a) 2012-2013, (b) 2013-2014, (c) 2014-2015 and (d) 2015-2016 (to date).
- (3) How many included proposals for individual utility metering for units in the plan for each year in part (2).
- (4) How many proposals for individual utility metering were approved; if any were rejected, why.
- (5) How many applications were made to the Government's planning agency for retro-fitting individual utility metering in units of established unit titles for each year in part (2).
- (6) How many proposals for retro-fitting individual utility metering were approved; if any were rejected, why.

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

- (1) The ACT Government does not require utility metering of individual units in a units plan. Should a body corporate wish to have separately metered units, their representatives can approach Icon Water and ActewAGL.
- (2) The number of units plans registered is as follows:
 

2012-2013:	95
2013-2014:	104
2014-2015:	83
2015-2016:	42 (to date)
- (3) None. Approval of a units plan is not a development approval under the *Planning and Development Act 2007*. There are no provisions to condition an approval for subdivision under *Unit Titles Act 2001*. The provision of utility services is a matter between the developer and the service providers.
- (4) None. See answer to Question (1) and (3) above.

(5) None. See answer to Question (1) and (3) above.

(6) None. See answer to Question (1) and (3) above.

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**Capital Metro—advertising  
(Question No 653)**

**Mr Coe** asked the Minister for Capital Metro, upon notice, on 11 February 2016:

- (1) Have those public servants whose image or voice has been used in Capital Metro's social media promotions and other campaigns (as defined by the *Government Agencies (Campaign Advertising) Act 2009*), each signed a release in line with the Government Agencies (Campaign Advertising) Guidelines 2010 (No 1); if so, were there any instances where a public servant signed a release after the date their image or voice appeared in a Capital Metro campaign.
- (2) Has the Project Director of Capital Metro (or another senior executive acting in the role as Chief Executive for Capital Metro) given approval to the images or voices of public servants being used in Capital Metro's social media promotions and other campaigns (as defined by the *Government Agencies (Campaign Advertising) Act 2009*), in line with the Government Agencies (Campaign Advertising) Guidelines 2010 (No 1); if so, were there any instances where the Project Director of Capital Metro (or another senior executive acting in the role as Chief Executive for Capital Metro) gave approval to the use of a public servant's image or voice after that person's image or voice was used in a Capital Metro campaign.

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

- (1) As per the *Government Agencies (Campaign Advertising) Act 2009*, activities undertaken by the Capital Metro Agency to date are not defined as a campaign/s.
- (2) Refer to response (1).

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**Capital Metro—advertising  
(Question No 654)**

**Mr Coe** asked the Minister for Capital Metro, upon notice, on 11 February 2016:

- (1) Have each of the various campaigns (as defined in the *Government Agencies (Campaign Advertising) Act 2009*), run by Capital Metro since it was established, been independently reviewed; if so, what were the dates each of those campaigns were referred to the independent reviewer and what has been the outcome of those reviews.
- (2) Have there been any concerns expressed or modifications sought to a campaign proposed to be run by Capital Metro as part of any independent review.
- (3) What was the actual expenditure by Capital Metro on campaigns in (a) 2013 2014 and (b) 2014 2015.

- (4) Was Capital Metro's expenditure on campaigns in (a) 2013-2014 and (b) 2014-2015 either under or over the budgeted amount; if so, by how much.
- (5) What is the proposed expenditure for Capital Metro on campaigns in 2015 2016.
- (6) What campaigns are proposed to be undertaken by Capital Metro in 2015 2016.
- (7) Can the Minister provide a breakdown of the amount proposed to be spent on (a) market research agencies, (b) public relations consultants, (c) advertising agencies and (d) any other specialist consultants for campaigns proposed to be run in 2015 2016.
- (8) Can the Minister provide a breakdown of the amount proposed to be spent on the production and dissemination of (a) advertising in the press, on the radio, on television, and in the cinema, (b) advertising online, including any social media activities, (c) audio visual advertising, (d) printed material, including pamphlets, explanatory booklets and (e) other promotional material, such as magnets, toys or models for campaigns proposed to be run in 2015 2016.

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

- (1) Communication activities undertaken by the Capital Metro Agency to date are not defined as a campaign under the *Government Agencies (Campaign Advertising) Act 2009*.
- (2) The Capital Metro Agency has sought the Independent Reviewer's advice on some communication activities in order to ensure materials being presented to the public were appropriate. However, I would like to clarify for the record that communication activities undertaken by the Capital Metro Agency to date are not defined as a campaign/s under the *Government Agencies (Campaign Advertising) Act 2009*.
- (3) Refer to response (1).
- (4) Refer to response (1).
- (5) None. Communication activities proposed to be undertaken by the Capital Metro Agency in 2015-16 are not defined as a campaign under the *Government Agencies (Campaign Advertising) Act 2009*.
- (6) None. Refer to response (5).
- (7) None. Refer to response (5).
- (8) None. Refer to response (5).

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**Environment—street trees  
(Question No 656)**

**Mr Coe** asked the Minister for Transport and Municipal Services, upon notice, on 11 February 2016:

- (1) How many street trees are there, broken down by suburb.

- (2) What was the cost of tree maintenance for the financial years (a) 2013-2014, (b) 2014-2015 and (c) 2015-2016 to date.
- (3) What is the average lifespan of a street tree.
- (4) Does the Government have a tree replacement program; if so, can the Minister provide details.

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

- (1) TAMS manage more than 750,000 trees in the urban area including approximately 340,000 trees located in streets. The attached table provides an up-to-date summary of the number of street trees in each suburb.
- (2)
 

(a) 2013-2014:	\$7,497,872
(b) 2014-2015:	\$6,744,670
(c) 2015-2016: YTD	\$3,599,702 (YTD) The full year allocated budget is \$7,194,697
- (3) The average life expectancy of street trees varies depending on the type of tree, prevailing weather conditions and site factors. Some street trees (mostly deciduous exotics) that date from the early 1900s are still healthy while some of the native tree types reach the end of their useful life in 50 to 70 years.
- (4) The ACT Government uses an integrated approach to the removal and replacement of trees on public land where the removal of trees is closely aligned with tree planting programs.

Attachment

Street Tree Numbers by Suburb as at 18 February 2016

SUBURB	Total		
ACTON	2628	HOLT	3422
AINSLIE	4276	HUGHES	1454
AMAROO	3695	HUME	4488
ARANDA	4686	ISAACS	3671
BANKS	2459	ISABELLA PLAINS	2124
BARTON	774	JACKA	223
BELCONNEN	5649	KALEEN	6556
BONNER	2895	KAMBAH	14827
BONYTHON	2251	KINGSTON	1411
BRADDON	2078	LATHAM	3889
BRUCE	7837	LAWSON	1113
CALWELL	5791	LYNEHAM	4960
CAMPBELL	2761	LYONS	1615
CASEY	2726	MACARTHUR	3566
CHAPMAN	1722	MACGREGOR	4459
CHARNWOOD	3829	MACQUARIE	3973
CHIFLEY	1950	MAWSON	2321
CHISHOLM	3896	MCKELLAR	2283
		MELBA	3256

CITY	1699
CONDER	3182
COOK	3138
COOMBS	1813
CRACE	2626
CURTIN	3796
DEAKIN	3548
DICKSON	1902
DOWNER	2939
DUFFY	1859
DUNLOP	5264
EVATT	3229
FADDEN	2693
FARRER	3039
FISHER	1230
FLOREY	4159
FLYNN	2939
FORDE	2755
FORREST	2198
FRANKLIN	3043
FRASER	1972
FYSHWICK	2381
GARRAN	1225
GILMORE	4110
GIRALANG	3714
GORDON	5628
GOWRIE	3576
GREENWAY	4597
GRIFFITH	3812
GUNGAHLIN	5585
HACKETT	1530
HALL	1501
HARRISON	3557
HAWKER	3530
HIGGINS	1708
HOLDER	1402

MITCHELL	2939
MOLONGLO	1979
MONASH	3432
NARRABUNDAH	6334
NGUNNAWAL	7870
NICHOLLS	8278
OAKS ESTATE	260
O'CONNOR	5267
O'MALLEY	1757
OXLEY	1940
PAGE	1858
PALMERSTON	4425
PEARCE	2016
PHILLIP	3498
PIALLIGO	453
RED HILL	2960
REID	1247
RICHARDSON	2147
RIVETT	2025
SCULLIN	2439
SPENCE	3235
STIRLING	1584
SYMONSTON	2190
THARWA	302
THEODORE	2936
TORRENS	2685
TURNER	1245
WANNIASSA	10581
WARAMANGA	946
WATSON	3607
WEETANGERA	2532
WEST BASIN	21
WESTON	2279
WRIGHT	1157
YARRALUMLA	3940
<b>Grand Total</b>	<b>340749</b>

### Roads—street lights (Question No 658)

**Mr Coe** asked the Minister for Transport and Municipal Services, upon notice, on 11 February 2016:

- (1) What is the total number of street lights in the Territory.
- (2) How many street lights use energy-efficient globes.
- (3) What is the annual budget for the replacement of mercury vapour lights.

- (4) What is the expected timeframe for replacing mercury vapour lights.

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

- (1) As at 19 February 2016, the total number of street lights maintained by the Territory is 78,599.
  - (2) As at 19 February 2016, the total number of street lights that use energy efficient fittings is 25,532.
  - (3) \$298,000 was expended in 2014-15 on the replacement of mercury vapour lights.
  - (4) Based on the current replacement program, it is expected to take between 5-10 years to complete the replacement of mercury vapour lights.
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**Arts—expenditure  
(Question No 661)**

**Mr Smyth** asked the Minister for Small Business and the Arts, upon notice, on 11 February 2016:

- (1) How much has been expended or planned to be provided for completion of the Kingston and Gorman House arts hubs and what are the capital and operating expense components for each of these amounts.
- (2) What has been the total amount spent on these centres in (a) 2012-2013, (b) 2013 2014, (c) 2014-2015 and (d) allocated for the 2015-16 Budget and associated forward estimates in terms of (i) salaries and allowances including employee overheads such as superannuation and leave, (ii) other operating, maintenance and administrative expenses and (iii) grants and other payments for artists and performing organisations and related bodies for the following art centres (A) Ainslie Arts Centre, (B) Belconnen Arts Centre, (C) Canberra Contemporary Art Space, (D) Canberra Glassworks, (E) Canberra Glassworks Chapel, (F) Fitters' Workshop, (G) Former Transport Depot, (H) Gorman House Arts Centre, (I) Manuka Arts Centre, (J) Nissen Hut Store, (K) Strathnairn, (L) The Street Theatre, (M) Theatre 3, (N) Tuggeranong Arts Centre, (O) Watson Arts Centre and (P) Wentworth Avenue Offices, Former Transport Depot.
- (3) What capital amounts have been spent, or are planned in (a) 2012-2013, (b) 2013 2014, (c) 2014-2015 and (d) allocated for the 2015-16 Budget and associated forward estimates for the centres listed in part (2)(A) to (P).
- (4) What are the Government's plans for development or enhancement of artists' working accommodation for the centres listed in part (2)(A) to (P).

**Dr Bourke:** The answer to the member's question is as follows:

- (1) \$300,000 capital funding was allocated to the Kingston Visual Arts Hub in the 2013-14 Budget for the preparation of a Feasibility Study. There is no capital funding for the Kingston Arts Hub in forward estimates.



\$1 million was allocated to Gorman House Arts Centre over 2013-14 and 2014-15 for capital improvements to the facility. There is no capital funding for Gorman House Arts Centre in forward estimates.

Recurrent operating expense components are not allocated specifically for Kingston or Gorman House arts hubs by the Territory. Repairs and maintenance costs for Gorman House (routine and reactive tasks) are funded from an indexed recurrent allocation for the arts facility portfolio. The total recurrent allocation for the portfolio is \$360,000 in 2015-16. Gorman House Arts Centre received \$121,250 in program funding in 2015-16 from the ACT Government towards operating costs.

(2) (a) to (d) See the table attached.

(i) The ACT Government, through artsACT, provides core operational funding to arts organisations who allocate expenditure across their budget lines including for salaries, allowances and employee overheads such as superannuation and leave of arts organisation staff. The ACT Government does not direct or determine the allocation of operational funding across the expenditure areas referred to by the Member.

(ii) See the table attached.

(iii) Funding to arts organisations that occupy arts facilities listed in the Member's question is provided in the table attached.

(3) See the table attached.

The 2015-16 Budget allocates \$248,000 in 2015-16 and \$248,000 in 2016-17 for the highest priority safety and fire protection works across the arts facility portfolio as documented in the arts facility Strategic Asset Management Plan.

(4) The Government's plans for development or enhancement of artists' working accommodation are to address the highest priority electrical and fire protection improvements across the arts facility portfolio. The works required are identified in the Strategic Asset Management Plan for arts facilities and are funded by a Budget allocation of \$496,000 over two financial years commencing 2015-16.

Note that in this response 'plans' are defined as confirmed funding as part of forward estimates and 'artists' working accommodation' is taken to mean spaces for arts activity including artist studios, workshops and galleries.

**Arts Facility Expenditure 2012-13 to 2015-16 (year to date)**

Organisation	Expenditure ex GST	2012-2013	2013-2014	2014-2015	2015-16 (allocated)
Ainslie Arts Centre <sup>^</sup>	Program Funding including grants	\$130,575	\$50,725	\$77,675	\$121,250
	Capital <sup>+</sup>	\$0	\$74,000	\$1,484,947	\$25,229
	Repair and Maintenance	\$21,853	\$23,306	\$45,279	\$30,727
Belconnen Arts Centre	Program Funding including grants	\$474,803	\$552,950	\$608,127	\$598,450
	Capital	\$22,727	\$174,435	\$77,716	\$6,780
	Repair and Maintenance	\$30,218	\$27,427	\$39,960	\$9,626
Canberra Contemporary Art Space	Program Funding including grants	\$214,700	\$219,125	\$224,500	\$230,113
	Capital	\$0	\$0	\$0	\$0
	Repair and Maintenance	\$5,174	\$2,905	\$729	\$166

<b>Canberra Glassworks</b>	Program Funding including grants	\$646,000	\$663,000	\$688,550	\$705,513
	Capital	\$515,719	\$78,905	\$ 26,864	\$350
	Repair and Maintenance	\$118,053	\$62,989	\$71,897	\$27,585
<b>Canberra Glassworks Chapel</b>	Program Funding including grants	\$0	\$0	\$0	\$0
	Capital	\$0	\$0	\$0	\$0
	Repair and Maintenance	\$8,321	\$6,437	\$3,383	\$235
<b>Fitters' Workshop</b>	Program Funding including grants	\$0	\$0	\$0	\$0
	Capital	\$28,000	\$0	\$74,600	\$20,642
	Repair and Maintenance	\$0	\$0	\$0	\$1,046
<b>Former Transport Depot*</b>	Program Funding including grants	\$0	\$0	\$0	\$0
	Capital	\$0	\$0	\$0	\$0
	Repair and Maintenance	\$0	\$0	\$0	\$74,343
<b>Gorman House Arts Centre</b>	Program Funding including grants	\$130,575	\$50,725	\$77,675	\$121,250
	Capital	\$94,575	\$125,142	\$329,393	\$691,377
	Repair and Maintenance	\$66,431	\$39,350	\$63,414	\$69,191
<b>Manuka Arts Centre</b>	Program Funding including grants	\$170,500	\$174,000	\$178,340	\$207,162
	Capital	\$0	\$0	\$0	\$0
	Repair and Maintenance	\$21,710	\$38,058	\$45,238	\$9,399
<b>Nissen Hut Store</b>	Program Funding including grants	\$0	\$0	\$0	\$0
	Capital	\$0	\$0	\$0	\$0
	Repair and Maintenance	\$0	\$0	\$450	\$690
<b>Strathnairn</b>	Program	\$36,598	\$100,000	\$102,500	\$71,250
	Capital	\$342,383	\$9,089	\$10,150	\$12,000
	Repair and Maintenance	\$16,093	\$35,959	\$34,701	\$25,969
<b>The Street Theatre</b>	Program Funding including grants	\$737,500	\$763,965	\$772,820	\$792,140
	Capital	\$2,108,080	\$899,047	\$0	\$0
	Repair and Maintenance	\$19,899	\$31,560	\$50,832	\$5,204
<b>Theatre 3</b>	Program Funding including grants	\$0	\$0	\$0	\$0
	Capital	\$0	\$0	\$0	\$0
	Repair and Maintenance	\$18,146	\$27,473	\$15,478	\$4,515
<b>Tuggeranong Arts Centre</b>	Program	\$496,253	\$573,625	\$620,482	\$620,168
	Capital	\$984,136	\$1,365,688	\$146,599	\$ 67,464
	Repair and Maintenance	\$17,960	\$35,453	\$63,984	\$90,449
<b>Watson Arts Centre</b>	Program Funding including grants	\$38,000	\$79,250	\$112,500	\$105,062
	Capital	\$0	\$0	\$0	\$0
	Repair and Maintenance	\$21,959	\$10,344	\$15,565	\$17,365
<b>Wentworth Avenue Offices, Former Transport Depot (Megalo)</b>	Program Funding including grants	\$288,350	\$279,004	\$283,883	\$303,360
	Capital	\$242,000	\$508,000	\$0	\$0
	Repair and Maintenance	\$0	\$0	\$0	\$74,343

<sup>+</sup>Capital funding includes expenditure from the Capital Upgrade Program (CUP) and from capital works allocations.

<sup>\*</sup>The Former Transport Depot transferred to artsACT in 2015-16 and no prior expenditure is recorded for this asset.

<sup>^</sup>Gorman House Arts Centre Inc manages both the Ainslie and Gorman House Arts Centres. The Program Funding has therefore been notionally allocated at 50% to each centre.

**Roads—parking revenue  
(Question No 664)**

**Mr Coe** asked the Treasurer, upon notice, on 11 February 2016:

- (1) What has been the revenue gained by increasing paid parking from 5:30pm to 10pm on all affected car parks, up to and including Monday, 8 February 2016.
- (2) What is the predicted revenue gained from increasing paid parking from 5:30pm to 10pm on the areas listed in part (1) in the (a) 2015-2016, (b) 2016-2017, (c) 2017-2018 and (d) 2018-2019 budgets.

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

- (1) The increase in paid parking revenue for the carparks in London Circuit, Civic Pool, Acton Peninsula and the Canberra Institute of Technology to January 2016, compared to the corresponding period 12 months previous, is \$351,437.
- (2) The predicted revenue from the introduction of paid parking after hours and on weekends was shown in the 2015-16 Budget (Budget Paper No. 3, page 137).

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**Firearms—legislation  
(Question No 667)**

**Mr Smyth** asked the Minister for Police and Emergency Services, upon notice, on 11 February 2016:

- (1) Is he able to say whether certain provisions of the *Prohibited Weapons Act 1966* and the *Firearms Act 1996* relating to telescopic and folding stocks are now inconsistent with Commonwealth Law as a result of amendments to the *Customs (Prohibited Imports) Regulations 1956* made in October 2013 and December 2015; if so, (a) does this inconsistency render section 28 of the *Australian Capital Territory (Self Government) Act 1988* invalid and (b) does the Minister intend to amend these provisions to ensure that ACT law is consistent with Commonwealth law; if so, when; if not, why not.
- (2) Do these provisions prevent ACT Firearms Dealers from stocking those telescopic and folding stocks for sale in all other jurisdictions and is he able to say whether this restriction of interstate trade breaches section 92 of the Australian Constitution.
- (3) Have these legislative inconsistencies in the ACT placed ACT-based suppliers at a disadvantage when competing with interstate businesses.
- (4) Is the Government aware that the Northern Territory has amended their firearms legislation to ensure consistency with Commonwealth law and the National Firearms Agreement.
- (5) Does the ACT Deputy Registrar of Firearms have delegation to issue permits under the *Prohibited Weapons Act 1996* and how many permits has the Deputy Registrar of Firearms issued in this financial year to date.

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

- (1) A folding, detachable, telescopic or collapsible stock is a prohibited article under Schedule 2 of the *Prohibited Weapons Act 1996*.

*Customs (Prohibited Imports) Regulation 1956* (Cth) relates to the importation of firearms, parts and magazines. In accordance with the Australian Constitution, the Commonwealth has control over importation matters.

The sale, possession and use of firearms is however regulated by the states and territories.

As the *Firearms Act 1996* and *Prohibited Weapons Act 1996* do not relate to importation of firearms and weapons there is no issue of inconsistency.

The ACT Government keeps descriptions of prohibited firearms under review and will consider amendments as appropriate and in the context of other priorities.

- (2) Possession of telescopic and folding stocks in the ACT is prohibited (see above). Any person who wishes to possess telescopic or folding stocks may apply to the ACT Firearms Registrar for a permit to do so. The Firearms Act and Regulation and Prohibited Weapons Act and Regulation regulate the issue of licences and permits. The Firearms Registrar has discretion to issue a licence or permit based on the satisfaction of relevant criteria on a case by case basis.

The *Mutual Recognition (Australian Capital Territory) Act 1992*, section 14 provides that subject to the Act, goods lawfully produced in or imported into a state or territory may be sold in another state or territory. Schedule 1 of that Act however provides a permanent exemption for firearms and other prohibited or offensive weapons. This means that selling these items across state and territory borders may be subject to further requirements including those set out in the Firearms Act and Prohibited Weapons Act.

- (3) Legislative inconsistencies between states and territories vary because of a range of factors. For example, the ACT's payroll tax threshold is \$1.85 million. This is the highest payroll tax threshold in Australia, which makes the ACT the most friendly jurisdiction to small business of any state or territory, and places ACT businesses at a distinct advantage when competing with interstate businesses.
- (4) The ACT Government is aware of changes to firearms laws in other jurisdictions through its membership on the National Firearms and Weapons Policy Working Group.
- (5) The ACT Deputy Registrar of Firearms operates with an implied delegation to perform the functions of the Firearms Registrar under the *Prohibited Weapons Act 1996*.

During the 2015-2016 financial year, the Deputy Registrar of Firearms has issued 32 permits under the Prohibited Weapons Act.

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## Racing industry—finances (Question No 668)

**Mr Smyth** asked the Minister for Racing and Gaming, upon notice, on 11 February 2016:

- (1) For the three categories of racing covered in 1b of the response to Question on Notice No. 7 from the Standing Committee on Public Accounts inquiry into Annual and Financial Reports 2014-15 approved by the Minister for Racing and Gaming on 4 December 2015, what was (a) the total amount of Government funding provided for prize money and (b) the percentage of Government funded prize money for each event within each category.
- (2) In relation to the amounts reported in 2a of the Minister's response to QON No. 7, (a) what does the racing industry use these funds for, (b) what conditions or guidelines are prescribed by the Government in relation to the racing industry's use of the Government allocated funds, (c) what governance and accountability processes are exercised in relation to the allocation and use of these funds and (d) how much of the funding is used for staff remuneration or staff benefits.

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

- (1)
  - a. The ACT's racing industry was historically funded through payments from the former ACTTAB. In 2009, in light of concerns about ACTTAB's competitiveness and ability to continue supporting the industry, the Government agreed to cease ACTTAB's industry payments and instead provide direct financial support to racing clubs. The then Racing Development Fund was replaced with budget funding. In its response to recommendations from a subsequent Independent Competition and Regulatory Commission report into the racing industry, the Government agreed to provide greater funding certainty to industry.

Government provides funding to the racing industry through CPI-indexed Budget appropriations. Industry funding was set at \$8.022 million (2014-15) and \$8.226 million (2015-16). There is no specific allocation for prize money.

In 2014-15, \$6.017 million was provided to the Canberra Racing Club. In 2014-15, \$1.003 million each was provided to the Canberra Greyhound Racing Club and the Canberra Harness Racing Club. Funding supports a range of racing activities.

  - b. As advised in the Government's response to Question on Notice No. 7 from the Standing Committee on Public Accounts inquiry into Annual and Financial Reports 2014-15 (1c), prize money values are set by the racing club conducting the event. Information is not collected on the percentage of government funding that contributes to the prize money value of each event.
- (2)
  - a. Funding to the industry supports a range of racing activities. Funding contributes towards industry support for wages to local staff, purchasing of goods and services, repairs and maintenance of infrastructure, club administration, and promotional activities etc.

- b. As at February 2016, the Canberra Greyhound Racing Club had 151 members and eight full-time equivalent employees consisting of: two full-time staff; 20 casuals; and local contractors for steward, veterinarian, vision and accountant services.
- c. The Memorandum of Understanding (MoU) between the Government and local racing industry sets out the shared principles and objectives that guide the relationship between government and industry. In signing the MoU, the racing clubs agreed to maintain strong integrity in their organisations, and to continue to conduct their activities in line with the requirements of relevant ACT legislation and the racing rules established by the peak bodies of each racing code. The MoU is intended to provide assurances to the Territory of the ongoing viability, integrity, governance, accountability and efficiency of the local racing industry.

Key performance indicators are prescribed under clause 7 of the MoU. Key indicators include:

- efficient administration, promotion and maintenance of racing activities;
- maintenance of integrity services including, but not limited to, adherence to the *Australian Rule of Racing*, *Local Rules of Racing*, the *Racing Act 1999* (ACT) stewarding services and drug detection;
- provision of optimum quality services and facilities to encourage participation by participants and spectators;
- coverage of local and interstate race meetings through TAB agencies, quality of race meetings, stake monies and overall promotion to maximise the interest of offcourse investors;
- specific opportunities taken to increase returns from wagering on racing activities; and
- optimisation of external income streams.

The Government is considering options to formalise reporting against the key performance indicators as part of developing multi-year contractual arrangements with the industry in line with clause 8 of the MoU.

- d. The allocation of budget funding, including funding support to the racing clubs, is governed by provisions set out under the *Financial Management Act 1996* (the Act). Financial Delegations established under the Act provide for the authorisation of persons to commit and approve expenditure. The Act and its subordinate legislative instruments, such as the Financial Delegations, ensure that government budget appropriations are prudent, fiscally responsible, contribute to achieving budget priorities and achieve value for money.
- e. Information is not collected on the percentage of government funding that contributes to staff remuneration or benefits.

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## **Taxation—revenue and costs (Question No 669)**

**Mr Smyth** asked the Treasurer, upon notice, on 11 February 2016:

- (1) With reference to the answer to Question on Notice Number A4(b) from the Standing Committee on Public Accounts inquiry into Annual and Financial Reports 2014-15 provided by the Treasurer on 30 November 2015, what was the revenue or expenditure achieved in regard to (a) payroll tax, (b) land tax, (c) First Home Owners Grant, (d) conveyance duty (including concession schemes), (e) red light, (f) speed cameras and (g) parking fines for the years (i) 2012-2013, (ii) 2013-2014, (iii) 2014-2015 and (iv) the 2015-2016 Budget.
- (2) What was the cost (including compliance costs) for ongoing management of each of these to achieve the amounts received or expended in part (1) in terms of (a) FTE, (b) contractors or contract staff, (c) staffing expenses and (d) other operating expenses and overheads.

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

- (1) The revenue generated in relation to the items listed in the question is set out in Table 1 below:

**Table 1:**

Revenue Generated	2012-13	2013-14	2014-15	2015-16
	\$million			
(a) Payroll Tax Revenue	319.922	331.165	358.861	423.273 <sup>1</sup>
(b) Land Tax Revenue	70.781	79.427	96.178	94.069 <sup>1</sup>
(c) First Home Owners Grant	20.601	14.462	17.293	10.257 <sup>1</sup>
(d) Conveyance Revenue (excluding revenue foregone in relation to the Home Buyer Concession Scheme, Pensioner Duty Concession Scheme, and the Over 60s Home Bonus Scheme)	230.559	228.707	215.723	232.056 <sup>1</sup>
(e) Red Light and Fixed Speed Cameras	9.715	10.328	10.397	5.836 <sup>2</sup>
(f) Mobile Speed Cameras	2.293	2.310	2.448	2.013 <sup>2</sup>
(g) Parking Fines	9.861	9.623	11.428	5.962 <sup>2</sup>

**Notes:**

Table may not add due to rounding.

<sup>1</sup>: As at 2015-16 Budget Review.

<sup>2</sup>: As at December 2015.

- (2) The costs in relation to the items listed in the question is set out in Table 2 below:

**Table 2:**

Costs	2012-13	2013-14	2014-15	2015-16
	\$million			
(a) – (d) Payroll Tax Revenue, Land Tax Revenue, First Home Owners Grant and Conveyance Revenue <sup>3</sup>	8.832	9.840	10.683	5.431 <sup>2</sup>
(e) – (f) Red Light, Fixed Speed and Mobile Speed Cameras <sup>4</sup>	1.586 <sup>5</sup>	1.622 <sup>5</sup>	1.933 <sup>5</sup>	1.112 <sup>2,5</sup>
(g) Parking Fines	3.983 <sup>5</sup>	4.003 <sup>5</sup>	4.471 <sup>5</sup>	2.965 <sup>2,5</sup>

**Notes**

Table may not add due to rounding.

<sup>2</sup>: As at December 2015.

<sup>3</sup>: Revenue Office expenses are treated as a single entity from an accounting perspective.

<sup>4</sup>: Traffic Camera Office expenses are treated as a single entity from an accounting perspective.

<sup>5</sup>: Excludes depreciation, administration, management and executive support.

**Franklin—Chief Minister's letter  
(Question No 674)**

**Mr Coe** asked the Chief Minister, upon notice, on 18 February 2016 (*redirected to the Minister for Urban Renewal*):

- (1) What was the cost for (a) production and (b) distribution of the Chief Minister's letter dated 11 February 2016 to residents of the suburb of Franklin regarding the sites identified for public housing in the suburb.
- (2) How many copies of the letter were produced.
- (3) Was the letter produced in the ACT.
- (4) How was the letter distributed.
- (5) Who (a) drafted and (b) approved the letter text for production.

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

- (1) There was no cost for the production and distribution of the Chief Minister's letter, except for business-as-usual staff and computing costs.
- (2) The letter was not printed.
- (3) The letter was drafted in the ACT. It was not printed for distribution.
- (4) A Portable Document Format (PDF) version of the letter was attached to an email from the Public Housing Renewal Taskforce. This was sent to a mailing list of Franklin residents, who had registered their details for updates on public housing in the suburb. It was also emailed to key stakeholders including the Gungahlin Community Council and the Parents and Citizens Association for the Franklin Early Childhood School.
- (5) The letter was drafted by my Office. I approved the text of the letter for distribution.

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**Capital Metro—advertising  
(Question No 675)**

**Mr Coe** asked the Minister for Capital Metro, upon notice, on 18 February 2016:

- (1) Does Capital Metro promote its Youtube videos and other social media messages on the websites or e-newsletters of other organisations; if so, what is the cost for the promotion in (a) 2015-2016 and (b) 2016-2017.
- (2) Can the Minister provide a list of the external websites, e-newsletters and other forums which have featured Capital Metro YouTube videos or other social media messages.
- (3) Is this promotion organised by an external provider or arranged in-house.
- (4) If the promotion is organised by an external provider, what is the cost of that service.



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

- (1) The Capital Metro Agency does not request other organisations to share videos or social media content across their own platforms. If content has been shared by organisations outside of the Capital Metro Agency it has been by the organisations own accord. There has been no cost associated with this activity.
  - (2) If content has been shared by organisations outside of the Capital Metro Agency it has been by the organisations own accord.
  - (3) Please refer question (1)
  - (4) Please refer question (1)
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**Capital Metro—Roadshow program  
(Question No 676)**

**Mr Coe** asked the Minister for Capital Metro, upon notice, on 18 February 2016:

- (1) What is the purpose of the Capital Metro's Government Roadshow program.
- (2) Has the Government Roadshow program been independently reviewed as a campaign (as defined in the *Government Agencies (Campaign Advertising) Act 2009*).
- (3) In relation to the Government Roadshow visits held to date this financial year (a) how many have been held, (b) on what dates were they held and (c) where were they held.
- (4) In relation to Government Roadshow visits scheduled for the remainder of this financial year, (a) how many are scheduled and (b) where will they be held.
- (5) What approvals are sought before a Government Roadshow visit is held in the premises of a Federal Department or ACT Directorate or agency.
- (6) How many Capital Metro staff attend each Government Roadshow visit.
- (7) On average, how long does each Government Roadshow visit take.
- (8) Can the Minister describe (a) each of the banners, (b) the pictures, (c) any models and (d) any other material displayed including fridge magnets, buttons, cards, proposed network maps, in relation to the promotional material displayed at each Government Roadshow visit.
- (9) What is the cost of the promotional material displayed at each Government Roadshow visit including (a) banners, (b) pictures, (c) any models and (d) any other material displayed including fridge magnets, buttons, cards and proposed network maps.

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

- (1) The purpose of the road show is to provide project updates and answer questions about light rail. The ACT Government is committed to being open and transparent about the project, by providing as many opportunities as possible for the community to ask questions about the project and provide feedback directly to Capital Metro Agency staff.

- (2) The road show program is not defined as a campaign under the *Government Agencies (Campaign Advertising) Act 2009*.
- (3) As at 18 February 2016, the following road shows have been held:
- 9 February 2016 – Department of Environment, Parkes
  - 10 February 2016 – Attorney-General's Department
  - 11 February 2016 – Department of Environment, City
  - 16 February 2016 – Territory and Municipal Services
  - 17 February 2016 – Department of Veterans Affairs
  - 18 February 2016 – Australian Tax Office
- (4) The following future road shows have been scheduled for the remainder of the 2015-16 financial year, however the Capital Metro Agency will continue to engage with remaining Federal and ACT Government Departments and Directorates over the coming months:
- 24 February 2016 – Environment and Planning Directorate
  - 1 March 2016 – Department of Immigration and Border Protection
  - 9 March 2016 – ACT Health
- (5) The Capital Metro Agency sought ministerial approval for the rollout of the road show prior to commencement. In relation to individual departments or directorates, the Capital Metro Agency contacts the relevant area or person within each organisation seeking participation in the program. The Capital Metro Agency then provides details of which staff members will be in attendance.
- (6) At least two Capital Metro staff attend each road show.
- (7) Generally a visit would be two hours.
- (8) The following items are used at Department/Directorate road shows:
- Canberra Metro artist impression;
  - Canberra Metro banner;
  - Canberra Metro factsheet;
  - Capital Metro Agency banner;
  - Capital Metro Agency fold-up-trams;
  - Capital Metro Agency magnets;
  - Capital Metro Agency stickers; and
  - Light Rail Network brochure & business card.
- (9) Noting that all items are used across all Capital Metro events, the cost associated with the items at (8) (GST incl.) was:
- Canberra Metro artist impression – no cost, provided by Canberra Metro;
  - Canberra Metro banner – no cost, provided by Canberra Metro;
  - Canberra Metro factsheet - \$1,864.00 (including print x1000 and design, noting final invoice for design work has not been received by the Capital Metro Agency);

- Capital Metro Agency banner - \$3,771.90 (design, print and production of 12 banners - information provided in 2014 via QON 318);
- Capital Metro Agency fold-up-trams - \$6,072.00 – reprint of cardboard trams (10,000);
- Capital Metro Agency magnets - \$588.00 (quantity of 3,000);
- Capital Metro Agency stickers - \$283.80 (quantity of 2,000, includes design of both magnets and stickers); and
- Light Rail Network brochure & business card - \$1953.00 (quantity of 500 of each, includes design).

### **Aged persons—elder abuse (Question No 678)**

**Mr Doszpot** asked the Minister for Veterans and Seniors, upon notice, on 18 February 2016:

- (1) Does the ACT Government have a current figure on elder abuse in ACT aged care facilities.
- (2) How is the Government responding to increasing rates of elder abuse in aged care facilities in the ACT.
- (3) What regulatory bodies are responsible for inspecting aged care facilities in Canberra.
- (4) What is the Government doing to assist victims of elder abuse.

**Dr Bourke:** The answer to the member's question is as follows:

- (1) The ACT Government does not collate data specifically on elder abuse in ACT aged care facilities.

Currently compulsory reporting of elder abuse applies only to residential aged care providers that receive funding from the Commonwealth Government, and is limited to any unlawful sexual contact or unreasonable use of force under the *Aged Care Act 1997*(Commonwealth). This national data is available in the 2014-15 Report on the Operation of the *Aged Care Act 1997*.

- (2) The response to elder abuse claims in aged care facilities is a Commonwealth Government responsibility. This includes regulation for quality of care standards and funding under the *Aged Care Act 1997*.

The Commonwealth Government appointed an independent Aged Care Complaints Commissioner to handle and investigate any complaint about aged care services. This free service is for anyone to raise their concerns about the quality of care or services being delivered to people receiving aged care services subsidised by the Commonwealth Government.

The Complaints Commissioner has replaced the Aged Care Complaints Scheme. For more information visit [www.agedcarecomplaints.gov.au](http://www.agedcarecomplaints.gov.au).

The ACT Government funds the following initiatives to counter increasing rates of elder abuse in aged care facilities in the ACT:

- Elder Abuse Prevention Working Group, which provides strategic advice on issues relating to elder abuse and promotes awareness, prevention and response to elder abuse in the ACT through advocacy, education and collaboration;
  - Elder Abuse Prevention information and resources, available on the Community Services Directorate website  
[www.communityservices.act.gov.au/wac/ageing/elder\\_abuse\\_prevention\\_and\\_assistance](http://www.communityservices.act.gov.au/wac/ageing/elder_abuse_prevention_and_assistance);
  - Promotion and distribution of the ACT Government's *Respecting our Elders* brochure available on the Community Services Directorate website  
[http://www.communityservices.act.gov.au/\\_\\_data/assets/pdf\\_file/0009/757566/Respecting-our-Elders.pdf](http://www.communityservices.act.gov.au/__data/assets/pdf_file/0009/757566/Respecting-our-Elders.pdf); and
  - the Abuse Prevention Referral Information Line (known as *APRIL*).
- (3) The Australian Aged Care Quality Agency has responsibility for managing the accreditation and ongoing supervision of Commonwealth funded aged care homes. For more information visit [www.aacqa.gov.au](http://www.aacqa.gov.au).
- (4) A key priority of the Active Ageing Framework is to explore the extent of the impact of elder abuse within our community. In collaboration with our community partners including the ACT Ministerial Advisory Council on Ageing and member organisations of the Elder Abuse Prevention Working Group, the ACT Government is developing strategies and awareness programs that will serve to prevent and reduce the prevalence of elder abuse and other forms of abuse in our community. These initiatives and strategies include:
- Elder Abuse Prevention information and resources, available on the Community Services Directorate website  
[www.communityservices.act.gov.au/wac/ageing/elder\\_abuse\\_prevention\\_and\\_assistance](http://www.communityservices.act.gov.au/wac/ageing/elder_abuse_prevention_and_assistance);
  - Promotion and distribution of the ACT Government's *Respecting our Elders* brochure available on the Community Services Directorate website  
[http://www.communityservices.act.gov.au/\\_\\_data/assets/pdf\\_file/0009/757566/Respecting-our-Elders.pdf](http://www.communityservices.act.gov.au/__data/assets/pdf_file/0009/757566/Respecting-our-Elders.pdf); and
  - the promotion of World Elder Abuse Day (15 June);
  - the Abuse Prevention Referral Information Line (known as *APRIL*); and
  - active participation by stakeholders and other community groups in policy forums including the *Challenging Elder Abuse Community Forum* which was held on 17 June 2015.

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### **Multiculturalism—National Multicultural Festival (Question No 679)**

**Mr Smyth** asked the Minister for Multicultural and Youth Affairs, upon notice, on 18 February 2016:

- (1) For the 2015-16 Budget, what is the total amount provided for the National Multicultural Festival and of that total, how much is provided in terms of (a) ACT Public Service salaries and allowances including employee overheads such as superannuation and leave, (b) ACT Public Service FTE, (c) suppliers and administrative expenses, (d) grants or payments to multicultural bodies to facilitate or enable their participation in the National Multicultural Festival and (e) capital expenditure.
- (2) What amounts have been expended up to 29 February 2016.
- (3) What amounts are provided in the Forward Estimates for the National Multicultural Festival in terms of the categories in part (1).
- (4) What financial and non-financial contributions were, or are to be made by private sector entities and ACT Government Public Trading Enterprises for 2015-16 and what are, or were, those amounts.
- (5) What financial and non-financial contributions were, or are to be made by Federal or other State Governments and what are, or were, those amounts.

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

- (1) The total cash amount provided in the 2015-16 Budget for the National Multicultural Festival is \$0.475m in addition to cash raised from the stall holders and sponsors to meet the cost of the event.
    - (a) The Community Participation Group in the Community Services Directorate is responsible for administering the Festival. Costs associated with staff are over and above the cash revenue received for the Festival. It is difficult to determine staff costs as much of the work performed by staff on the Festival throughout the year is in the course of their normal duties in the Community Participation Group.
    - (b) It is not possible to capture the total time spent by staff across the ACT Public Service working on the various aspects of the National Multicultural Festival.
    - (c) The total amount of the government cash contribution is expended on supplies and services for the National Multicultural Festival.
    - (d) Under the 2015-16 Participation (Multicultural) Grants Program, 70 multicultural groups were allocated \$0.105m (from a total of \$0.260m) to assist their participation in the 2016 National Multicultural Festival. A further \$0.014m was made available to multicultural groups to assist with various aspects of the event.
    - (e) There was no capital expenditure for the 2016 National Multicultural Festival.
  - (2) Amount expended YTD Jan 2016 \$0.235m (Feb YTD not yet available)
  - (3) A total of \$0.475m is currently provided in the forward estimates.
  - (4) The private sector contributed \$0.165m (GST inc.) to the 2016 National Multicultural Festival while an additional \$0.011m (GST inc.) was contributed by an ACT Government Public Trading Enterprise (Icon Water).
  - (5) There were no contributions made by the Federal or other governments towards the 2016 National Multicultural Festival.
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**Roads—Copland drive bollards  
(Question No 681)**

**Mrs Dunne** asked the Minister for Road Safety, upon notice, on 18 February 2016 (*redirected to the Minister for Transport and Municipal Services*):

- (1) When were the bollards erected on Copland Drive on the approach to Ginninderra Drive.
- (2) Why were the bollards erected.
- (3) What was the cost.
- (4) What public consultation took place.

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

- (1) Installation of the bollards commenced in mid-February 2016 and is programmed to be completed by the end of February. There has been a minor delay with the installation for the centre bollards due to the presence of rock.
- (2) The bollards were erected to prevent illegal parking, which was causing major road safety issues from cars pulling out into traffic, to protect pedestrians crossing the busy road and to prevent damage to urban parkland.
- (3) The cost of installation was sought through a competitive tender process from a panel of pre-approved suppliers. The winning tender cost is commercial-in-confidence as a requirement of the tender process.
- (4) TAMS informed the adjacent BMX Club that the works were scheduled to commence. TAMS has been working with the BMX club to identify suitable alternative parking locations within the vicinity of the club.

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**Questions without notice taken on notice**

**Planning—Northbourne Avenue**

**Mr Corbell** (*in reply to a supplementary question by Ms Lawder on Thursday, 18 February 2016*): It is not appropriate for the ACT Government to provide commentary on individual pricing elements of the Capital Metro light rail project, noting (a) such information is commercial in confidence, and (b) contracts have not yet been finalised with the Canberra Metro consortium. However, the cost of the larger trees is included within the \$698 million ( $\pm 5\%$ ) capital cost figure announced by ACT Government on 1 February 2016.