



# Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

**NINTH ASSEMBLY**

**30 NOVEMBER 2017**

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## Thursday, 30 November 2017

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**Thursday, 30 November 2017**

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

## **Petitions**

*The following petitions were lodged for presentation:*

### **Red Hill natural environment—petitions 28-17 and 29-17**

*By Ms Le Couteur, from 250 and 2,862 residents respectively:*

**PLEASE SAVE RED HILL - SAY NO TO INAPPROPRIATE DEVELOPMENT**

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

We the undersigned residents of the Australian Capital Territory urge the Assembly to call on the ACT Government to:

- protect the iconic Red Hill natural environment;
- retain existing green space in Hughes, Deakin and Garran; and
- suspend all development until a Master Plan has been developed for the Red Hill Nature Reserve and the Federal Golf Course lease area, together with the adjacent open space blocks of land and Section 66 Deakin (Kent Street).

**PLEASE SAVE RED HILL – SAY NO TO INAPPROPRIATE DEVELOPMENT**

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

We the undersigned residents of the Australian Capital Territory urge the Assembly to call on the ACT Government to:

- protect the iconic Red Hill natural environment;
- retain existing green space in Hughes, Deakin and Garran; and
- ensure that the integrated plan for Red Hill, which has been called for by the Assembly, genuinely protects the Red Hill Nature Reserve and the Federal Golf Course lease area, together with the adjacent open space blocks of land and Section 66 Deakin (Kent Street).

*Pursuant to standing order 99A, petition 29-17, having more than 500 signatories, stands referred to the Standing Committee on Planning and Urban Renewal.*

### **Lake Burley Griffin and surrounds—petition 30-17**

*By Ms Lee, from 749 residents:*

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

**A. This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that:**

- (1) We the undersigned strongly object to the lack of Heritage protection for Lake Burley Griffin and all its surrounding lakeshore landscapes;
- (2) We repudiate as unacceptable the infill of part of West Basin's lake waters and the appropriation for private development of ACT public parks and open spaces surrounding Lake Burley Griffin, particularly West Basin, for either residential or commercial development;
- (3) We reject the Government's right to proceed any further with these and related proposals.

**B Your petitioners therefore request the Assembly to:**

- (1) Urge and support the Commonwealth Government to completely protect the heritage values of Lake Burley Griffin and all its surrounding Lakeshore Landscapes with:
  - (a) a National Heritage Listing of Lake Burley Griffin and Lakeshore Landscape in its own right that includes a whole-of-lake management plan; and
  - (b) an amendment to the National Capital Plan to ensure existing parklands around Lake Burley Griffin including West Basin remain as public open space.
- (2) Immediately halt the *City to the Lake* proposed lake infill and the proposed privately owned development at West Basin.
- (3) (a) Undertake an independent review of the ACT development proposal for the entire West Basin to achieve a master plan that protects heritage values, retains and safeguards public parkland and allows for small scale public developments to provide essential services; and
- (b) ensure the review follows an effective, efficient and publicly interactive planning process.

**Torrens shops playground—petition 31-17**

*By Mrs Jones, from 713 residents:*

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

This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that:

The Torrens community playground, located in Block 16, Section 22, Torrens (next to the Torrens Shops) requires updated play equipment, sun protection and access to be re-established from the Torrens Shops. In early 2017, some of the equipment from the playground, as well as the access from the Torrens Shops to the playground, was removed. There has been limited investment in Torrens community facilities, with the playgrounds in this suburb lagging behind, both in size and quality when compared to other suburbs in Woden and Canberra. All the play spaces across Torrens are limited and outdated.

Your petitioners therefore request the Assembly to:

Upgrade the playground at Block 16, Section 22, Torrens (next to the Torrens Shops) by allocating additional funding for new play equipment, shade, and re-establishing appropriate access between the Torrens Shops at Torrens Place and the playground.

*Pursuant to standing order 99A, petitions 30-17 and 31-17, having more than 500 signatories, stand referred to the Standing Committee on Environment and Transport and City Services.*

**Draft variation 344 to the Territory Plan—petition 32-17**

*By Mr Steel, from 149 residents:*

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

This petition of certain residents of the Bellerive Retirement Village in the Australia Capital Territory draws to the attention of the Assembly that:

Draft Variations to the Territory Plan No. 344 have dismayed and angered Bellerive residents as, if implemented as proposed on Sections 3 and 10, Phillip; they will adversely impact on a number of residents by:

- (a) depriving their units of sunlight for significant portions of the day and completely negating some of the environmental benefits of the solar panels on the rooves of residents, and
- (b) failing to make allowance in the Plan for the lifestyle of residents in their 70s and older living opposite Sections 3 and 10 for some peace and quiet in the evenings in a complex completed just 30 months ago.

Your petitioners therefore request the Assembly to:

- (a) take whatever steps are necessary to stop the draft variation to the Territory Plan No. 344 being adopted until the Standing Committee on Planning and Urban Renewal has had adequate time to assess the effects of the proposed variations on residents living in Melrose Drive opposite Sections 3 and 10;
- (b) ensure the transition in building heights from the commercial centre to the lower-rise residential areas of Phillip espoused in the Woden Town Centre Master Plan of November 2015 are followed and the number of storeys of future developments on Melrose Drive opposite residential developments be set at 4 storeys with limits of 7 storeys and 16 storeys being set for developments as they occur further back from Melrose Drive, and
- (c) request the Standing Committee on Planning and Urban Renewal as part of its current inquiry into Draft Variation No. 344 to examine the validity of the proposal to allow a marker building at the intersection of Launceston Street and Melrose Drive to indicate entry to the town centre and “help people orient themselves as they walk through the centre”; attractive signage or an item of public art, in the view of your petitioners, would be a much more effective message.

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



**Torrens shops playground—petition 31-17**

**MRS JONES** (Murrumbidgee) (10.03), by leave: Torrens is home to 600 families, with approximately 20 per cent of its population made up of children aged zero to 14. Having a good quality facility for these families and children near the shops to play in is so important for the health and wellbeing of the community, carers, grandparents and families.

At the moment the Torrens playground is quite run down. It is out of date, it lacks a shaded area and it has lost direct access from the Torrens shops. In fact to find the playground you sort of have to beat your way through the bush. This is a legitimate concern from the Torrens community, and over 700 local residents have petitioned to have the situation resolved.

An ancient form of having your opinion heard in parliament is to have people sign a petition in the community. I thank all 713 people for signing this petition and sharing their opinion with us. I would also like to thank the businesses who supported the petition, including Smogue Cafe, Cafe Neon, the Torrens Takeaway, Torrens Newsagent, Elixir Beauty Therapy, Ashley's Hair Design, Modern Skincare Centre, and Hair by Simona.

My biggest thanks, however, goes to Natalia, a local mother who has worked very hard to get this petition up and running, for her unwavering energy. I first met Natalia on 20 October. We caught up at the Smogue Cafe for a coffee. Natalia wanted some advice on how to run a petition and how we could improve the kids' park. We spoke for just a little while and Natalia wasted no time at all after our meeting. In less than a week she had copies of the petition in almost every store at the Torrens shops, and about 60 signatures in the first day or two. Her hard work and the generosity of local businesses, and the interest and care of local residents, are why this petition was able to reach 713 signatures.

A constituent recently wrote to me about the importance of this petition. She said that, while wanting to remain anonymous, she was happy for me to read out these words:

The playground in Torrens haven't been upgraded in years and are extremely outdated. My children cannot even access the playground at the local public school after hours due to the fence that recently went up.

Please update the playground at the shops. It can be so isolating as a new mum and a welcoming local playground would provide a meeting place within walking distance for our children and our community.

These petitioners care about their local community, and have called upon the ACT government to take action and upgrade this playground. Playgrounds contribute to the physical and mental wellbeing of children and families. There are many studies which show the positive impacts playgrounds have on families. I have seen firsthand, and I have experienced firsthand, how quality playgrounds contribute to the wellbeing of mothers in particular. Mr Rattenbury will remember me last term banging on endlessly about fenced playgrounds, given that I have one child with ADHD who cannot stay still.

Playgrounds give mothers and families the opportunity to play with their children. They give the parent or carer time to themselves, to unwind or to socialise with other members of the community. Having an attractive and fun local playground is so important and valuable to families. A better playground has wider benefits to the community as well. With more people in the area using the playground, small businesses like those at the Torrens shops are likely to benefit. As we all know, having strong and sustainable local shops is really important for communities. In our increasingly busy lives, taking time to spend quality time together is a top priority for families and communities.

I recognise the difficulty associated with deciding where the government allocates its funding; therefore I would like to reiterate a solution I have long advocated for. If the government were to allow communities to fundraise for equipment from a set list which the government could install and maintain then the cost to the taxpayer could be lower. This funding mechanism rewards strong communities with motivated residents working together, and I urge the government to give appropriate consideration to this.

Once again I thank Natalia and the Torrens community for their petition, and I urge the government to take their views seriously and to upgrade the playground. I thank members of the Greens and Labor who have supported this petition as well.

**Torrens shops playground—petition 31-17**  
**Red Hill natural environment—petitions 28-17 and 29-17**

**MS LE COUTEUR** (Murrumbidgee) (10.08), by leave: I will start first with Torrens, and I basically have to agree with everything Mrs Jones has said—

**Mrs Jones:** There you go.

**Mrs Dunne:** Well, it is almost Christmas.

**MS LE COUTEUR:** as I would any day about this important subject. It is a particularly important subject for the people of Murrumbidgee, because I will note that, as well as Torrens, there are active movements in Farrer and Waramanga, all seeking additional playground facilities at or near their shops. This points to the need for a better playground policy for the government and also a better method of budgeting.

Members may recall that earlier this year we passed a motion about participatory budgeting and doing a trial of this as part of the city services budget. One of the reasons for that is the growth in demand for city services which we have no real way of working out how best to resolve.

Like Mrs Jones, I think playgrounds are really important. They are good for our kids and good for social capital as a whole. I would also say that, for Torrens in particular, while clearly I support what the petition is talking about—an upgraded playground—the other thing that would help in the very short run is putting back a gap in the wall

so that people can walk through the brick wall without using magic. That will help in the short run, while, hopefully, in the slightly longer run, the playground is upgraded.

I would now like to move to the petitions about Red Hill. I am very pleased to present today the biggest petition this Assembly has had to date. Totalling up the two petitions, there are 3,112 signatures. They are from local residents, and they are all saying that they are really concerned about the proposed developments on or near Red Hill. There is the Federal Golf Club proposal and there is the proposal on Kent Street, next to the Telstra exchange.

It is really concerning to look at this, because once upon a time Canberra used to be a planned city. We had the NCDC and then we had ACTPLA, and they were doing the long-range planning for Canberra. What we have here is planning being done by individual developers on the basis of what they have available to them. This is not how we should plan Canberra.

This is why the motion which Ms Lawder moved, and I amended, talked about integrated development for this part of Red Hill. We need it to be integrated so that it protects the really important values of Red Hill nature reserve. It has critically endangered yellow box woodlands on it. I think it is clear that the people of Canberra want to see us continue to be a bush capital. Part of that is having places like Red Hill that we can all go to and enjoy. Even more important than us going and enjoying it are the native inhabitants living there.

As well as Red Hill, though, it is really important that the amenity of the local area is respected and not degraded. Deakin, Hughes and Garran are suburbs that will be significantly impacted by these proposed developments. The traffic system in those suburbs was not designed for this. There are some potentially pretty nasty options. One potential option with the potential development at the golf course could be that we will end up with a road that goes over Red Hill into Garran, so that we would have a great, new little rat run.

These are the sorts of things that we need a professional planning authority to look at and work out a master plan for this area, so that we do not have a series of potentially inappropriate developments. I know there was a community panel process, but this community panel basically just got to look at a proposal put forward by one developer. This is not how planning should happen in Canberra.

I am really pleased that the community did all of this work in a fairly short period of time and put together the Assembly's biggest petition to date on this subject. I think it is a very important one, not only for the people of Murrumbidgee and the people who will be directly affected, but for the people of Canberra as a whole. It is about protecting our status as a bush capital and standing up for good planning, not having Canberra being run by developers.

### **Torrens shops playground—petition 31-17**

**MR STEEL** (Murrumbidgee) (10.13), by leave: Today I want to acknowledge the community petition regarding improvements and increased accessibility to Torrens

and Pearce neighbourhood playgrounds. I particularly acknowledge the principal petitioner, Natalia, for raising these issues.

The playground facilities for the children of Torrens and the wider Woden Valley are a particularly important issue for me. I spent most of my childhood living in Torrens and playing on this equipment myself, and I have an interest in early childhood development policy more broadly. It is important for the ACT government to ensure that Canberrans have access to playgrounds and parks and that they are properly maintained.

As the 2015 ACT government study *A picture of ACT's children and young people* found, the number of ACT residents who regularly visit neighbourhood parks is increasing significantly. This shows that our playgrounds are very popular, and the continued maintenance of the territory's playgrounds is an important priority to support children's development and wellbeing.

Across many academic studies, it has been shown that children benefit from having access to playgrounds in terms of their long-term development, particularly their physical development. As part of the consultation informing the ACT children's plan, local children were asked what they wanted from a playground. Their response was very clear, very simple: they want modern, clean playground spaces within walking distance of home.

According to the Australian early development census, in Torrens there is a lower than average level of vulnerability amongst children in the physical development domain. That is promising, but it is perhaps because Torrens has quite a few playgrounds. It is important that we make sure that they are maintained and continue to be accessible for families in the area. Pearce has a slightly higher level of vulnerability. It has, I suspect, fewer playgrounds and people potentially may utilise those in Torrens.

As the discussion continues on the better suburbs consultation, I have heard from the community that it is important that playgrounds take into consideration the requirements of today's children and not solely be prefabricated playgrounds isolated from their surrounds but include natural play spaces that encourage a stronger appreciation of and connectedness with the territory's natural bush environment. Also, I have heard of the importance of having them closer to shops.

Again, I would like to thank the community in Torrens and Pearce, particularly the principal petitioner, Natalia, for raising this important issue in the Assembly. I look forward to seeing the government's response.

### **Lake Burley Griffin and surrounds—petition 30-17**

**MS LEE** (Kurrajong) (10.16), by leave: The West Basin petition, signed by 749 Canberra residents, comes from a very active community group here in the ACT, the Lake Burley Griffin Guardians. The Guardians are a not-for-profit group committed to safeguarding one of Canberra's greatest treasures, the open space of Lake Burley Griffin and its lakeshore landscape setting.

Since their establishment in 2015, the Guardians have undertaken a number of activities to raise awareness of the importance of the lake, including detailed submissions and responses on any activity that impacts on the lake or its environs. They work hard to raise awareness of their activities through numerous community engagement initiatives and by lobbying ACT and federal parliamentarians.

Their mission is to “support development that serves the needs of all the Lake’s users but also retains and improves the social, aesthetic and ecological values of the Lake and lakeshore landscape setting”, and they strive for a national heritage listing as the most suitable protection from adverse impacts.

The Guardians believe the aesthetic and ecological qualities of the lake and its lakeshore landscape, cherished by locals and visitors, is being incrementally diminished by successive developments and modified land use practice which do not necessarily have protection of the lake as a priority. The Guardians acknowledge that some development and transformation is good—and, in some cases, necessary—and, indeed, they have spoken to me previously about the need for improvements to the landscape around the lake, because their core belief is that the lake is a community asset which should be accessible to every Canberran.

I first met the Guardians in October last year. It was one week before the ACT election. They held a historic walk and barbecue on a gorgeous Canberra day with the lively beats of the Tanamasi West African percussion ringing through the air. It was at that time that I first became acquainted with the Guardians and their dedication to protect Lake Burley Griffin.

As passionate advocates for the lake, they have been disappointed at the lack of consultation and dialogue with them about the future of what they treasure most. This is why, earlier this year, as one of their many activities, they decided to petition the Assembly to keep open this dialogue and consultation on the planned development of West Basin.

While the government may claim it has undertaken consultation on this project, the fact is that it virtually ceased in 2015—funnily enough, around the same time the Guardians were established—and since that time there has been a series of changes and amendments that have had little opportunity for public input. Those changes have included community facilities such as the convention centre, stadium and pool being reduced or removed entirely, while the construction of apartments is to go ahead unabated. It has been likened to an episode of *Utopia*, and it makes any suggestion of open government a little dubious.

It is unacceptable that the government has embarked on a course of action to develop a natural icon of Canberra, a national icon of this country, and in doing so has repeatedly altered the proposal while failing to adequately consult with stakeholders. It is unacceptable that the government has not been open and inviting of debate on this topic.

This is why I am pleased, as the Canberra Liberals member for Kurrajong and the non-executive member for Kurrajong, to sponsor this petition. I am also pleased that, because the petition was signed by so many local residents, the matter will now be referred to the relevant Assembly committee. I am also pleased that the voices of these 749 Canberrans will be heard and that I can help to give them that voice in the Assembly.

I thank the Lake Burley Griffin Guardians for their action, their dedication and their hard work in bringing forward this petition to the Assembly. I acknowledge Juliet Ramsay, convenor of the Guardians, who has shown leadership and has worked tirelessly in showing our community just how important the lake is to our city, our history and our people. I acknowledge the members of the Guardians who are here with us today and also the many other Guardians who are keeping a close eye on these proceedings from afar. Thank you for your ongoing commitment to our community. I commend the petition to the Assembly.

### **Red Hill natural environment—petitions 28-17 and 29-17**

**MS LAWDER** (Brindabella) (10.20), by leave: In the last sitting period, we had a motion germane to the petition that is lodged today which was passed by the Assembly with some amendments. It had a theme about consultation being important. I have spoken about this many times, yet there continues to be a lack of proper, adequate, appropriate consultation between the ACT government and affected communities.

For some time, a number of these community groups have said that they are very concerned about potential development of the Red Hill open space area and that it is too important an issue to allow development to proceed on a piecemeal or incremental basis. There needs to be a holistic approach. That is exactly what the motion from the last sitting period talked about.

We have seen a community panel set up, but I note that six community groups that were part of that community panel process have withdrawn from that and in effect lodged their own dissenting report. This indicates exactly how poorly run that process was.

What we see today is a petition signed by hundreds or thousands of people who are concerned about that space. Some of them are here in the Assembly today in the gallery; I thank you for coming in and I thank you for working for your community. A petition is one of the most old-fashioned, if you like, ways to petition your local member and petition the government. It has been around for centuries. I would like to say that while a petition may be old-fashioned, it is absolutely fashionable to care about your community and it is absolutely in fashion to work to make your community better. I would like to thank all of those people who have taken part in that. It just shows the importance of active community lobbying and advocacy—making your local members and us in this place aware of your concerns, not sitting back—

**Ms Stephen-Smith:** Point of order.

**MADAM SPEAKER:** Point of order. Can you resume your seat, Ms Lawder.

**Ms Stephen-Smith:** Sorry, Madam Speaker, but there is a requirement in this place that speakers face you when they are speaking.

**Mrs Dunne:** No; they address the Speaker, actually.

**Ms Stephen-Smith:** Sorry?

**Mrs Dunne:** They address the Speaker.

**Ms Stephen-Smith:** They address the Speaker. I was waiting to see if Ms Lawder was going to turn around, but she has been addressing the gallery for quite some time.

**MS LAWDER:** That is a different thing, actually.

**MADAM SPEAKER:** Ms Lawder, it is the convention that you address the Speaker and focus on the members and the Speaker in the house rather than the gallery. I just ask you to be mindful of that.

**MS LAWDER:** Thank you, Madam Speaker, and thank you, Ms Stephen-Smith, for pointing out the difference between addressing the Speaker and facing the Speaker. I am not sure if she needs a dictionary, but we shall continue nevertheless.

*Mrs Dunne interjecting—*

**MS LAWDER:** Yes, that is fine. The fact remains that what we are talking about here is the need for the overarching approach.

In addressing the members here, I would like to point out that most often I am actually addressing Ms Le Couteur, who has played an important role in the motion that we brought to the Assembly last month. I am sorry if it—

**MADAM SPEAKER:** Ms Lawder, please. I ask you to be—

**MS LAWDER:** Are you telling me what I am allowed to say in my speech, Madam Speaker?

**MADAM SPEAKER:** No, I am not; I am just asking you to be mindful of the words that I have just said to you about—

**MS LAWDER:** Are you telling me I have to face you?

**MADAM SPEAKER:** Ms Lawder, no I am not. I am not telling you that.

**MS LAWDER:** What are you saying exactly, Madam Speaker?

**MADAM SPEAKER:** I am asking you to be mindful of the standing orders: that when you are on your feet, you address the chair.

**MS LAWDER:** I have referred to you several times, Madam Speaker, and I will continue to do so in accordance with the standing orders.

As I was saying to members in this place, including those behind me, the community panel appeared to be a failed experiment, and that was backed up in the annual reports hearings when the relevant directorate officials talked about the fact that it would be abandoned.

To those people here—not just those relating to Red Hill but also those from Torrens and the Lake Burley Griffin Guardians—I was saying that it is absolutely imperative that concerned citizens take part in the governance of our community. I really express thanks to them for taking part in that. What this petition is doing is, in effect, forcing the government to take note of their concerns: concerns which have been largely ignored through the community panel process.

It is very concerning to think that we can approach development in a piecemeal manner, Madam Speaker. It is concerning to think that we do not consult appropriately with the community, especially those most affected by development, but not only them; there is a much wider community that needs to be consulted. The Red Hill open space is an example of that.

The six community groups that withdrew from the community panel process have stated that this is “planning by development rather than development through planning”. This is what we see from this government time and time again. I urge the government to take note of the numerous petitions we have seen from thousands of concerned Canberrans and to start planning for the longer term rather than the short term.

## **2016 ACT Election and the Electoral Act—Select Committee Report**

**MS CODY** (Murrumbidgee) (10.27): I present the following report:

2016 ACT Election and the Electoral Act—Select Committee—Report—*Inquiry into the 2016 ACT Election and the Electoral Act*, dated 30 November 2017, including additional/dissenting comments (*Ms Le Couteur*), together with the relevant minutes of proceedings.

I move:

That the report be noted.

I am pleased to present the final report of the Select Committee on the 2016 ACT Election and Electoral Act. The select committee was established by the Assembly on 15 December 2016 following the 2016 election and had representatives



from all three parties. I should mention initially that this select committee represents the third post-election review of previous ACT general elections.

There were reviews by a standing committee following the 2008 election and by a select committee following the 2012 election. It is worth noting that the conduct of our elections and issues emerging from the electoral process are of ongoing interest to the Assembly.

The ACT Labor-Greens parliamentary agreement committed to the establishment of a select committee to inquire into the 2016 ACT election as well as several other electoral issues. The committee's terms of reference were to inquire into and report on:

- a. lowering the voting age;
- b. improving donation rules and donation reporting timeframes;
- c. increasing voter participation in elections and encouraging political activity;
- and
- d. any other relevant matter.

Key features of the committee's inquiry involved the examination of two reports: the ACT Electoral Commission report on the 2016 ACT election and the Auditor-General's report on the 2016 election. In correspondence with the select committee, the Attorney-General referred the majority of the recommendations from these reports to the committee for its comment and responses. The committee's responses to proposals set out in the ACT Electoral Commissioner and Auditor-General's reports form part of its report.

The committee published an issues paper in April, which set out the committee's areas of interest on matters for inquiry and report in detail, and which also attached the Electoral Commissioner's report on 2016 ACT election for comment.

The committee wrote to a wide range of persons, organisations, agencies and academic commentators seeking views, along with all candidates who stood for election at the 2016 ACT election. The committee received a good response to its invitation for views and has published all submissions on the committee's website.

As members are aware, the ACT and Tasmania have the Hare-Clarke electoral system. In order to fully explore the effectiveness of the Hare-Clarke electoral system, the committee made a visit to Tasmania in early September 2017 and held talks with Tasmanian MPs and the Tasmanian Electoral Commissioner. Although the committee discussed a number of important electoral issues and practices, it was how the 100-metre rule works in Tasmanian elections that posed the most interest. This visit was of great value to the committee and assisted its inquiry and deliberations considerably.

The committee held three public hearings between July and September and heard evidence from 30 witnesses, including the three parties represented in the Assembly, and several other smaller parties. Witnesses provided the committee with follow-up information as requested, which was also of assistance to the committee.

Matters that the committee found generated most interest during its inquiry included: the proposal for a lower voting age; the best way to ensure that political donations are regulated; third-party campaigners; the need for and nature of the 100-metre rule; the growth in pre-polling and the emergence of e-voting; corflutes in a Canberra context; and accessibility of the polling process to all.

The committee's report makes 23 recommendations. The committee has recommended action in these areas: an opt-in SMS scheme for electors who received a fine for not voting at the last ACT election to ensure that they receive a number of reminders in the lead up to, and on, voting day; clarification around social media authorisations; and an adjustment of the penalty for failing to vote.

The committee heard a number of views on lowering the voting age for ACT elections and acknowledges that the community's views on lowering the voting age are unclear. Also, there are practical issues regarding the current legislative requirements. The committee has, therefore, recommended that the ACT retain the current minimum age of 18 for voting.

The committee discussed on-the-day enrolment to vote, but could not resolve a recommendation on that matter. The committee has addressed several issues relating to the apparent overlap of functions of members as MLAs, members of the executive, political candidates and private citizens. In this context, the committee has also recommended a review of and the implications of the communications allowances and office arrangements to ensure that MLAs are able to adequately carry out their functions and communicate with constituents in a world of changing media.

The report discusses in detail the particular situation regarding political donations from property developers and recommends that political donations from property developers be banned. The report notes that this recommendation has several definitional issues yet to be resolved. The committee makes several recommendations related to civics and citizenship and the consequent use of website and other publicity media starting with the 2020 election.

One matter raised frequently in submissions, and by the community, is the use of electoral material and moveable signs. For those who remember, this aspect of the festival of our democracy was hotly debated in the community in the aftermath of the ACT election. For those who enjoy seeing their head on the side of the road, you will be relieved that the committee has not recommended further regulation in this area. However, some clarification of the existing regime is considered desirable.

On the 100-metre rule, I can confidently say that the committee gave this issue very careful thought. All possibilities, including a general election day canvassing ban as is done in Tasmania, and relaxing the regime down to the level of the federal system were considered. While the committee acknowledges that the 100-metre rule is far from perfect, the committee has recommend that a 100-metre canvassing exclusion from around a polling place be maintained, subject to a review of the rule and matters related to it by the Electoral Commission, which should include community involvement.

The committee did, however, recommend that the Electoral Act be amended to allow the use of electoral material on private property, inside the defined polling area, to remain throughout a polling period. In particular, this is an acknowledgement of the increasing densification of our city and that many residences and businesses currently, and will increasingly, fall within the 100 metre exclusion zone.

The committee addressed issues for voters not present in the ACT on polling day and recommends that steps be taken by the Electoral Commission to address this, as well as accessibility issues for the blind and visually impaired.

One matter that has emerged in recent elections in all jurisdictions is the quite rapid increase in pre-polling. The committee considers, and has recommended, that the Electoral Act be amended to allow a voter to vote at pre-poll without the requirement to declare that they are unable to attend a polling place on polling day. The committee considers this to be a pragmatic change which better reflects polling practices.

Finally, the report addresses the question of whether the Electoral Act may require amendment to allow an increased period between close of nominations and declaration of nominations to address potential challenges.

The committee's inquiry was wide ranging within its terms of reference. I would like to note the strong community interest and diverse views on the electoral process in Canberra. We have a vibrant and healthy democracy that includes a healthy and well-thought out level of valuable political and civic involvement.

The committee thanks everyone who made submissions. Personally, I would like to thank and note the hard work and dedication of the staff of the Electoral Commission, and Acting Commissioner Ro Spence in particular, for their guidance, as well as Andrew Snedden and Josephine, who provided excellent secretarial support.

I would also like to thank all my fellow committee members who worked in a collegiate way throughout the term of this committee. I commend the report to the Assembly.

**MR WALL** (Brindabella) (10.38): I begin by echoing Ms Cody's remarks in offering my thanks to my fellow colleagues on the committee to look into the conduct of last year's election and other matters. I also thank Hansard who did a great job in minuting the public meetings, and Josephine Brown and Andrew Snedden from the committee secretariat who accompanied us along this journey of reviewing the election and other issues.

On behalf of the opposition I will touch on a few of the recommendations made and flag some additional comments. Recommendation 5 recommends the ACT retain the current minimum voting age of 18. It was clear there was a large difference of opinion both amongst the members on the committee but also within the community on this issue, ranging from we should do it, through to we should not as well as we should but a lot of issues need to be considered that add difficulty to it. The opposition is quite happy that the commonsense approach has prevailed in maintaining 18 as the voting

age; it is still the coming of age and becoming of an adult recognised in most forms of our society.

Recommendation 8 is a recommendation that opposition members on the committee did not support, that is, the banning of political donations from property developers. No substantive case was made in the evidence the committee received outlining areas where there has been impropriety by property developers as a result of political donations. It seems this recommendation, largely borne out of the parliamentary agreement between ACT Labor and the ACT Greens, is more designed around fixing a publicity problem the Chief Minister has rather than any sound justification of the need to change these rules in the ACT.

Opposition members also did not support recommendation 11 that the Electoral Commission or other appropriate body provide a detailed proposal including costs of setting up and maintaining a website, mobile app and printed material with details of candidates at Legislative Assembly elections starting in 2020. It is my clear opinion that it is not the role of the Electoral Commissioner to be disseminating electoral material on behalf of candidates. The umpires in the upcoming Australian Ashes test match have no role in the selection of who runs onto the field for either side or in spruiking those players' stats and bios. Likewise, the Electoral Commissioner should have no place in promoting the candidacy of any one candidate.

Recommendation 14 relates to the Electoral Commission continuing their investigation into electronic voting with a view to capturing voters who are residents of the territory but are overseas at the time of an election. I flag that there remains some concern around the online voting practice that data integrity and the integrity of the ballot be paramount. We constantly in the media see stories of businesses, government agencies and the like being hacked, and I do not want our electoral process and the integrity of it being brought into question as a result of data impropriety.

I whole heartedly endorse recommendation 15 to improve electronic voting technology to give visually impaired and blind voters the opportunity to cast a secret ballot. One of the great strengths of our electoral system both in the territory and across the country is that each voter is given the opportunity to cast a secret ballot, and that should be regardless of ability.

Ms Cody touched on recommendations 18, 19 and 20 around the 100-metre rule, and I will briefly comment on them. The committee in its visit to Tasmania finally got a clear understanding—I might say clearer than many of the members down in Tasmania—of how their electoral system works and how the 100-metre rule works. There seemed to be an amount of conjecture as to legislatively how the mechanics of that worked. Whilst they mirror the 100-metre rule we have here, there is a ban on the distribution of electoral material from midnight on polling day, the difference being that their corflute signs are only on private property. There are some slight differences to what happens in the territory, but it provided a thought-provoking decision about what is the right measure for the ACT going forward.

As often is the case, there were myriad views both within the community and within the committee as to whether it should mirror the federal rules of about six metres from the polling booth door, whether we should maintain 100 metres, re-endorse the 250 metres as was recommended in 2014 by a similar committee in the Eighth Assembly, or some other incarnation of voter exclusion. There was steadfast agreement that an exclusion zone around polling booths is required and that it be maintained until there is further consideration on that, ideally by the Electoral Commissioner engaging community views on what that should be going forward.

Recommendation 20 also relates to the 100-metre rule and its application. Members who contested both the 2012 and the 2016 elections recall that the boundaries were measured from a different place at polling booths. In 2012 it was largely from the entrance to a polling booth hall while in 2016 it was taken essentially from the boundary of the school or the building where polling took place. To remove that ambiguity the committee has recommended that sections 303(2) and 303(7)(b) of the Electoral Act be removed to ensure consistency in how that distance is measured. It removes, in essence, autonomy of the Electoral Commission to determine how they choose to measure it from election to election, which the committee thought was a prudent step in ensuring consistency between election periods and commissioners.

Recommendation 22 is one that government members of the committee did not endorse but, nonetheless, I believe it is very important, that is, the Electoral Act be tightened to mitigate multiple entities being registered for the purposes of circumventing expenditure caps primarily by third-party campaigners. We saw myriad changes to the Electoral Act 1992 in the last Assembly in 2014 which removed some of the conditions around third-party campaigns. The experience in 2016 were a number of unions used multiple entities that they have registered to campaign for one side of politics or on one cause or one campaign. It is not in the spirit of an expenditure cap to have one organisation be able to register multiple entities for the purpose of multiplying the expenditure cap they have.

The way the legislation stands at the moment allows candidates to register a business and spend an additional \$40,000 on their campaigns. So they will have \$40,000 as an individual and, should they go and register a business, which would only cost them a couple of thousand dollars, the opportunity to spend up to another \$40,000 is available. And they can do that time and time and time again until essentially they exhaust the funds they have got at their disposal to spend on an election. That is not the spirit or the intent of an expenditure cap on campaigns. Certainly the opposition and also the crossbench supported of this recommendation being part of the report and ensuring a fair electoral system and electoral rules.

I will touch on the recommendation that came off the back of the Electoral Commissioner's report into last year's election relating to social media. Many of us who have dabbled in the social media pool and recognise its growing importance as a communication tool in our jobs and in campaigns have been frustrated many times at the interpretation of the rules as they relate to printed material being applied to social media.

Recommendation 2 is that social media profile pages of political parties and candidates are to be authorised—that is, the Facebook page itself or the Instagram or Twitter page—but that individual posts and graphics put up there need not be authorised. That is much more reflective of where we are in the digital age of 2017 and how social media is used and hopefully will bring some clarity to how political communication occurs and save a lot of unnecessary grief on the part of both members and candidates aspiring to enter the Assembly.

I will touch on the decision by the committee to accept the Electoral Commissioner's recommendation that the penalty for failing to vote be tied to a penalty unit and that the fine be one-quarter of a penalty unit. On review of the number of Canberrans who chose not to vote at the last election and paid the fine as against those who sought to see the process all the way through to court action and the resultant to the Electoral Commission of conducting this work, it was felt there should be a slightly larger disincentive to people not exercising the democratic right. The committee has recommended that the fine be tied to one-half of a penalty unit, which equates to around \$75 in today's terms.

Obviously there needs to be a firm deterrent, and it was the committee's clear opinion that the current \$20 is not a significant deterrent in this day and age for many Canberrans to require them to at least get their name marked off on polling day. In addition, tying the fee to a penalty unit means going forward there will not be a requirement to tinker with this provision drastically as the penalty unit is adjusted annually in line with inflation. That means that it is a set-and-forget provision for the Assembly.

Once again I thank my colleagues from the Assembly who were involved in the committee, particularly Mr Milligan from our side who got more enjoyment from the travel to Tasmania than most of us. Someone found great novelty in a plane trip to Hobart having never flown before. It was a very well-rounded trip where we met with members—Liberals, Greens and Labor—as well as the Electoral Commissioner and a few prominent commentators on the conduct of their elections. It is good to be able to share the obscure and peculiar practices of Hare-Clark electoral systems with another jurisdiction.

**Ms Cheyne:** They have the ugliest upper house ever.

**MR WALL:** I will allow Ms Cheyne to elaborate on the brilliant mural of Queen Victoria and the red velvet garbage bins they seem to have in the Tasmanian upper house. Thank you again to the committee secretariat, which did a great job. They went over and above in this inquiry at various times in gathering information from other sources, and it is very much appreciated.

**MS LE COUTEUR (Murrumbidgee) (10.50):** I would like to talk firstly about my additional and dissenting comments and then about the main report. What I want to say first is thank you to my fellow committee members. As Mr Wall and Ms Cody said, I think it went well. It was good to talk about something that we are all very passionate about; some in different directions, but there is definitely a lot of passion

on this subject. Thank you, of course, to the committee secretary, Andrew Snedden, and to Josephine Brown. And thank you very much to the 35 people and organisations or thereabouts who submitted to our inquiry.

First off I thought I might talk about my proposal for a fact-checking unit, because that is probably the most unique proposal that I have suggested. Unfortunately, as we all know, trust in our political system is at an all-time low. We have concepts of fake news, alternative facts and fact-free zones, things which, 20 years ago, 10 years ago or even five years ago, we did not talk about. They are legitimate political concerns; they are not satire anymore.

I think that politics in the community and democracy as a whole needs to lift its game with respect to trying to base our policies on evidence, on facts. I note that, from a federal point of view, this is happening to a small extent. This concern about facts has led the ABC to collaborate with the RMIT to create the RMIT ABC fact-checking unit. This is partly funded by the commonwealth government through the ABC, and the ABC notes on its website that the ABC is a publicly funded, independent media organisation; therefore the RMIT ABC fact check is accountable to the Australian parliament.

The Conversation, which I am sure all members would know about, is a collaboration of a large number of Australian universities. It also runs a fact-checking unit. It says that fact-checking units can improve public debate and support additional educational outcomes, as well as providing an additional resource to journalists and members of the public.

I think it would be great if either of those bodies were interested in fact checking some of the facts in ACT elections and in broader ACT political discourse. However, I fear that, with the things that we regard as incredibly important, they may not always regard them as important enough to check. Therefore I have made an additional recommendation: that the ACT government investigate establishing an ACT-specific fact-checking unit in conjunction with an ACT university to support informed public debate.

*Mrs Dunne interjecting—*

**MS LE COUTEUR:** I know there may be some scepticism, Mrs Dunne, but I think it would be a great step forward. I will briefly comment on the one part of the main report which I dissented from. In recommendation 13 the committee recommends that the ACT Electoral Act be amended to allow electoral material displayed on private property inside the defined polling area to remain throughout the polling period. I cannot see any reason for this. Why should private property be elevated above non-private or public property? There is no reason for this.

I will talk about some matters on which I made additional comments. Some of them relate to things that are in the main report and some do not. One of them, which unfortunately did not quite make it into the main report, was about closing the electoral roll. These days, with an electronic electoral roll, there is no reason why this

cannot be closed, basically, on election day. I think it would be something that would make life easier.

On the subject of making life easier, I would like to talk a little bit about the committee's recommendation on pre-polling. Basically, the committee has recommended that you no longer should be required to give an excuse to pre-poll; anyone should be able to pre-poll at any time in the three-week polling period. While I am not dissenting from it, I believe it is something that we need to give considerably more thought to. Will the Electoral Commission open more pre-polling locations and for additional hours to cope with increased demand? If they do this, will this lead to a reduction in community spirit? Will we no longer have the democracy sausage? I note that I am a vegetarian, but there are vegetarian sausages, so I am a big fan of the democracy sausage. I think there is a community spirit that goes with the concept that there is a day on which we are all going to vote. I think this is a really nice, important part of the pageantry of democracy. It is the festival of democracy, as Roy and HG always call it, and they are right.

It is also something that we need to look at in terms of the media blackout. We currently have it just before the actual polling day. Presumably, if this occurs, we would have a media blackout for three weeks, it would seem to me. Is that what we actually want? We could have a situation where most people have voted before the formal campaign launches and, certainly under current legislation, before any formal election costings. While I do not object to this recommendation, we need to think about it a little bit more.

I have written extensively, as will surprise nobody, about campaign finance, because this is something that the Greens have been concerned about basically forever. I have known for a long time that you follow the money. It does make a difference. There were considerable changes made in 2012 which were, to quite an extent, reversed in 2015. I would like to see those changes reversed again.

I will talk about public funding. First of all, under the current rules, you have to have at least four per cent of the vote to get any public funding. I have always felt that this was designed to make it hard for independents and small parties. As part of a robust democracy, particularly as part of a multimember democracy, I do not think that this should be the case. We should not be making it harder for people and small parties to be candidates.

I am suggesting that, as long as you receive one per cent of the vote, you should be eligible for public funding, but that this funding should be on a reimbursement basis. In other words, you cannot make a profit out of standing as a candidate, but if you spend X amount of money and you get at least one per cent of the vote, you should be eligible for public funding, just like the bigger parties. Also, talking about levelling the playing field, we could cap administrative funding to the amount spent on five MLAs.

Probably the area where the biggest changes were made in 2015, and where I would like to see it changed back again, was donations. We had legislation in 2012 that restricted donations to only those who could vote in the ACT. That was changed.



Since then there have been a couple more court cases, one with Bob Brown and one with McCloy. Both of these cases make it clear that while there is the right to free speech, there is also the proportionality of ensuring that there is not unreasonable or unnecessary pressure brought upon the electorate.

It is very arguable that our previous restriction would survive a High Court challenge. I note that it was not challenged. I also note that the majority report was happy to support restrictions on electoral donations from property developers. I contend that if we feel that that would survive a High Court challenge, an equivalent restriction to people who can vote in the ACT would also be constitutional. Particularly given that we now have open slather as to who can donate, it is very important to reinstate the cap on donations. I suggest it should be at \$10,000, as it was before. Talking about caps, the previous rule which gave independents—one single person campaigning—a \$60,000 cap rather than a \$40,000 cap was a lot more equitable.

I am disappointed that we did not say something a little bit clearer about the hundred-metre rule. As Ms Cody said, we discussed this at some length and I think it is a bit disingenuous not to give our views on this.

One recommendation that I would like to highlight that no-one else has talked about yet is recommendation 11. I am sorry; I tell a lie. Mr Wall did but he was against it. I am in favour of it. This is the recommendation that the ACT Electoral Commission or another appropriate body provide a service whereby people can actually find in one place information about all the candidates.

Members will recall that there were 141 candidates at the last election. For any voter who wished to do a good job of trying to find out at least something about all the candidates in their electorate, they did not have an easy go of it. There was one organisation, CAPaD—the Canberra Alliance for Participatory Democracy—that tried to provide a website with something about every candidate. I think the ABC also tried to do that.

My proposal, and the proposal of the majority of the committee, would be that the Electoral Commission or someone like that provide a service such as the one provided in every single local council election in Australia. Candidates are asked to provide a set number of words, usually around 200 words, about themselves, and they can provide a link to an external website. In Tasmania there is the additional rule that you cannot mention any other human being in it. That is probably a good rule because it is hard to defame if you do not mention anyone. Both a website and a limited amount of printed material that could be distributed, for instance, in libraries, for those people who are not happy about using electronic means, would be a useful addition to the information available to the public. Apart from that I would agree with the comments made by the two members of the committee who have spoken, and I commend the report and my additional comments to the Assembly.

Question resolved in the affirmative.

## **ACT Health—system-wide data review quarterly update**

### **Ministerial statement**

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (11.03): I thank the Assembly for the opportunity to update it on this important issue. As members are aware, work is continuing on the ACT Health system-wide data review that commenced earlier this year. When I announced this comprehensive review, I committed to make quarterly updates to the Assembly on the progress of the review. Today I am pleased to provide my third update to the Assembly.

As outlined in September, a single report outlining 175 recommendations has been consolidated. Each of these recommendations has been categorised and a program of work established to prioritise and address each recommendation. This work is being carried out in four phases. Since this program of work has been developed, and as part of phase 1, ACT Health has engaged an independent auditor to assess each recommendation and provide a baseline assessment from which measurement of progress can be undertaken.

Following on from this, I am pleased to report today that of the 175 recommendations over 30 per cent have been completed, over 50 per cent are well underway and there are only seven of the 175 that are yet to be commenced. This program of works is being rolled out as part of the new ACT Health informatics strategy. As I have previously advised, the strategy comprises focused areas of work, known as domains, and will result in a library of information for the directorate to confidently manage its data going forward.

Since my last update, significant progress has been made against these domains. For example, this includes: continuing to strengthen our understanding and relationships with the external governance committees that influence ACT Health data reporting requirements; documenting all existing metrics that are derived from our essential reports provided to external organisations; establishing a new reporting coordination governance unit to act as a front door on reporting matters and to facilitate reporting requests across the directorate; recruiting resources to manage change control processes in relation to data management change and/or process; continuing to improve internal data quality processes, including piloting the development of data quality statements for key data sets; partnering with the Australian Institute of Health and Welfare, which is also on the external review panel, to ensure that ACT Health's data definitions and metrics are consistent with national definitions and are accessible to staff across the directorate; and embedding senior managers into the data reporting process and identifying any gaps in capabilities so further training of staff involved in data reporting can be undertaken where required.

On the performance measurement framework, the external review panel is continuing to meet regularly and is providing constructive advice to the directorate that is shaping the outcomes and development work of the system-wide review. For example, recent

advice has led to the development of a new draft ACT Health performance measurement framework that is consistent with national standards and will consolidate essential performance metrics across the directorate. Further work associated with the performance measurement framework will focus on improving the information available to consumers about the health services provided to the community.

As part of this, we have worked to assess the current state of information that is made publicly available from ACT Health and the type and quantity of data that is made publicly available by our peer jurisdictions. To put that into context, we currently have over 130 data metrics that we report on in a range of publicly released reports. The review is looking at how we can publish this data routinely and in a way that makes it more accessible for the community.

While there is still much development work to occur in this space, we are conscious of the need to improve consumer information as a result of the system-wide review findings and outcomes, which will be presented to the government for consideration once the review is complete.

To ensure that the directorate continues to consolidate performance reporting going forward, the recommendation issued by the Standing Committee on Health, Ageing and Community Services earlier this year to review the relationship between strategic objectives and output classes to ensure that there are clear and useful performance indicators for each objective or output will also be incorporated into the new performance measurement framework.

In addition, with the government's focus on the continual improvement of the quality of health care delivered in the ACT, the measures from the new ACT health quality strategy currently under development within the directorate, for example, the patient-reported experience measures and patient-reported outcome measures, will also be incorporated into this new performance measurement framework.

On the annual report and the *Report on government services*, in addition to the strategic work that I have outlined as part of the review, ACT Health has been successful in meeting a number of external essential reporting requirements to national agencies in the last quarter, such as the Independent Hospital Pricing Authority and the AIHW.

ACT Health has also been focused on ensuring that performance data for all strategic objectives and outputs was able to be included in the 2016-17 ACT Health annual report. I am pleased to say that it is expected that all 2016-17 ACT Health data will be included in the relevant chapters of the 2018 *Report on government services* to be released next year.

To oversee all of the work of the system-wide data review and in recognising the importance and significance of data to ACT Health going forward, I am pleased to say that the appointment of a new deputy director-general of performance, reporting and data for ACT Health has been finalised. Mr Lynton Norris, who has been appointed to the role, commenced in the directorate earlier this month. Mr Norris brings more than

10 years of experience to the role, having most recently worked as the chief executive officer of the National Health Funding Body.

Mr Norris has also led significant improvements in the quality of data provided by jurisdictions by establishing nationally unique data analytics and has also worked in the Victorian state department of health. Mr Norris will play a pivotal role in overseeing the directorate's data management and its utilisation in performance improvement across the organisation and will also chair the external review panel going forward.

Madam Assistant Speaker, the effective and efficient delivery of quality health services to the people of Canberra is one of the government's top priorities. To do this we need accurate and timely data so that we can monitor and track our performance. Overall, I am very pleased with the progress that has been made throughout this year on the system-wide data review.

However, ACT Health delivers over 1½ million episodes of care to the community every year and each one requires individual data records. That is why this is not a short-term project. There is still significant work to be undertaken over the coming months and in the future to ensure that ACT Health's data and reporting remains robust and reliable.

Before concluding today, I would again like to thank members of the external review panel for their ongoing comprehensive advice on how to improve reporting and access to health data. Also, my thanks go to those staff of ACT Health working on this very important piece of work. I present the following paper:

ACT Health System Wide Data Review Quarterly Update—November 2017—  
Ministerial statement, 30 November 2017.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

## **Ministerial delegation—European Union**

### **Ministerial statement**

**MR GENTLEMAN** (Brindabella—Minister for Police and Emergency Services, Minister for the Environment and Heritage, Minister for Planning and Land Management and Minister for Urban Renewal) (11.10): It is with great pleasure that I make a statement today about the ACT government's commitment under the European Union's world cities program. In my capacity as Minister for Planning and Land Management, I recently had the opportunity to lead a delegation of ACT government and industry leaders on a 12-day study tour of Europe and Singapore as part of the European Union's world cities program. Today I take the opportunity to table a report highlighting the key learnings and insights from this recent study tour.

The world cities program is an initiative of the director-general for regional and urban policy of the European Commission in the framework of the European Parliament. It seeks to promote an exchange of experience and best practice between EU and non-EU countries. Under the world cities program, Prague is the partner city for Canberra. In recognition of the partnership developing between Canberra and Prague under the EU world cities program, I had the privilege to sign on behalf of the ACT government a letter of intent with the Prague City Hall. Ms Kristyna Kucerova, deputy director of the Prague Startup Centre, was the joint signatory.

This letter of intent sets out the agreement to the exchange of experience and best practice through community, business and government partnerships for the promotion of innovation and sustainable solutions, with examples being the mutual exchange regarding smart city technologies and renewable energy initiatives. The ACT government will build on the Canberra-Prague letter of intent to continue to develop ongoing information exchange on key topics, including smart city technology and advances, and fostering ideas on good design.

Following the world cities program initial meeting in Melbourne, Australia, the Prague delegation visited Canberra in May 2017. They were particularly interested in our renewable technologies. The ACT's hospitality was returned by Prague and the EU in August this year. The delegation comprised myself, Mr Ben Ponton, the director-general of Environment, Planning and Sustainable Development Directorate, and my senior adviser.

Five members from the ACT branch of the Property Council of Australia undertook a concurrent, self-funded tour of the same cities. The tour was focused on five themes. Seeking to further ACT's interests in pursuing excellence in sustainable development and design and best practice community-led initiatives, the themes were designed around: design innovation, sustainable development, green infrastructure and parks, community-led initiatives and place-making, and integration with smart technology.

Each city provided many insights to me and the other delegates about how the cities meet contemporary challenges. By looking at best practice examples across Europe and Singapore and combining this with meetings and discussions about their planning system, it aided my understanding on how good design and business opportunities can be combined to innovate in all areas of city management.

I was keenly aware of the value of quality space and public design in Brussels and Prague, while in cities such as Copenhagen and Berlin, technology has been embraced. It infiltrates all areas of city management to help reduce greenhouse gas emissions and build resilience for climate change impacts.

Several European centres demonstrated how dilapidated industrial areas were transformed into diverse and attractive urban neighbourhoods, illustrating a respectful relationship between new buildings with their older, historic neighbours. In Copenhagen I saw how car parking for residential buildings is not located on site, but in centralised locations up to 200 metres away, with these car parks built as

multipurpose community areas featuring green space, playgrounds and recreational spaces.

In Singapore we saw how fresh food is grown commercially right in the heart of the city on rooftops. These learnings will help to inform the ACT government's work to address climate change. In Copenhagen I learned that communities can remain engaged with high levels of public participation for extended periods of time. As cities are about people, encouraging sustained and genuine input from the community will ensure that Canberra continues to be a great city for its citizens.

As the Minister for Planning and Land Management, I look forward to ongoing collaboration with Prague under the EU world cities program, in particular to continue to build cooperative relationships across governments and businesses. To this end, the ACT government is scheduled to host an EU world cities meeting in Canberra in March next year.

It is therefore with great pleasure that I take this opportunity to commend the EU world cities program to members and table this report on the EU delegation study tour. Madam Assistant Speaker, I present the following papers:

European Union Delegation—August/September 2017—Ministerial statement,  
30 November 2017.

European Union and Singapore—12-day study tour—Report.

Letter of intent between Canberra, Australia and Prague Start-up Centre, Prague,  
Czech Republic, dated 29 August 2017.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

## **Veterans—initiatives and ministerial roundtable update**

### **Ministerial statement**

**MR RAMSAY** (Ginninderra—Attorney-General, Minister for Regulatory Services, Minister for the Arts and Community Events and Minister for Veterans and Seniors) (11.15): I am pleased to update members on the work that the government is doing for veterans and the wider veterans community in the ACT and to provide the Assembly with an update on the outcomes of the veterans ministers meeting I attended on 8 November.

The ACT government is committed to honouring and supporting those in our community who have served our country through the Australian Defence Force. I believe we are a strong society when everyone belongs, everyone is valued, and everyone participates. The participation of our veterans, their feeling of belonging, and recognition of their skills, their service and their contribution, are critical to building the inclusive society we are creating here in Canberra.

Earlier this year, I announced the appointment of a new Veterans Advisory Council. The new council comprises nine diverse and highly experienced community members in the ACT. They have been appointed for their expertise, their willingness to engage broadly and their capacity to bring the voice of the veterans community to government. I believe good policy comes from good listening, and it is for this reason that I am pleased to have this eminent and well connected group of Canberrans advising me. I have recently opened a further expression of interest to fill the three vacancies on the council and I am particularly looking for members of the Aboriginal and Torres Strait Islander community who are veterans and those who can provide advice on how we can best support the families of veterans to join the council.

I would like to take this opportunity to thank the outgoing council for their role in providing advice on matters relating to the veterans community. By consistently voicing issues of significance to the veterans community, they have fulfilled an important role in the local commemoration, remembrance and recognition of veterans.

The new Veterans Advisory Council has an expanded membership and broadened terms of reference which will allow it to provide advice on a greater number of issues. The council will be chaired by Brigadier Alison Creagh. Brigadier Creagh has had a long career in the Australian Army, including deployments to Cambodia, East Timor, Iraq and Afghanistan. She is well known in the local veterans community for providing advice on facilitating the transition of exiting Defence Force personnel to civilian employment. Brigadier Creagh is also active in supporting commemorative projects and activities, including her role as the Vice Chair of the Australian Peacekeeping Memorial Project and as a member of the War Memorial Council.

Ms Creagh will be joined by Mr Gerard Pratt in the role of deputy chair. Mr Pratt is a former member of the Royal Australian Navy and his 16 years of service included operational deployments to East Timor and Iraq. Mr Pratt is also a longstanding member of the Returned and Services League and is the vice-president of its ACT branch.

I was delighted to attend the first meeting of the council on 21 November at the Australian War Memorial. That meeting was followed by council members attending the Last Post ceremony, where we had the opportunity to reflect on the contributions that veterans have made to the ACT community and to our nation.

The new Veterans Advisory Council will play a crucial role in providing advice to government on many areas of the veterans portfolio, including issues relating to transitioning to civilian life, health, mental health and wellbeing programs, as well as commemoration, remembrance and recognition for veterans. In this meeting I charged the council to be bold in their advice, to think big and to think creatively to help me to shape this city into one that is welcoming and supportive of veterans.

A key priority area of work for the new council will be consulting and providing advice in relation to the continuing development of measures to support those wishing to transition from the ADF into civilian employment. Securing civilian employment is key to assisting veterans and their families as part of this transition. We know that

employment contributes significantly to being connected and feeling valued in the community.

We also know that veterans leave the Defence Force with valuable training and experience. Australian Defence Force separation data shows that exiting Defence Force personnel in the ACT have a diverse range of skill sets, with the highest proportions of people being in areas such as information technology and engineering, firefighters and police, and trades like mechanics and communication technicians. Additionally, veterans have significant training to be leaders in a wide variety of fields, often having to perform complex and technical roles under intense pressure.

We understand that the average age of personnel separating from the Defence Force is around 31 years. These veterans have the potential to go on to apply the training and experience that they have received through the ADF to the benefit of the local economy for their remaining decades of employment. Assisting veterans' transition to civilian employment will provide a boost to the ACT's skilled workforce and will provide an overall net benefit to the ACT economy. Connecting and supporting veterans into compatible civilian roles not only makes good policy; it also makes good sense.

Despite their experience and their skills, veterans can sometimes face challenges in their transition to civilian employment. For example, the process of applying for either private or public sector jobs may be unfamiliar, and it can sometimes be challenging to translate from military-speak to civilian-speak. Businesses in the ACT, and the ACT public service, need to be able to identify the applicability of veterans' work experience to relevant civilian roles, and veterans may need some assistance to be able to describe the relevance of their skills and experience to roles within the civilian workforce.

In response to these challenges, the ACT government veterans employment strategy was launched on 13 September 2017 to provide a focus on the government's efforts to assist veterans as they transition out of the Australian Defence Force into civilian employment. As a first step to this work, an ACT public service staff survey is currently being conducted to determine the number of veterans who are already part of the public service and to gain an understanding of their experience of entering the ACT public service. The survey closes today, and I look forward to receiving the results shortly so that we can plan for our next steps.

The results of the survey will inform further actions for the ACT public service. Possible further work may include: flagging job vacancies where Defence Force experience may be desirable; engagement with ADF transition seminars to provide background on the variety of work undertaken within the ACT public service; developing information on conditions of employment and promoting employment possibilities; establishment of mentoring support for veterans in the initial phase of their employment with the ACT public service; and a rank-level match matrix to compare levels of ADF experience with ACT public service capabilities. The ACT public service HR system has been updated to enable self-identification of existing employees who are veterans, which, together with the survey, will assist us to know how many ACT public servants are veterans.



To be clear, our work does not stop here. The government's vision is to make the ACT public service a leader in the recruitment and retention of veterans. We want to model this behaviour to businesses and companies across the territory, as it is my firm belief that employing veterans, who are some of the most highly trained and skilled workers available, will be of great benefit to the territory. It is also an important way we can honour the service they have given to the country.

In the area of support for the social participation of veterans, the ACT government is working with veterans organisations to provide increased opportunities for veterans living in Canberra to get actively involved in the community. The Veterans Support Centre in Belconnen has close to 600 members and supports veterans of all ages. With the assistance of ACT government funding, donations of materials and labour by major industry and the assistance of the centre's volunteer tradespeople, the centre has established a metal workshop and a wood workshop. Veterans, through the centre, are able to connect with peers and teach each other new skills. Veterans can discuss issues and open up with like-minded people who empathise with past experiences.

In 2016-17, the ACT government provided \$10,000 grant funding to contribute to the establishment of a men's shed for veterans on the south side of Canberra. This shed will provide support and opportunities for social inclusion for serving and ex-serving members of the ADF, their families, and like-minded individuals.

The government's grant funding of projects for veterans continues this financial year. ArtSound will be funded to provide internet radios to three RSL Lifecare facilities, to promote socialisation, health and wellbeing for veterans and war widows residing in ACT aged care and retirement facilities. The Veterans Support Centre will receive a grant to help alleviate social isolation amongst members of the ACT veterans community, enabling senior members of the centre who are housebound to leave their homes and remain connected with the community.

The ACT government, with the advice of the Veterans Advisory Council, represents the interests of the local veterans community at the cross-jurisdictional and national level, through direct contact with the Australian government and with other state and territory governments.

I am also proud to represent the interests of the local veterans community at the Veterans Ministers Roundtable, which most recently met on 8 November 2017. The Veterans Ministers Roundtable provides an opportunity for state and territory veterans ministers to join together with the commonwealth government to take a coordinated approach to address veterans issues. This year there was a theme of "What makes a successful transition from the ADF to civilian life?" It covered important issues such as the facilitation of training into the civilian workforce, how to provide adequate health and mental health supports for those who require them, and ensuring that we have good quality data collection on which to base our policy decisions.

As a result of this meeting, I have written to all ministers across the ACT government to ask that they look across their portfolios to investigate where it would be appropriate to allow people to identify as current serving or ex-serving members of

the Defence Force. This will allow us to create a better picture of where our veterans are in the community and what services they are accessing, so we can better meet their needs. At the roundtable, the ministers also resolved that a similar question should be added to the national census, to again help to build a better picture of the veterans population across Australia and in each state and territory. We will all be advocating for that once consultations open for the next census.

The round table marked an important milestone in veterans ministers working together and sharing ideas and resources to improve the services and support that all governments provide to the veterans in our various jurisdictions. While I could spend the morning running through each of the agenda items, I will highlight one of the pieces of work that the ACT has taken the lead on. We will be leading work on a review of transport concessions that each of the states and territories offer to their veterans, and exploring a reciprocal scheme that would be received across state and territory borders for all veterans, regardless of where they reside. At the moment, there are differences across the systems and no minimum level that veterans can expect.

Transport concessions such as these are an important mechanism to help prevent social isolation and to promote social connectedness. We know that there have been some veterans whose return to civilian life was not necessarily smooth or well supported and for whom social isolation is an issue. These concessions are designed to provide some small incentive, or at least remove some barriers, to encourage people to get out and remain connected members of the city. Getting these settings right is an important way that we can help those who could use this support to remain connected and integral parts of the city.

This work was already underway by the government. As we looked to bring on a new form of public transport in the territory, it was the right time to assess our concessions regime to ensure that we were targeting it appropriately. As such, I look forward to sharing this work with my other state and territory counterparts and working together to help and honour our veterans in this way.

Closer to home, I have been having productive discussions with my New South Wales counterpart to seek to extend concessions to ACT-based veterans who use the Canberra to Sydney train to seek specialist treatment in Sydney. Many veterans prefer this form of transport, as it is less confining than the bus or a plane. Little things, such as the ability to get up and walk around, or to have an assistance dog comfortably join them, can make a huge difference to those travelling. I thank the Chief Minister for his continued advocacy for improvements to this service, as it will mean a lot to this group of Canberrans.

While I have been minister for veterans for only just over a year, and the portfolio itself is not much older, I feel that we have made a great start. But I assure you that our hard work in this area will continue. I will continue to work to build this city as one that recognises the unique nature of defence service, one that values the contributions veterans can make and one that supports and connects veterans into the community and the city more broadly.

I present the following paper:

Veterans Ministers' Roundtable—Update on Veterans Initiatives and Outcomes—Ministerial statement, 30 November 2017.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

## **Building and Construction Legislation Amendment Bill 2017**

**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 Police and Emergency Services, Minister for the Environment and Heritage, Minister for Planning and Land Management and Minister for Urban Renewal) (11.30): I move:

That this bill be agreed to in principle.

I am pleased to present the Building and Construction Legislation Amendment Bill 2017. The bill amends the Construction Occupations (Licensing) Act, the Electricity Safety Act and the Electricity Safety Regulation. The bill includes amendments to the Construction Occupations (Licensing) Act to expand the information-sharing provisions about public safety to non-territory agencies.

The proposed amendments would support national work to reduce the instance of building products failing to conform to required standards or being installed in a way that is not compliant with building standards, and respond to cross-border public safety issues.

The amendments will allow the ACT public safety agencies, such as the Construction Occupations Registrar, to give public safety information to similar agencies in other jurisdictions, subject to reasonable restrictions. These amendments support our public safety agencies and give certainty to relevant officials about interjurisdictional sharing of critical public safety information.

They also complement provisions in the laws of other jurisdictions that allow their officials to share information with the territory agencies where reasonable. The proposed amendments will complement the Information Privacy Act 2014 and help to ensure that relevant bodies can share information appropriately without undue disclosure or the use of private information.

The other main change is to amend the Electricity Safety Act to create the concept of the electrical wiring rules. The primary technical standard referenced in the Electricity Safety Act is the Australian and New Zealand Standard 3000. While other technical standards can be made by regulation they are not treated the same as regulation 3000. For example, they are not included in the main offences in the act.

The electrical wiring rules will become the technical standard for electrical wiring work in the territory. It will include Australian and New Zealand Standard 3000, but will also incorporate any appendix declared by the minister in a disallowable instrument, and any relevant regulation. This is similar to the concept of the building code created under the Building Act, and the plumbing code created by the Water and Sewerage Act. Both of these laws enable the relevant minister to make appendices to national standards, to vary, or add to, technical standards of those codes in the ACT if required.

The electricity market is undergoing reforms, and new electrical technologies are continually emerging. The ACT government is a strong supporter of new technologies such as battery storage and we are also determined that any electrical work will be done safely and well.

Sometimes technologies and reforms move faster than national standards-developing processes can keep up with. Providing this flexibility in prescribing technical standards is important so that our installation standards do not fall behind. This bill contains amendments to help protect the safety and wellbeing of the public.

Debate (on motion by **Ms Lawder**) adjourned to the next sitting.

## **Crimes (Fortification Removal) Amendment Bill 2017**

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

Title read by Clerk.

**MR RAMSAY** (Ginninderra—Attorney-General, Minister for Regulatory Services, Minister for the Arts and Community Events and Minister for Veterans and Seniors) (11.34): I move:

That this bill be agreed to in principle.

Today I present the Crimes (Fortification Removal) Amendment Bill 2017. The bill is the next piece in the suite of legislation that this government has introduced to combat serious and organised crime in the ACT.

Serious and organised crime is not acceptable in our community. The government continues to take a strong stance and implement measures to tackle this issue head on. We are dedicated to ensuring our police have the necessary tools at their disposal to effectively deal with serious and organised crime entities and, where required,

confiscate their assets. This commitment is evidenced by the recent creation of a new offence of drive-by shooting and the introduction of crime scene powers to add to the suite of laws already available in the ACT to address serious and organised crime. The fortification removal laws introduced by this bill will further enhance the government's suite of law reform in this area.

Fortifications are structures or devices designed to stop or hinder uninvited entry to a property. This bill strengthens traditional law enforcement mechanisms by providing our police with greater capacity to access fortified properties to execute search warrants and obtain evidence of serious crime in the territory.

Law enforcement agencies across Australia, including in the ACT, have reported the use of fortifications by outlaw motorcycle gangs, more appropriately known as criminal gangs, and other criminal groups to frustrate the execution of search warrants by police. If an occupier of a fortified property denies police access to the property, police may find it difficult to enter the property using traditional methods of forced entry.

The bill makes amendments to the Crimes Act 1900 to introduce a fortification removal scheme in the ACT. It authorises the Chief Police Officer to apply to the Magistrates Court for an order directing the occupier of premises to remove a fortification constructed on the premises. This is a proactive step to assist police to access a property in the future to investigate crime effectively.

The bill defines a fortification as a structure, device or other thing, or a combination of structures, devices or other things, that forms part of, or is attached to, the premises if the thing or the combination of things exceeds what is reasonably necessary to provide security for the ordinary lawful use of the premises and either prevents uninvited entry to the premises or part of the premises or would be considered by a reasonable person to be intended or designed to prevent uninvited entry to the premises or part of the premises.

This definition ensures that the bill targets only premises which have been fortified for the purpose of preventing police access. The safety of our community is paramount. The bill will not prevent Canberrans from installing reasonable security measures to protect the safety of their home or commercial premises.

A fortification removal order will prescribe a period of time for the occupier to comply with the order. The occupier must comply with the order within three months after the day the order starts or, if the order states another day, by that stated day. This provides ACT Policing and the occupier with the opportunity to present evidence to the court about the amount of time the occupier should have to comply with the order. For example, the court may be satisfied that a short time frame is necessary as the fortification poses a great safety risk. A longer time frame may be required if the court considers that the removal of the fortification will be time consuming and difficult.

The fortification removal scheme is designed to assist ACT Policing to investigate serious and organised criminal activity. It is not limited to the activities of criminal

gangs and it will assist police to access premises to obtain evidence related to a broad range of offences which are punishable by five years imprisonment or more. This definition is consistent with the Victorian approach to fortification removal as it sets an appropriate threshold to capture serious offences.

An example of an offence captured by the scheme is the offence created by section 171 of the Crimes Act of prescribing or supplying anabolic steroids. The bill will allow the Chief Police Officer to apply to the Magistrates Court for a fortification removal order if the Chief Police Officer has reasonable grounds to believe that the premises are, have been or will be used in relation to the prescription or supply of anabolic steroids. For example, the Chief Police Officer may have reason to believe that the occupier of the premises has supplied anabolic steroids to someone else in the ACT and that a supply of anabolic steroids is located on the premises which could be used as evidence of the offence. The threshold prescribed by the bill also captures drug-related offences such as the offence created by section 614 of the Criminal Code 2002 of possessing any substance, equipment or instructions for manufacturing a controlled drug.

The fortification removal scheme will apply to offences punishable by five years imprisonment or more, to ensure that police can access premises to investigate organised crimes such as the possession of equipment with the intention of using it to manufacture a controlled drug to sell to another person.

The bill creates two new criminal offences. New section 252ZA of the Crimes Act provides that it is an offence to fortify premises where the person knows the premises are connected to a fortification offence, or is reckless about whether the premises are connected to a fortification offence, and intends that the fortification will prevent uninvited entry to the premises or part of the premises.

New section 252ZB of the Crimes Act creates an offence of replacing or restoring a fortification that was previously subject to a fortification removal order. A person commits an offence if they know or are reckless about whether the premises have been the subject of a fortification removal order and they know or are reckless about whether the premises have been or will be used in relation to a fortification offence. A person also commits an offence if they intend that the fortification will prevent uninvited entry to the premises or part of the premises. This offence criminalises the reconstruction of a fortification at the end of a fortification removal order.

These offences recognise how important it is that our police are able to access a property to investigate crime. The Canberra community expects that where a court grants a search warrant to ACT Policing, the government does everything it can to ensure that police have the physical capability to execute that search warrant.

This bill will assist ACT Policing to investigate serious and organised crime and protect the Canberra community. I commend the bill to the Assembly.

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

## **Crimes Legislation Amendment Bill 2017 (No 2)**

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

Title read by Clerk.

**MR RAMSAY** (Ginninderra—Attorney-General, Minister for Regulatory Services, Minister for the Arts and Community Events and Minister for Veterans and Seniors) (11.43): I move:

That this bill be agreed to in principle.

Today I present the Crimes Legislation Amendment Bill, the second of 2017, to the Assembly. This bill makes a number of substantive, positive changes to ACT criminal laws. In summary, the bill will implement a number of recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse, allow circle sentencing to occur in the Children's Court, amend the offence of incitement, and provide that an offender cannot be concurrently subject to a good behaviour order and a parole order.

I will discuss firstly amendments recommended by the royal commission. The royal commission was established in 2013 to investigate institutions that have failed to protect children or respond to allegations of child sexual abuse. When the royal commission began, the prevalence of child sexual abuse in Australian institutions was largely underestimated. We now know that tens of thousands of children have been sexually abused in many Australian institutions. We will never know the true number. This is a national tragedy perpetrated over generations within many of our most trusted institutions.

The sexual abuse of children has occurred in almost every type of institution: educational, recreational, sporting, religious, and cultural. In many cases those failings have been exacerbated by a manifestly inadequate response to the victim. The problems have been so widespread and the nature of the abuse so heinous that it is difficult to comprehend. The sexual abuse of a child is a terrible crime perpetrated against the most vulnerable in our community. It is a fundamental breach of the trust which children are entitled to place in adults.

Over the past five years the royal commission has held 57 public hearings, sat for 444 days and heard evidence from more than 1,300 witnesses. Commissioners have listened to the personal accounts of almost 8,000 survivors of child sexual abuse in institutions through private sessions. This work was combined with a comprehensive policy and research program.

On 14 August 2017, the royal commission published the final criminal justice report—the report—and made 85 recommendations aimed at reforming the Australian criminal justice system. The report consolidates the significant work of the royal

commission and provides an unprecedented evidence base for a fairer response to victims of institutional child sexual abuse.

I will now outline the main features of the amendments giving effect to the royal commission recommendations in this bill. These amendments are only the beginning of the ACT government's work on this report, and we will keep on working to deliver a stronger legal framework for survivors.

The bill amends section 56 of the Crimes Act 1900 to provide for the most serious instances of sustained and ongoing child abuse to be prosecuted. The amendments give effect to the model provision recommended by the royal commission so that the criminal act is constituted by the ongoing unlawful sexual relationship rather than individual sexual acts.

This allows for prosecutions in a manner consistent with the ways in which victims remember abuse and has retrospective effect in recognition of the fact that delay is a typical, rather than a peculiar, feature of child sexual abuse. For example, between January 1980 and February 2015, 4,444 people alleged incidents of child sexual abuse to 93 Catholic Church authorities. These claims related to over 1,000 separate institutions. The average age of people who made claims of child sexual abuse at the time of the alleged abuse was 10.5 for girls and 11.6 for boys. The average time between the alleged abuse and the date a claim was made was 33 years.

The changes in this bill mean that perpetrators of sexual abuse will not be able to avoid prosecution by trying to pick apart individual acts or memories. To allow such a change would almost advantage repeated abuse, which happens so often that it can be hard for a survivor to remember specific events, over single incidents. This law will mean that serial abusers will be prosecuted on the basis of evidence about how survivors recall that abuse.

The bill also amends section 66 of the Crimes Act with regard to grooming offences. Grooming refers to a preparatory stage of child sexual abuse where an adult gains the trust of a child, and perhaps other people of influence in the child's life, in order to take sexual advantage of the child. It is a complex, commonly incremental process that can involve three main stages; firstly, gaining access to the victim; secondly, initiating and maintaining the abuse; and, thirdly, concealing the abuse.

Grooming includes a range of techniques, many of which are not explicitly sexual in themselves. The royal commission noted that what makes otherwise benign conduct grooming is the intention of the person engaging in the conduct for his or her conduct to make more likely or facilitate sexual relations with a child.

This clause adopts the recommendations of the royal commission to create two new grooming offences. The new offences capture any communication or conduct with a child undertaken with the intention of grooming the child to be involved in a sexual offence, and extend the broad grooming offence to grooming people other than the child. For example, it may be conduct such as encouraging an adult responsible for the child to leave the child alone with the accused.



This bill also makes amendments to section 34 of the Crimes (Sentencing) Act 2005 to implement the recommendations of the royal commission to exclude good character as a mitigating factor in sentencing for child sexual abuse offences where that good character facilitated the offending. Often, and particularly in institutional settings, the good character of the offenders and the position of trust and authority that they hold allow them to perpetrate child exploitation and groom other adults to facilitate access to children.

This amendment will still operate in accordance with section 33 of the Crimes (Sentencing) Act, which sets out relevant sentencing considerations, which means that an offender's good character can still be taken into consideration by a sentencing court when assessing factors such as the offender's prospects of rehabilitation or reoffending.

The second set of amendments in the bill that I will discuss focus on Aboriginal and Torres Strait Islander youth justice. The amendments to the Magistrates Court Act 1930 expand the jurisdiction of the Children's Court so that circle sentencing can occur for Aboriginal and Torres Strait Islander children in the criminal justice system. Currently, children are precluded from appearing before the Galambany court. The new court is called the Warrumbul court, which is the Ngunnawal word for "youth".

Allowing the specialist circle sentencing process to apply to Aboriginal and Torres Strait Islander children will give the ACT Aboriginal and Torres Strait Islander community an opportunity to work collaboratively with the ACT criminal justice system to address over-representation issues and offending behaviour. Legal Aid ACT and the Magistrates Court in particular were strongly supportive of this proposal going forward, and I thank them for their contribution.

The last set of amendments in this bill are direct responses to court outcomes. An important part of this bill, and an important role of the Attorney-General, is to respond to judicial decisions. The High Court recently ruled that an attempted kidnapping organised out of the Alexander Maconochie Centre was technically not illegal because the offender attempted to hire another person to undertake the kidnapping. That person did not ultimately go through with the crime, but this is clearly behaviour that the community expects to be criminalised. That case, *Holliday v the Queen*, highlighted a clear gap in the ACT's Criminal Code. The bill amends the Criminal Code to correct the issue.

This bill also responds to issues raised in our courts about the way court sentences interact with parole orders. In the case of *Peter v Wade* of 2017, Chief Justice Murrell of the Supreme Court stated that where a good behaviour order runs concurrently with a parole order, there is potential for "... conflict between decisions made by the executive and the judiciary". This can lead to confusion and inefficiency in the sentence administration process.

Breaches of these orders are dealt with by different bodies. Parole orders are addressed by the Sentence Administration Board, whereas breaches of a good behaviour order are dealt with by the court. Further, an offender may be subject to two

separate sets of conditions, some of which are consistent across the two orders and some of which are not. This bill will address these issues by ensuring that a good behaviour order and a parole order cannot be served concurrently.

The range of amendments in this bill will make significant changes to the way survivors of sex abuse and Aboriginal and Torres Strait Islander children interact with the justice system. It will respond to significant legal issues raised over the past year in court decisions in ways that improve the prosecution of crime and the administration of sentences. This bill is yet another example of the government's continuous improvement of the legal system. I commend the bill to the Assembly.

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

## **Work Health and Safety Legislation Amendment Bill 2017**

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

Title read by Clerk.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Community Services and Social Inclusion, Minister for Disability, Children and Youth, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Multicultural Affairs and Minister for Workplace Safety and Industrial Relations) (11.54): I move:

That this bill be agreed to in principle.

Today I present the Work Health and Safety Legislation Amendment Bill 2017. The purpose of this bill is to facilitate the territory's adoption of the harmonised work health and safety laws that regulate hazardous chemicals and major hazard facilities under the Work Health and Safety Regulation 2011. These provisions were developed by Safe Work Australia as part of the nationally agreed set of model work health and safety laws.

Hazardous chemicals are currently regulated in the territory as dangerous substances under the dangerous substances framework. Under this framework the Dangerous Substances Act 2004 and the Dangerous Substances (General) Regulation 2004 provide for the safety duties, classification, labelling and packing and quantity level regulation of dangerous substances, as well as establishing a licensing scheme for the handling of certain substances.

These laws were enacted following an earlier unsuccessful effort by jurisdictions to harmonise work health and safety laws in Australia. Since that time a new set of model work health and safety laws were developed nationally by Safe Work Australia and agreed by the majority of states and territories. These model laws have been adopted in the territory through the Work Health and Safety Act 2011 and the Work Health and Safety Regulation 2011. However, the territory did not adopt a number of chapters under the regulation.

In 2015 the territory adopted the asbestos regulation chapter into the Work Health and Safety Regulation 2011. This meant that the last remaining chapters to be adopted are those that regulate hazardous chemicals and major hazard facilities, specifically, chapter 7 and chapter 9 of the national model work health and safety regulation. This bill now seeks to establish the framework and technical changes needed in order to adopt chapter 7 and chapter 9 and the consequential changes to the dangerous substances framework that exists in the territory. The more substantive and detailed regulation of hazardous chemicals and major hazard facilities will follow in an amending regulation once this bill is enacted.

The national model chapters 7 and 9 have already been adopted by New South Wales, Queensland, South Australia, Tasmania, the Northern Territory and the commonwealth. Also, more recently, parts of those chapters in relation to a uniform classification and labelling system were adopted by Victoria.

Significantly, the new model chapters will introduce a number of changes to the regulation of hazardous chemicals. Firstly, the classification, labelling and packaging of hazardous chemicals will move over to the United Nations globally harmonised system of classification and labelling of chemicals, known as the GHS.

The GHS is a universal and internationally accepted methodology for chemical classification, labelling and safety data sheets. It uses a common set of pictograms, signal words, hazard statements and precautionary statements to communicate information about a chemical. The GHS ensures that users are given a reliable and easy to understand set of information about chemical hazards and preventative and protective measures for their health and safety.

As well as improving health and safety outcomes in relation to the storage and handling of hazardous chemicals, using the GHS in the territory will also introduce internally consistent assessment criteria, labels and safety data sheets for hazardous chemicals. Critically, the general safety duties relating to the management of hazardous chemicals in the workplace will not change as a result of using the GHS.

Secondly, the amendments will change the approach to regulating hazardous chemicals to a more risk-based approach. This new approach will reduce the overall regulatory burden on businesses and allow regulator resources to focus on those areas of greatest risk. The biggest difference will be that the requirement to register with the regulator in relation to the storage and handling of dangerous goods will shift from a placard quantity level to a level in excess of manifest quantities.

The amendments in this bill will commence on 29 March 2018. This date has been chosen for a number of reasons. It will allow businesses in the territory time to engage with their suppliers to ensure that chemicals supplied into the territory from 29 March 2018 meet the new classification, labelling and packing requirements.

To a large extent we expect that businesses in the territory are already receiving hazardous chemicals supplied in accordance with the national model laws. This is because all jurisdictions surrounding the territory now require hazardous chemicals to

be compliant with the classification and labelling system adopted under the national model regulation. However, we are aware of some suppliers still supplying chemicals under the old classification and labelling system.

Also, commencement on 29 March 2018 is necessary to preserve the intent of recent amendments to the Planning and Development Act 2007. Specifically, the commencement will preserve the list of premises on the placard quantity register for the purposes of obtaining an exemption to the development approval process for sites where hazardous chemicals are stored.

All other amendments in relation to the Planning and Development Act 2007 under this bill are consequential in order to shift the terminology used over to the new terminology that will be used under the national model regulation.

This bill will bring the territory in line with the national model work health and safety laws and allow greater regulatory efficiencies. It achieves the outcome of ensuring the health and safety of workers when storing and handling hazardous chemicals, as well as ensuring that there is a general protection of the health and safety of all individuals where hazardous chemicals are concerned. I commend the bill to the Assembly.

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

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

**MRS DUNNE** (Ginninderra) (12.00): I move:

That this Assembly:

(1) notes:

- (a) the provision of Continuing Resolution 9 of the Legislative Assembly relating to the procedure for electing a Senator for the ACT to fill a casual vacancy in the senate;
- (b) the recent High Court decision that led to the disqualification and resignations of a number of Senators and Members of the Australian Parliament due to ineligibility to serve under clause 44 of the Australian Constitution;
- (c) the Assembly's appointment of Ms Katy Gallagher as a Senator in 2015; and
- (d) the statements in the senate of 4 September 2017 by Senator Gallagher that cast doubt on her eligibility to be appointed to a casual vacancy in 2015; and

- (2) calls on the Assembly to refer Continuing Resolution 9 to the Legislative Assembly Standing Committee on Administration and Procedure for review and report.

In moving this motion today I acknowledge the conversations that have been had in this Assembly over the break and on Tuesday and since Tuesday with Mr Rattenbury. Not to steal Mr Rattenbury's thunder but to address the issues, I foreshadow that Mr Rattenbury will be moving an amendment to my motion which originally sought to refer continuing resolution 9 to the Administration and Procedure Committee to include some of the elements I raised in the motion I attempted to move and which is now on the notice paper at Assembly business item No 5 in relation to matters of privilege.

Through the discussions Mr Rattenbury and I have had I think this is a neat outcome and will obviate the need for two separate inquiries: one retrospective and one prospective. But I wish to speak to the substantive issues while indicating that the Liberals will be supporting Mr Rattenbury's amendment in full. At the conclusion of the debate I propose to seek leave to remove my Assembly item No 5 from the notice paper for the sake of neatness.

This matter has been one I have been contemplating for some time and it has evolved over time. We all have been aware of the issues relating to citizenship and clause 44 of the Australian constitution and the implications that has had for many members of the House of Representatives and the Senate. The fact that there may be other fallout from this issue is quite obvious.

When these issues first arose I took it upon myself to write to the Speaker in my capacity as the Deputy Speaker to raise with her that we may have an issue with the way we appoint senators by way of casual vacancy and that it may be opportune at some time after the High Court case to look at our mechanism for doing so to make sure that it is as robust as possible. The Speaker wrote back to me basically saying she did not believe we had an issue to look at and that because this was an issue that required statutory declarations we had to rely on the person providing the statutory declaration.

I initially decided to move this motion but, in preparing it, I went back and reviewed some of the documentation going back to the first time that we used this continuing resolution. For members' information, we had to devise continuing resolution No 9 to address the issue of casual vacancy. We did not have a means of appointing a person to a casual vacancy until 2003 with the retirement of Senator Margaret Reid. At the time of appointing Mr Humphries, as he was then and is now, to the Senate we had to set up the continuing resolution 9 before we could proceed to appoint Mr Humphries to the Senate. We have used this continuing resolution only twice: once for Mr Humphries and once for now Senator Gallagher.

As I said the other day, I also was concerned because at the time of appointing Senator Gallagher I was the Speaker and I was concerned that I may have overseen something that was not as robust as it could have been. I hold some concerns about the decisions that were made and whether they were robust, and I want to be sure. If I had continued to be the Speaker I would have taken steps to ensure this myself, but I asked the Speaker to do this because I think it is important that the Assembly have as much control as possible over its decision-making power.

There are issues in relation to privilege and there is the possibility of contempt of the Assembly in that standing order 277A reflects that the Assembly must have power over its own decision-making and its decision-making cannot be impeded, and inaccurate information is one way in which the Assembly's information can be impeded. This is why I have brought forward the first motion on the notice paper and the one that we are debating and why I eventually decided that, to be absolutely safe, or, to use the phrase, exercise an abundance of caution, we should refer the other matters to be inquired into as well.

Following discussion in this place on Tuesday and with Mr Rattenbury in particular we have come to a compromise position that ensures that in the future we can be sure that when we make decisions in this space those decisions are as safe as possible. Therefore the notion to refer the continuing resolution to the Standing Committee on Administration and Procedure is a good, right one and one the Canberra Liberals fully support. As a means of dealing with this in the neatest possible way, I think Mr Rattenbury's suggestion of referring previous appointments made by the Assembly to consider whether in hindsight they may be unsound is a good way of doing so.

As I said to Mr Rattenbury in private conversation, if it turns out that the committee for administration and procedure finds that they were unsound and that there may be a remedy for those previous decisions, then it would be open to the committee for administration and procedure to recommend the establishment of a privileges committee if they think they cannot deal with those issues themselves. The reporting dates suggested by Mr Rattenbury give the committee sufficient time to address these issues.

I want to put on the record again that this is not, as the Chief Minister described it the other day, a witch-hunt. This is only tangentially attached to the issues confronting members and senators. This is an issue about the soundness and the safeness of decisions made in this place and to ensure we have a robust mechanism for dealing with casual vacancies so that we do not appoint someone who is wittingly or unwittingly ineligible to sit. I commend the motion and foreshadow that the Canberra Liberals will be supporting Mr Rattenbury's amendment.

**MR RATTENBURY** (Kurrajong) (12.09):

I move:

Omit all words after (1), substitute:

“(1) notes:

- (a) the recent High Court decision that led to the disqualification and resignations of a number of Senators and Members of the Australian Parliament due to ineligibility to serve under clause 44 of the Australian Constitution;
- (b) the provision of Continuing Resolution 9 of the Legislative Assembly relating to the procedure for electing a Senator for the ACT to fill a casual vacancy in the Senate;

- (c) that the Legislative Assembly has acted under Continuing Resolution 9 on two separate occasions to fill casual vacancies, in 2003 and 2015; and
  - (d) the processes currently being undertaken in the Federal Parliament to affirm the eligibility of current Members and Senators;
- (2) refers Continuing Resolution 9 to the Legislative Assembly Standing Committee on Administration and Procedure to examine:
- (a) what role the Legislative Assembly has in ensuring the eligibility of persons seeking to fill casual vacancies;
  - (b) the processes undertaken in other jurisdictions;
  - (c) whether the previous appointments made by the Assembly might be considered in hindsight to be unsound;
  - (d) whether the Legislative Assembly needs to adopt any new practices; and
  - (e) any other relevant matters; and
- (3) the Committee shall report to the Assembly by the last sitting day in March 2018.”.

Mrs Dunne has outlined the key issues here. I think what has happened is that people’s common understanding of eligibility for federal parliament has been changed by the circumstances of the past six months or so and certainly the High Court’s ruling. Most people—I certainly did not—had no concept of that idea of having citizenship by descent impacting on people’s eligibility, but that is the circumstance we find ourselves in now. I think it is the right pathway for the admin and procedures committee to have a look at this and see whether the Assembly needs to reconsider the role it plays. I am pleased to have been able to contribute to this discussion and find a way that I think is practical for us to look at it in a fairly timely manner and report back to the Assembly as soon as practicable.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism and Major Events) (12.10): I thank Minister Rattenbury for moving this amendment. I also thank the Deputy Speaker for being clearer in relation to what this is not. Let me be very clear that this is not an Assembly committee seeking to put itself in the place of the High Court to determine the eligibility or otherwise of Senator Gallagher to sit in the Senate. It is not, as is being reported by the *Canberra Times* and the Australian Broadcasting Corporation, an Assembly inquiry into Senator Gallagher’s statutory declaration. It is neither of those things, and I am pleased that everyone has made that very clear in their remarks. I call on both those media organisations to withdraw the headlines of their stories as that is not what this is.

This is not a case of the Assembly seeking to put itself in a decision-making position or seeking to place itself in the role of the High Court. It has no practical implications at all in relation to Senator Gallagher’s ability to sit in the Senate as there has been an

election since the appointment referred to in terms of casual vacancies. There has been a federal election since that time, so this does not even relate to a contemporary appointment to fill a casual vacancy because there has been a general election.

So this is about the future, not about the past. In that context the government is able to support Minister Rattenbury's amendment because it has been couched in exactly those terms. That is the intent of Minister Rattenbury's amendment and that is a very important point to make, given the media commentary to date and certainly what Mrs Dunne was intending in her original motion that sought to highlight Senator Gallagher and then in the subsequent additional motion in relation to establishing a committee of privileges.

It is just a little bit too cute at this point, Mrs Dunne, to suggest that you are not or were not gunning for Senator Gallagher. But commonsense has prevailed, and for that reason the government can support Minister Rattenbury's amendment.

**MRS DUNNE** (Ginninderra) (12.13): As I said before, I thank Mr Rattenbury for his suggestions, but I need to comment on the Chief Minister's remarks. He can call me cute as much as he likes, but that does not detract from the fact that (2)(c) envisages not only a prospective review but a retrospective review. Paragraph (2)(c) refers to whether the previous "appointments"—pleural—made by the Assembly might be considered in hindsight to be unsound. Again, this is completely and utterly about the Assembly's procedures. The Chief Minister is right: it will have no bearing on any person's eligibility to sit in the Senate.

If by doing this we found out that Mr Humphries had been ineligible, it would have no impact on his term as a senator. If we found out that the appointment made in March 2015 was for a person who may have been ineligible, it would have no impact on that person's capacity to now sit in the Senate, because the casual vacancy has been overtaken by time and a general election. The Chief Minister is correct on that, but he is not correct to say that this motion is only prospective; it is both prospective and retrospective. I commend the motion and Mr Rattenbury's amendment to the Assembly.

Amendment agreed to.

Original question, as amended, agreed to.

## **Continuing resolution 6—declaration of private interests of members**

### **Amendment**

**MS BURCH** (Brindabella) (12.15): I move:

That continuing resolution 6 entitled Declaration of Private Interests of Members be amended by omitting all words after "That—" and substituting:

"(1) within 28 days of the making and subscribing of an oath or affirmation as a Member of the Legislative Assembly for the Australian Capital Territory



each Member of the Legislative Assembly shall provide to the Clerk of the Legislative Assembly a declaration of the private interests of themselves and their immediate family in the form as presented to the Assembly on 30 November 2017 and shall notify any alteration of those interests to the Clerk within 60 days of that alteration occurring;

- (2) under the general direction of the Speaker, and in accordance with section 11 of the form, the Clerk shall store the declarations of private interests made by each Member and arrange for the declarations and updates for that Assembly to be placed on the Legislative Assembly website on the internet. When a Member vacates his or her seat or is not re-elected at the next general election for the Assembly, the Clerk shall retain those declarations for seven years, after which the Clerk shall destroy all declarations made by that Member in his/her custody and remove those declarations from the Legislative Assembly website on the internet;
- (3) any declaration stored by the Clerk be made available for perusal to any person on request; and
- (4) this resolution has effect from the commencement of the Second Assembly and continues in force unless and until amended or repealed by this or a subsequent Assembly.”.

I will be brief. These changes have been worked through by the admin and procedure committee. I want to thank all the members of that committee for the work that has been undertaken on this. At tabling of papers, the new amended declaration form will also be presented.

The amendment includes some necessary changes. It is timely. The last time the paper was amended was 2009, so it is nothing we have rushed at. It is timely, since 2009, to update the members declaration. It is important that we have transparency as members and report as often as we can.

I hope that, as reflected in the admin and procedure committee, it is supported across all parties in the house.

Question resolved in the affirmative.

## **End of Life Choices—Select Committee Appointment**

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism and Major Events) (12.16): I move:

That:

- (1) a select committee be established to inquire into end of life choices in the ACT, including:
  - (a) current practices utilised in the medical community to assist a person to exercise their preference in managing the end of their life, including palliative care;

- (b) ACT community views on the desirability of voluntary assisted dying being legislated in the ACT;
  - (c) risks to individuals and the community associated with voluntary assisted dying and whether and how these can be managed;
  - (d) the applicability of voluntary assisted dying schemes operating in other jurisdictions to the ACT, particularly the Victorian scheme;
  - (e) the impact of Federal legislation on the ACT determining its own policy on voluntary assisted dying and the process for achieving change; and
  - (f) any other relevant matter;
- (2) the select committee shall consist of the following number of members, composed of:
- (a) two Members to be nominated by the Government;
  - (b) two Members to be nominated by the Opposition;
  - (c) one Member to be nominated by the Crossbench; and
  - (d) the Chair shall be a Government Member;
- (3) the select committee be provided with necessary staff, facilities and resources;
- (4) the select committee is to report by the last sitting day in 2019;
- (5) 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;
- (6) 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; and
- (7) nominations for membership of the committee be notified in writing to the Speaker within two hours following conclusion of the debate on the matter.

This motion seeks to establish a select committee to debate all relevant matters relating to managing the end of a person's life, including palliative care. Members would be aware that currently federal legislation prevents the territories from the right to legislate in this area. This is something that is of significant concern to many in our territory, in the Northern Territory and, indeed, across the country.

It is worth noting that there are significant advocacy efforts across all political parties across the country now to remove this prohibition, particularly in light of other jurisdictions passing, in the case of Victoria, or considering, in the case of New South Wales and other states, their own forms of voluntary assisted dying legislative schemes.

I can signal today that the ACT government will continue to work with the Northern Territory government in our efforts to repeal this absurd, demeaning and patronising law.

The establishment of this committee will ensure that all elements of this complex and sensitive issue are properly explored in a non-partisan way, in anticipation of the commonwealth ban inevitably being lifted. This select committee will examine voluntary assisted dying schemes in other jurisdictions as well as hearing the wide variety of views held by members of our community.

This motion today follows the private member's motion on voluntary assisted dying brought by Ms Cheyne and passed by the Assembly in October. That motion flagged the need for the Assembly to provide the Canberra community with an opportunity to consider a possible model for such a scheme in the ACT upon the passage of a scheme in any Australian state to allow voluntary assisted dying.

The Victorian parliament, after, I think, more than 100 hours of debate, has legislated this week to establish such a scheme. It is my view and that of my colleagues that this Legislative Assembly and the Canberra community are just as capable as the parliament of Victoria and the people of Victoria to properly and seriously consider complex and fundamental issues such as voluntary assisted dying.

The New South Wales upper house, by a margin of only one vote, defeated a similar proposal in the not too distant past. So this issue will remain live in the national debate and in the debate at state and territory level.

I believe that a select committee provides the best way to test whether and, if so, how a scheme similar to the Victorian scheme could be established in the Australian Capital Territory once the commonwealth prohibition is lifted. It must be lifted, it will be lifted and it is something that we will campaign strongly on.

It may require a change of government at the federal level to see that ban lifted but it will happen. When it does, this Assembly will need to consider these issues. It is absolutely absurd that a state has now passed these laws but two territories are not able to consider such laws. That is absurd. It cannot be allowed to stand and it will not be allowed to stand. I say so because the ACT government and the Canberra community are not scared about having a debate that some, only some, want to stop us from having.

For these reasons I commend the establishment of this select committee to the Assembly and signal the beginning of a very important piece of work for the Australian Capital Territory. I commend the motion to the Assembly.

**MR COE** (Yerrabi—Leader of the Opposition) (12.21), by leave: I move:

(1) Omit paragraph (2)(d).

(2) Omit paragraph (4), substitute:

“(4) the select committee is to report by the last sitting day in 2018;”.

The opposition is in part in agreement with the Chief Minister that this is a very important issue. However, regardless of what we think about euthanasia either collectively or personally, it is a commonwealth issue. What this motion is really about is federal law. Whilst I acknowledge that there is mention of palliative care in the motion, what Mr Barr has just spoken to and what will be the primary focus of this committee, if not the exclusive focus of this committee, is commonwealth law. For us to spend two years discussing commonwealth law is, I think, a bit excessive.

To have a select committee go for two years on this issue is, I think, inappropriate. If the issue is so important, why are we delaying the report for 24 months? If the issue is so important we should be expediting this. We should be doing this in three months or six months if it is so important. But for some reason there is a view that we should wait 24 months to report on this pressing issue.

Secondly, given the Victorian experience, I think there would be real merit in waiting to see how the Victorian legislation rolls out in practice. And thirdly, of course, it is not our jurisdiction.

Who is going to chair this select committee, I am not sure. It seems to me to be a potential make-work scheme for Ms Cody. We will see if that eventuates.

Today I have circulated two amendments. The first is to exclude the reference to who should chair the committee. We should let the committee make that choice. The second is to bring forward the reporting date to 2018. There may be some disagreement, from the crossbench perhaps, on one of those amendments or perhaps both; I am not sure. We would certainly entertain voting on those amendments separately if that were palatable to the Assembly.

**MS LE COUTEUR** (Murrumbidgee) (12.24): I will look at the more substantive parts of the issues. As both previous speakers have said, clearly these are important matters that deserve our attention. Of course, as an Assembly we have been giving them attention. In the last sitting period the Assembly passed a motion proposed by Ms Cheyne about euthanasia. It called on the ACT government, and each member of the Legislative Assembly, to:

raise with Federal political colleagues and counterparts, as appropriate, the increasingly paternalistic and unreasonable curtailment of ACT Legislative Assembly legislative powers, and how poorly this reflects on the Commonwealth Parliament's understanding of the ACT's capacity to govern itself;

convey to the Commonwealth Government and Opposition, at every available and appropriate forum, the need to repeal the Euthanasia Laws Act 1997 and restore to the Territories the right to make laws in respect of voluntary euthanasia and voluntary assisted dying; and

consider as soon as practicable, upon the passage of a scheme in any Australian State to allow voluntary assisted dying, whether and how the ACT community can have input on a possible model for such a scheme in the ACT.

Since then, of course, the Victorian parliament has just passed their legislation to allow voluntary assisted dying but very frustratingly this will not come into operation for 18 months. As members are well aware, and as both the previous speakers have pointed out, the ACT cannot legislate to allow voluntary assisted dying due to the Andrews bill.

Of course, I think this is wrong and that here in Canberra we deserve the right to make legislation about our end of life choices in the same way that other jurisdictions can. It is a matter of conscience as to what we believe about end of life choices but it should not be a matter of conscience as to the rights of the citizens of the ACT or the citizens of the Northern Territory.

I think that at this point in time the first two calls of Ms Cheyne's motion are most important. I was pleased to hear Mr Barr say that he intended to pursue this issue with his federal colleagues. On Tuesday I was very pleased to stand with the federal leader of the Greens, Senator Richard Di Natale, when he said that he intended to reintroduce the bill from the previous term of the federal parliament to wind back the Andrews bill. This bill, of course, was co-sponsored by Senator Gallagher. So I am hopeful that, with Mr Barr's efforts, and no doubt the rest of the ALP's efforts behind it, the Andrews motion will be overturned.

I guess one of the other things we can say about this select committee is that it is also one way to keep the last call of Ms Cheyne's motion alive. I think it is important that we do keep this issue alive in the ACT. I am afraid that my biggest concern about this motion is that I do not want the committee to offer false hope to people in the ACT who may feel they have an urgent need for changes in the law around voluntary euthanasia. We need to be abundantly clear to the people of Canberra that we actually cannot legislate on this at this point of time, regardless of what any of us may feel about it and regardless of any committee report.

The most important job to do right now is to persuade our federal colleagues that they should treat us the same as the rest of Australia. I also think that, given we have a considerable amount of time before we are in a position to legislate on this, we could look at other things. Members might remember that I said I thought some people might find a citizens jury on CTP boring. On this one, I am sure it would not be boring. It might be confronting.

I think it is also possible that this committee may look at some other things if it is looking at improving our end of life choices. As I said many times before, my mother was 11 years in a nursing home and it was horrible. My understanding is that most people are in nursing homes only for six months. Nursing homes are, for most people, an end of life choice and for most people a very unsatisfactory end of life choice.

If the committee's work improves options for Canberra's older citizens then it will be worth while. I am also concerned about the workload for the committee office. If there is yet another committee, assuming this motion is passed, I trust that this will be well looked at.

With respect to Mr Coe's amendment, I certainly share his concerns that a two-year committee is not really a select committee. It sounds more like a standing committee. It does not seem appropriate timing to me.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism and Major Events) (12.30): I will speak to the amendments, Madam Speaker. The government will not be supporting either of Mr Coe's amendments. In relation to the time frame for the committee, I find it ironic that both speakers mentioned and referenced the Victorian scheme. Its establishment is 18 months so it will not be fully operational until 2019.

That was the rationale for the longer time period. However, there are contained within the terms of reference for the select committee a range of other matters that it can consider in addition to the Victorian scheme. There will also be, over the course of the next 12 to 18 months, other states that will bring forward legislation in this area.

Victoria has obviously become the first Australian state to pass such laws, noting of course that the Northern Territory did in the 1990s. But, as I referenced in my remarks, the New South Wales upper house was within one vote—one vote—of passing a similar piece of legislation. I am aware that in other state parliaments around the country other bills being prepared now in the context of following the outcomes in Victoria.

This is a very significant issue. I have no doubt that if we do not establish a process now, at some point in the future we will be told by those who wish to oppose the actual policy substance here that we need a longer period of time to consider the issues. There are many issues. There are many issues contained within the terms of reference for the select committee. There is, of course, the opportunity under paragraph 1(f) for the committee to consider other relevant matters that Ms Le Couteur referred to, in addition to the particular focus in paragraph 1(a) on palliative care.

I believe this is entirely appropriate in respect of one of the most significant issues that people in this country want to engage on now, noting that there is also, as has been foreshadowed, a bill before the Senate to remove this restriction on the Australian Capital Territory and the Northern Territory. A bill has already been mooted to address this particular issue. Events here will move very quickly. People said that marriage equality would not happen in this country, and it will next week. Events will move quickly.

All of the obstacles—

**Mr Coe:** Except this committee, which is going to go very slowly.

**MR BARR:** The committee is going to examine this issue over an appropriate period of time. It can start now and it can also include the consideration and the practical effect of the Victorian legislation. That is the point here.

I have no doubt that if Mr Coe's amendment succeeds today, in 12 months' time the committee will seek an extension of time. Let us save the committee going through that process. Give them an appropriate period of time to consider all of the issues before them in this reference and to ensure that one of the most significant issues that any parliament will debate is given an appropriate period of time to cover all of the issues outlined.

Question put:

That the amendments be agreed to.

The Assembly voted—

Ayes 12

Noes 11

Mr Coe	Ms Le Couteur	Mr Barr	Ms Orr
Mrs Dunne	Ms Lee	Ms Burch	Mr Pettersson
Mr Hanson	Mr Milligan	Ms Cheyne	Mr Ramsay
Mrs Jones	Mr Parton	Ms Cody	Mr Steel
Mrs Kikkert	Mr Rattenbury	Ms Fitzharris	Ms Stephen-Smith
Ms Lawder	Mr Wall	Mr Gentleman	

Amendments agreed to.

Original question, as amended, resolved in the affirmative.

**Sitting suspended from 12.39 to 2.30 pm.**

### **Questions without notice**

#### **ACT Health—insurance claim**

**MR COE:** My question is to the Minister for Health and Wellbeing. Minister, when does your directorate expect to finalise the insurance claim for the hospital switchboard fire in April this year?

**MS FITZHARRIS:** I will take the question on notice. I note that this came up in annual reports hearings because in the 2016-17 annual report there is an estimate of that insurance claim. I will come back to the Assembly with the date on which that claim is expected to be finalised.

**MR COE:** Minister, what is the approximate value of the claim or the estimate, and what impact do you expect it will have on the forthcoming premium?

**MS FITZHARRIS:** I recall from annual reports hearings that it was around \$1.3 million, but I will clarify that and take the second part of the question on notice.

**MRS DUNNE:** Minister, what is the value of the damage done to the hospital by the fire?

**MS FITZHARRIS:** I will take the question on notice.

### **Centenary Hospital for Women and Children—aluminium cladding**

**MS LAWDER:** My question is to the Minister for Health and Wellbeing. Minister, in your answer to question on notice 521 you said that ACT Health was first made aware of the fire risk posed by the cladding at the Centenary Hospital for Women and Children on 30 June 2017. You also said that you were advised of the risks on 24 July 2017. Minister, why did it take your directorate three weeks to advise you that there was flammable cladding on the Centenary Hospital for Women and Children?

**MS FITZHARRIS:** ACT Health advised me when they had further information to advise about their approach to identifying and fixing the cladding issue that had been discovered at the Centenary hospital.

**MS LAWDER:** Minister, what concerns did you raise with your directorate about the delay in advising you, especially given that there had already been a fire at the Canberra Hospital campus earlier in the year?

**MS FITZHARRIS:** When I was advised I was also advised that the percentage of the cladding on the building was very low. I was also advised that there was no risk to the building and that ACT Health's prior approval of the Centenary Hospital for Women and Children had been verified by ACT Fire & Rescue. They advised me that the building was very safe but that they would take extra precautions in the context of the broader work happening across the ACT government responding to that incident. I was assured that the building was safe, and I continue to talk to ACT Health about briefings.

**MRS DUNNE:** Minister, why have you failed to take action to ensure that you are advised quickly of problems in your directorate?

**MS FITZHARRIS:** I have not.

### **ACTION bus service—NXTBUS information service**

**MS LE COUTEUR:** My question is to the Minister for Transport and City Services and relates to the NXTBUS information service. Minister, I am a regular NXTBUS user and I have noticed ghost buses that turn up at the stop but were not on NXTBUS. I know I am not alone; quite a few people have commented about this online. Minister, why is NXTBUS missing some services?

**MS FITZHARRIS:** I will take the question on notice.

**MS LE COUTEUR:** Minister, when light rail starts, will NXTBUS also cover light rail? If so, will it be renamed?

**MS FITZHARRIS:** On the second part of the question, I do not believe so. But certainly what I can tell Ms Le Couteur about light rail, as I think she knows, is that in a sense light rail is operating so frequently along a set route that any passenger seeking to use the light rail route will know that in peak hours there will be very



frequent light rail—around about six minutes—and outside of those times just a little decreased frequency. So the purpose of NXTBUS, in terms of real-time information, is probably less relevant to light rail; which, again, is one of the benefits of light rail that we will see when it starts operating here in the ACT.

**MR COE:** Minister, what is the status of the redesign of the local bus network following the introduction of light rail and the possible use of NXTBUS on that?

**MS FITZHARRIS:** There may be three or four questions in that. I am pleased to advise Mr Coe that currently there is consultation underway on how Canberrans would like to link into our rapid transport network. There will be nine rapid transport services. The consultation at the moment is how Canberrans would like to feed in to the nine rapid transport routes that will be operating next year. Eight of those will be buses, one of those will be light rail.

As I have said, once this current phase of consultation is complete we will take the community's feedback and go out for further consultation in early 2018 with that feedback already received about how local bus services will then feed in to the rapid network. That, of course, will include light rail.

### **Tourism—future strategy**

**MS ORR:** My question is to the Chief Minister. Chief Minister, what action is the government taking to attract more visitors to Canberra in 2018, off the back of the recent announcement by *Lonely Planet*?

**MR BARR:** I thank Ms Orr for the question. We certainly seek to take full advantage of our city receiving this very significant tourism accolade. Following on from the success of the announcement, we are fully focused on implementing a range of marketing activities in both domestic and international markets to raise awareness of Canberra and to encourage more people to visit our city.

This news was globally significant and VisitCanberra is collaborating with Tourism Australia on an ongoing public relations strategy targeting our key international markets: China, Singapore, Malaysia, the United Kingdom and New Zealand. During the most recent Canberra week in Wellington, I met with a range of key stakeholders in the tourism industry, including New Zealand's new tourism minister, Air New Zealand, and Wellington City Council and their tourism folk.

We look to continue to expand opportunities for direct transfer into Canberra. Qatar Airways begin their service in February next year. We will continue our engagement with Air New Zealand and the Australian airlines to get more direct domestic, low-cost and international flights into Canberra. We will, of course, continue to work with Singapore Airlines to raise awareness of their capital express service, with a medium-term goal to see that service's frequency increase from the current four times a week.

**MS ORR:** Chief Minister, what impact will this have on the Canberra tourism industry?

**MR BARR:** A very significant impact. It was certainly very clear at the Canberra and region tourism awards held earlier in the month just how much optimism there is in Canberra's tourism sector. Clearly there is an extraordinary opportunity in 2018 for the tourism industry. We have seen over the past few years the number of hotel rooms in this city rise from about 5,000 to 7,000, and there are another 1,000 additional rooms coming on line in the coming years. Our hotel occupancy rates have remained above the Australian average. We are seeing an all-time record number of both domestic and international tourists in our city. We are well on track to achieving our tourism 2020 target of growing overnight visitor expenditure to \$2.5 billion by December 2020. It was over \$2 billion in the 2016-17 fiscal year. We are experiencing a tourism boom and we look forward to building on that success in 2018.

**MS CODY:** Chief Minister, what will be the benefits for the broader Canberra economy?

**MR BARR:** In addition to this recognition of Canberra as a place to visit, it does, of course, come on top of a range of other accolades for our city, such as recognition by the OECD as the world's most livable city, and a range of recent and significant investments in the ACT in many different areas of the economy.

Innovation and creativity are at the heart of the transition in the ACT economy. We have nearly 14½ thousand international students studying in Canberra. Our work with UNSW Canberra will see that number expand considerably. Education, higher education in particular, is our city's single largest export.

This is a very timely announcement from *Lonely Planet*. It certainly has been utilised by our universities as further evidence of Canberra's international reputation. We boast innovative companies; we have a diverse workforce; we have world-leading universities; we have cutting-edge research institutions; and we are home to the Australian headquarters of many multinational corporations.

This accolade helps attract further investment and certainly enhances the story of Canberra when we tell it nationally and internationally. We look forward in 2018 to further opportunities to promote our city.

### **Minister for Health and Wellbeing—briefing**

**MRS DUNNE:** My question is to the Minister for Health and Wellbeing. Over the past year there have been at least six occasions when you have claimed that you have either not been briefed or evidence indicates that you have not been briefed for several weeks, as was the case with the centenary hospital cladding. These occasions include health data, the AECOM report and the overdue report on opioid guidelines as well as the cladding on the centenary hospital. Minister, why is it that you claim not to have been briefed on important issues?

**MS FITZHARRIS:** I do not make that claim.

**MRS DUNNE:** Why are you still not across the health portfolio a year after becoming minister and nearly two years after becoming assistant minister?

**MS FITZHARRIS:** I am.

**MR WALL:** Minister, what actions have you taken to ensure that you are better briefed in the future?

**MS FITZHARRIS:** I am well briefed, and I stay in touch regularly with my directorate.

### **Municipal services—Dickson**

**MS LEE:** My question is to the Minister for Transport and City Services. Minister, in response to a concern that I raised with your office for a constituent, you wrote to my office on 31 August 2017 confirming that your directorate had identified that the raised paving at Dickson Place would be designated as a shared zone and that appropriate signage and public notice would take place by the end of September 2017. Minister, why has this still not happened?

**MS FITZHARRIS:** Forgive me: off the top of my head I do not know the location of Dickson Place. Could Ms Lee clarify?

**Ms Lee:** I can certainly clarify if it will help the Minister. It is the area within the Dickson shopping centre in front of the Woolworths, where the car park is. There is a raised area there.

**MS FITZHARRIS:** I will take the question on notice.

**MS LEE:** Minister, given the current confusion over the status of the raised paving at that location, what is the government doing in the meantime to alert pedestrians to exercise caution in that shared zone where there are cars and pedestrians quite frequently?

**MS FITZHARRIS:** I will take the question on notice.

**MS LAWDER:** Minister, are there any areas in other local shops involving raised paving that have been identified to be changed into shared zones, yet have not yet had the appropriate signage erected?

**MS FITZHARRIS:** Not to my knowledge, but I will take the question on notice.

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

**MS CODY:** My question is to the Minister for Housing and Suburban Development. I understand the public housing renewal program has just reached the midway point. Could you provide the Assembly with an update?

**MS BERRY:** Yes, I can. The government's public housing renewal program has reached the halfway point. To get there the government has so far: committed \$608 million for the delivery of this significant program; supported hundreds of tenants to move home, with the wants and needs of the individuals considered during the relocation process; successfully implemented an expression of interest program to purchase suitable land and properties from the private sector, supporting the local development industry and increasing diversity of the public housing portfolio; delivered public housing in more than 20 suburbs across Canberra, including both new and established communities, enabling public housing to be spread across the city; and engaged with a wide range of communities in areas where new public housing is being developed, including holding information sessions and public meetings.

To ensure that the second half of the public housing renewal program can be just as successfully delivered the ACT government is: responding to community feedback about new public housing developments, including refining the designs prior to lodging development applications; entering into new contracts for construction of more than 160 dwellings in new suburbs such as Taylor and Throsby, as well as commencing work in sites in established areas, including Monash; and continuing to support tenants as they move home, including working with community organisations as part of the linking into new communities task force and transforming communities partnership.

**MS CODY:** Minister, what evaluation has occurred on the program, and what does it say about the experience of housing tenants?

**MS BERRY:** The Linking into New Communities Taskforce has undertaken some evaluation that has captured the experience of public housing tenants who have been relocated during the first half of the public housing renewal program. The findings of the evaluation highlight the importance of the collaborative and co-designed approach by government and community sector partners.

Key insights show that there is a strong alignment with the service provided and that the renewal program is performing well with: successful early tenant engagement; one-on-one engagement being positive and constructive in the ways it meets tenants' needs and delivers quality services; and quality life improvements for tenants who have been through the relocation process. As well, gaps in services were routinely identified and addressed by the LINCT and transforming communities partnership, and specialised services were engaged in the project.

Tenants have been complimentary about the support they have received, with many saying that they appreciated being treated so respectfully and sensitively throughout this process. Some tenants noted that the help that they have received has relieved their anxiety and stress in making the move. All members of the LINCT and the TCP have seen the positive impacts that the relocation process has had on individual tenants that they have been working with.

**MR PETTERSSON:** Minister, could you provide the Assembly with an update on the extensive consultation process that has been undertaken for the first half of the program?

**MS BERRY:** Yes, I can. Obviously, working closely with communities gaining new public housing has been important during the program to date. We have seen some great examples of communities coming together to support the idea of new neighbours. This was the case with one of the first developments delivered in Chisholm and more recently through design consultation in Mawson. I would like to quote from the Mawson Citizens' Group.

The Mawson Citizens' Group have been genuinely and pleasantly surprised by the willingness of the Minister and the Taskforce to listen to local residents' concerns and adapt the design accordingly.

The MCG are satisfied that the resulting design is one that addresses key issues raised by the community and provides a high quality environment for new tenants, to enable them to successfully integrate to the neighbourhood and prosper.

More than 200 residents have engaged in public forums held at new public housing sites. The public housing renewal program task force has held almost 30 meetings with resident groups. The task force has also worked very closely with community councils to brief and consult them about developments of public housing dwellings in their areas, including the Weston Creek Community Council, the Woden Valley Community Council, the Tuggeranong Community Council, Molonglo Valley community group, Gungahlin Community Council and the Inner South Canberra Community Council.

Tom Anderson from the Weston Creek Community Council recently wrote to me and said this:

The Council congratulates the Taskforce for the way that they engaged with the three groups—

That is the groups in their area—

and took into account the comments and the information provided by the community in relation to the three separate sites.

I would also want to acknowledge the work of the community sector representatives in working with communities across Canberra to understand their concerns and welcome this program.

### **Light rail—work health and safety**

**MR WALL:** My question is to the Minister for Transport and City Services. Minister, WorkSafe ACT has issued improvement notices and prohibition notices, as well as fines totalling \$14,000 for safety breaches on the light rail construction site. What were the breaches issued for, and when were you informed of those breaches?

**MS STEPHEN-SMITH:** Madam Speaker, I will take the question as the Minister for Workplace Safety and Industrial Relations.

**Mr Wall:** Just to clarify, it was actually a question to the Minister for Transport and City Services, as the minister responsible for the project.

**MADAM SPEAKER:** You ask the question; the executive can decide who is the best fit to answer the question. Ministers, can you make your minds up and provide an answer?

**MS FITZHARRIS:** Mr Wall asked two questions. One would come to me; I think one would come to the minister for workplace safety. If you would like to ask one question, we will then determine which one we answer.

**MR WALL:** Allow me to restructure the question, please, Madam Speaker. Minister, when were you informed of the breaches, and what steps have you taken to ensure work safety law is followed on that site?

**MS FITZHARRIS:** I was informed on Friday the 24th, I believe it was—last Friday—of the incident. I have made sure, as Transport Canberra and City Services do every day, to prioritise with Canberra Metro, the contractor for light rail, that they are ensuring that safety is the highest priority. I can inform the Assembly that the territory meets regularly with Canberra Metro to review safety performance and, importantly, the culture of safety on the project, which is very high. Canberra Metro is regularly audited on its safety processes and procedures, both internally and externally.

**MR WALL:** Minister, have you personally spoken to the consortium or subcontractors on the light rail construction project about these safety breaches?

**MS FITZHARRIS:** No.

**MR COE:** Minister, why have you failed to provide a safe workplace on the highest profile and most expensive project since self-government, and were not the EBA and strong union presence meant to avoid these sorts of problems?

**MS FITZHARRIS:** On a point of clarification, Madam Speaker, in two of the opposition's questions they have asked at least two or three questions within each question. I seek your ruling on whether that is in order.

**MADAM SPEAKER:** I will allow the question, but it goes to some other commentary we have had about supplementary questions. I have foreshadowed that in the review of standing orders this will be a matter to be considered.

**MS FITZHARRIS:** To answer the first part of the question: I have not.

### **Municipal services—fix my street**

**MR MILLIGAN:** My question is to the Minister for Regulatory Services. Minister, a number of constituents have contacted the opposition this year after jobs logged on

the fix my street portal were described as fixed in replies sent to the logger, even though no repair work had been done. Minister, how often do errors of this nature occur, and what is your office doing to fix the problem?

**MR RAMSAY:** I thank the member for his question. I certainly welcome the improvements there have been with the fix my street website this year, encouraging people right across Canberra to report matters. It is important to have people's eyes and ears out and about, helping the people from Access Canberra.

It may not necessarily be that there has been an error. I will need to clarify further with the member and also with Access Canberra. One of the things that does happen is that people report that a matter has been resolved or at least has been completed from Access Canberra's point of view when it has been passed on to another appropriate regulatory body if it is not something that is done by Access Canberra. Those ones fall outside my portfolio, so it would be inappropriate for me to comment.

**MR MILLIGAN:** Minister, if errors such as this occur and are pointed out, why is an apology not issued to the constituent who has been incorrectly informed that the job has been completed?

**MR RAMSAY:** As I said previously, I am not accepting that there have been errors, so it is a matter of working through it further.

**MS LEE:** Minister, what is your directorate doing about the fix my street portal that removes logged jobs before they are fixed?

**MR RAMSAY:** I will take that on notice.

### **Housing—housing choices**

**MR PETTERSSON:** My question is to the Minister for Planning and Land Management. Can you outline to the Assembly the purpose of the housing choices discussion paper you recently launched for community consultation?

**MR GENTLEMAN:** I thank Mr Pettersson for his interest in housing outcomes for all Canberrans. I was very pleased earlier this month to begin a conversation with the Canberra community on broadening the mix of housing in the territory with a new housing choices discussion paper. The ACT government is committed to providing housing that works for all Canberrans and has listened to community feedback about their desire for a greater range of housing options, including freestanding houses, apartments, townhouses and other housing types.

The housing choices discussion paper provides background to the ACT's planning and housing policies and offers an opportunity for the community to contribute ideas on interesting and innovative strategies to get better housing outcomes. The housing choices paper provides a dedicated forum for conversations on housing choice and diversity to continue

As Canberra matures into a major metropolitan centre, residents are becoming more diverse and calling for a city that meets their differing needs. The discussion paper on housing choices is looking at exactly that: how can we better meet the needs of our residents, be they single, couples, families or groups.

As I found out during the consultation on the minister's statement of planning intent, there is no longer the presumption that everyone aspires to a large suburban block with a garden. People want different forms of housing in the suburbs as well as in centres and mixed-use areas. This includes townhouses, terrace houses, secondary dwellings and apartments, as well as a continuing demand for detached homes. While this is being driven to an extent by the younger generation, it is also being sought by older residents who do not want to leave the suburb they may have lived in for 50 years but no longer want or are able to live in a big home that can be better used by a larger family.

**MR PETTERSSON:** Minister, how can the community provide their feedback on the housing choices discussion paper?

**MR GENTLEMAN:** We want to get the residential planning and design right. Community engagement on the discussion paper is a valuable way for Canberrans to contribute their ideas on how to achieve better housing outcomes and be part of the planning process for our city.

There are several ways in which the community can have their say on this important issue. The first stage of consultation will include online engagement, via the your say website, followed by facilitated workshops and community presentations. The online community engagement will run until Friday, 9 March 2018. Interested members of the community have the opportunity to complete an online survey, join a discussion group or provide a submission.

The online engagement has already proven to be of great interest to the community. In the first week alone—that is, from 15 to 21 November—there were over 900 unique visits to the your say website and just over 200 responses to the online survey. The facilitated workshops and community presentations will occur during February and March 2018.

The next phase of the consultation will be the establishment of a collaboration hub through which we will talk to both industry and community on how demonstration housing projects could be used to showcase innovative housing design and delivery in Canberra. We are seeking to test future policy direction using real world projects while also delivering more innovative, sustainable and affordable housing for the city.

**MS LE COUTEUR:** Minister, what values or criteria will you be using to evaluate the various suggestions for change that you will get from the public as part of this community consultation?

**MR GENTLEMAN:** I thank Ms Le Couteur for her question. There are a number of criteria set in the discussion paper. Some of the opportunities we are looking to



showcase are innovative housing design and delivery in real-world examples, as I talked about earlier, including infill compact housing, small homes, co-housing, mixed tenure, design-led, and long-term rental housing. Early next year the government will seek innovative development proposals that target a number of demonstration areas, including environmental performance, innovative design, innovative delivery of tenure, and affordability. Proposals will be evaluated and assessed in accordance with all relevant territory procurement and legislative requirements. Shortlisted proponents will be invited to submit a suggested site location and detailed design for their proposed development.

The second stage of the housing choices engagement, the collaboration hub, will play an important role in the assessment and selection of proposals. There will be a further opportunity to get involved during the development assessment process for each site. That will occur once we have completed the festival of Kim Bailey, which starts today, and when this discussion program is completed.

### **Justice—suspended sentences**

**MR HANSON:** My question is to the Attorney-General. Attorney, the Victims of Crime Commissioner's report on suspended sentences notes that the ACT is the only jurisdiction that allows suspended sentences for any offence, even serious assaults and child sex abuse cases. One example cited was of a man who breached his suspended sentence for domestic violence offences and was given a new suspended sentence with fewer conditions. Another was of a child sex offender who was given a suspended sentence even though the offences were committed while he was already serving suspended sentences for similar crimes. Attorney-General, will you now move to limit the availability of suspended sentences for serious crimes and child sex offences?

**MR RAMSAY:** I thank the member for his question. I start by briefly acknowledging the work of the Victims of Crime Commissioner, who is about to retire. I want to put on record the appreciation of the government for his strong work and his very strong advocacy in the area.

In relation to the question, as I mentioned earlier this week, I have already instructed my directorate to consult on this. We will be consulting and taking views across the profession, across the justice system—

*Opposition members interjecting—*

**Mr Gentleman:** I raise a point of order, Madam Speaker. The minister is trying to answer the question. The opposition keep interjecting—

**MADAM SPEAKER:** Please can you allow the minister to answer the question.

**Mr Hanson:** On the point of order, Madam Speaker, there has been very little interjection from the opposition. The minister is not being relevant. The question was quite clear: whether he would limit the availability of suspended sentences. He is not being directly relevant.

**MADAM SPEAKER:** The minister has some time left to go straight to the point. But he has talked about consultation, which, I believe, will be part of that discussion and thinking.

**MR RAMSAY:** Indeed. This government acts on the basis of good consultation across the justice system. We have already heard a number of views that have been expressed in relation to this particular matter and we will continue to consult broadly on this, as I indicated earlier this week in question time.

**MR HANSON:** As a flagrant preamble, I also would like to take the opportunity to acknowledge the work of the Victims of Crime Commissioner and acknowledge the work he has done in the ACT.

**MADAM SPEAKER:** I do not think you will be ruled out of order, Mr Hanson.

**MR HANSON:** You are very kind, Madam Speaker. Attorney, will you now introduce a presumption in law that an original sentence will be activated in the case of a breach, especially if it is for a similar crime?

**MR RAMSAY:** Given that that is going to the same point as the previous question, my answer, surprisingly enough, is the same.

**MRS JONES:** Attorney, will you commit to a full review of sentencing in the ACT and include all stakeholders, including the opposition?

**MR RAMSAY:** Madam Speaker, we love to hear from the opposition.

### **Bimberi Youth Justice Centre—health assessments**

**MRS KIKKERT:** My question is to the Minister for Corrections. Section 160 of the Children and Young People Act requires that young people admitted to Bimberi must be assessed for immediate physical or mental health needs or risks as soon as possible and never more than 24 hours after admission. Yet mental health, justice health and alcohol and drug services have reported that in 2016-17, two Bimberi detainees were not given initial health assessments in the required time frame. In response, an ACT Health spokeswoman said that a new procedure has now been developed “to establish clear lines of communication”. Minister, why were these detainees not assessed in the required time frame?

**MR RATTENBURY:** As has been reported, and I think it was discussed in the annual reports hearings, there was an oversight in this case; there was a degree of human error involved. That is why ACT Health has taken additional steps to ensure that there is not a repeat of this incident. I agree with the premise of Mrs Kikkert’s question that this should not have occurred. It is clearly not the standard that we expect to be operating; there has been an oversight in this matter and I expect that it will not happen again.

**MRS KIKKERT:** Minister, what exactly is the new procedure that has been developed to fix this communication problem?

**MR RATTENBURY:** I will take that on notice.

**MRS DUNNE:** Minister, now that you have clear lines of communication in place, will you assure the Assembly that no more Bimberi detainees will be put at potential risk by late health checks?

**MR RATTENBURY:** As Mrs Dunne may have heard in my first answer, I made it clear that I expect this will not happen again.

### **Housing—affordable housing scheme**

**MRS JONES:** Madam Speaker, my question is to the Minister for Housing and Suburban Development. On 16 November *CityNews* published a letter from Mr Jon Stanhope to the affordable housing project team. In it he noted the low number of blocks for detached housing available to families on incomes below \$100,000. Mr Stanhope claims that the government refused to answer and says:

One can nevertheless assume that the two most likely explanations for refusing to respond to the request are that the information either doesn't exist or if it does exist that the government has reasons for not wanting it to see the light of day.

Minister, does the information exist or does the government not want Mr Stanhope to have it?

**MS BERRY:** I am not aware of the request that has been made. Of course, as much as we like to hear from the opposition, we also like to hear the views of former Chief Minister Jon Stanhope. I will have to come back with the detail on the second part of that question, but I will take the opportunity to talk about some of the things the ACT government is doing around housing and homelessness in the ACT which were announced at the housing summit. They include the start-up innovation fund for HomeGround and a submarket rental real estate model, as well as applying land tax to vacant investment properties from next year to encourage more rentals into the market.

We have set affordable public and community housing targets and improved targeting so they go where they are needed. We have been advocating very strongly and very publically for federal government tax reform and for the federal government to make a bold and courageous decision to use the tax levers in their control to make changes to negative gearing and capital gains tax in the same way that the ACT government made the bold and courageous decision to make changes to the tax levers we are responsible for to ensure that more people can get into housing of their own.

**MRS JONES:** Minister, how many houses are available in the ACT on average that are affordable to families with an income under \$100,000, for example, entry level three-bedroom, one-bathroom houses?

**MS BERRY:** The actual number I will have to take on notice for this point in time. Of course, that will move depending on when houses are being built and when they are completed for purchase. But I want to note for the Assembly's information an article in the paper last week. It is headed, "Canberra has an oversupply of housing, according to new research from the Australian National University." It states:

Canberra has the biggest oversupply of housing of any jurisdiction other than the northern Territory, according to this research.

In the ACT we have a surplus of 6,700 dwellings relative to that assumed balance—

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

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

**Mr Parton:** Point of order, Madam Speaker, on relevance. The question was specifically about affordable houses for families with incomes under \$100,000—

**MADAM SPEAKER:** Thank you, Mr Parton, but the minister started by taking the first part of that question on notice and is providing additional information in the broad policy area. Minister, do you want to continue?

**MS BERRY:** Yes, thank you, I do, Madam Speaker. As I said, in the ACT, the report says that there is a surplus of 6,700 dwellings relative to an assumed balance of housing in 2001 and that Belconnen and the inner north and south have the most substantial housing surplus, mostly driven by unit development, of course. The report states:

Dr Phillips, whose calculations are based on population numbers and the number of people in each household, said more homes had been built than population growth demanded.

I think that was an interesting article to bring to the attention of the Assembly to show the number of houses and dwellings in the ACT that have been developed over the past couple of years and that the ACT government is meeting the demand for housing in the ACT.

**MR PARTON:** Irrespective of any Ben Phillips report, can the minister explain why housing that is affordable for families earning under \$100,000 has disappeared almost completely under the Labor-Greens government?

**MS BERRY:** It is missing the whole point of the challenges and the complexity around housing and housing affordability. There is never one part of this whole complex story that can resolve the issues that each state and territory is facing under this federal government. It is not about placing blame on any federal government, but a bold and courageous government could make the changes that would make a real difference for states and territories to be able to provide more housing for people who need it. That is the real thing that we need addressed here. The ACT government has

committed to housing and housing affordability targets; we have held a summit; we are having a big conversation with the community; we have implemented an innovation fund.

*Opportunity members interjecting—*

**MS BERRY:** We are not selling off our public housing. The last time the Liberal Party were in power, they sold off 1,000 public housing dwellings. That is not the ACT government's commitment. We will continue to hold the highest proportion of public housing per capita in the country, something that we are very proud of and that we will continue to maintain.

### **Royal Commission into Institutional Responses to Child Sexual Abuse—government response**

**MS CHEYNE:** Madam Speaker, I note that you are in a slightly generous mood. I just wanted your indulgence for a moment to acknowledge that this is the Deputy Clerk's final question time, I believe. I want to thank him for all his work and support and, indeed, patience, particularly during this hour of the day.

**MADAM SPEAKER:** Your question, Ms Cheyne. My generosity goes only so far.

**MS CHEYNE:** Back on track. My question is to the Attorney-General. Attorney, what steps is the government taking in response to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse?

**MR RAMSAY:** I thank Ms Cheyne for the question. The work of the royal commission has been thorough and evidence based and it has focused on the experience of survivors. It absolutely crosses many portfolios. This government is committed to a whole-of-government focus on supporting survivors of sexual abuse. The latest report focused on criminal justice and made 85 recommendations for reform.

Survivors of child sexual abuse are entitled to a fair hearing in court. And it is important that misconceptions about psychology and cultural prejudices do not affect the outcomes. Our system must be able to work with the way that people who have experienced these most traumatic circumstances actually respond. The royal commission has made recommendations for law reform that are based on the latest evidence about how survivors' testimony, and how their experiences, can be treated fairly in a criminal trial. We will be looking closely at each of those recommendations for changes that need to be made in the ACT's legislation.

There is strong support in the justice system for implementing change in response to these findings. In particular the government has been looking to the Director of Public Prosecutions for law reform recommendations, based on that office's experiences in prosecuting these crimes. We are also consulting with Legal Aid ACT, who often act for people who are survivors of abuse. This government will keep working throughout the coming year to implement the royal commission's recommendations and to ensure that justice is accessible for all survivors in the territory.

**MS CHEYNE:** Attorney-General, how is the government working to ensure that survivors of sexual abuse are supported through a national redress scheme?

**MR RAMSAY:** I thank Ms Cheyne for the supplementary question. Ensuring that the court process treats survivors fairly is critical but obviously we need to go further. This government is committed to a restorative policy and is focused on helping survivors get any support they need. That support should be the same no matter where a person lives. That is why we are participating in the development of a national redress scheme. The royal commission provided us with a well-developed framework for responding to the institutional failings that have exposed so many people to abuse. We are currently participating in a working group with the commonwealth and with other states and territories to develop a redress scheme that is fair and that respects the experiences and the needs of survivors.

The model that is under development will offer redress to people who were abused in an institutional context as children. A key feature of the work is to ensure that responsible institutions take full responsibility and offer an unreserved apology for the failings that allowed for the abuse to occur. The importance of taking full responsibility cannot be understated. Compensation, counselling and other support services are all, at their core, really a recognition that survivors were let down through no fault of their own and that they are entitled to be made whole. The ACT government recognises the vital importance of redress, and we will keep working with other jurisdictions to develop a national scheme.

**MR STEEL:** Attorney-General, what steps has the ACT already taken that form part of the royal commission's recommendations?

**MR RAMSAY:** I thank Mr Steel for the supplementary question. As the royal commission brings its work to a conclusion, it is important to remember that so much work has already been done. Here in the ACT, an important step to help survivors seek compensation has already been undertaken. In 2016 the ACT government made amendments to the Civil Law (Wrongs) Act 2002 and the Limitation Act 1985 to expressly remove limitation periods for personal injury resulting from the institutional sexual abuse of a child. This year the ACT government listened to community feedback and then removed limitation periods for personal injury resulting from the sexual abuse of a child, no matter what the context was. These amendments, which apply retrospectively, recognise the length of time that it can take survivors of child sexual abuse to disclose that abuse, and significantly improve access to justice.

This government recognises that a comprehensive, considered approach to the royal commission's recommendations needs to happen. And it needs to address all of the areas that the royal commission considered important. Across the government, and across all of the areas considered by the royal commission, we are working hard to turn what the royal commission has learned about responding to abuse into action.

### **Housing—affordability**

**MR PARTON:** My question is to the Deputy Clerk; no, it is not. I wish it was.

*Members interjecting—*

**MADAM SPEAKER:** No intimidation, please.

**MR PARTON:** My question is to the Minister for Housing and Suburban Development. Minister, the *Canberra Times* today has a report on the plight of low income renters and their struggle to survive. In this regard, SQM Research recently reported that Canberra house rents had risen 14.4 per cent in the past year and unit rents 4.4 per cent. These increases far exceed the ACT average weekly earnings increase. Minister, what are you going to say to a student who comes to you to tell you that she is sleeping in a car because she cannot afford rental accommodation in Canberra?

**MS BERRY:** I did read that report, and I thank Mr Parton for bringing it to the attention of the Assembly today. The calls by ACTCOSS, by Susan Helyar and others, are that one of the fundamental issues around affordability for rental properties across the country, including the ACT, is a real need to adjust the payments, the income, for recipients of welfare and students who are studying away from home, improving their income so that they have the ability to afford rental properties.

I have advocated for those kinds of equality measures in the past, and continue to do so, to ensure that people on low incomes, poor people in our community, have some chance of living and gaining the same kinds of goals and aspirations that the rest of us have in this community.

One of the things that the ACT government is doing is applying a land tax to vacant investment properties from next year. That should free up some more rental properties into the market. For a person who came to me and said that they were living in a car, I would make sure that they were supported appropriately and put them in touch with housing support services to make sure that they could be accommodated or provided with other kinds of accommodation. If Mr Parton or anyone were aware of anybody living in those circumstances, I would hope that they would bring it to my attention.

**MR PARTON:** When will you lift your restrictions on land release to address the needs of low-income Canberrans?

**MS BERRY:** There are no restrictions on land release. We release over 4,000 properties a year. We are releasing more than our target for this year and we will continue to do that.

**MS LAWDER:** Minister, why is your government making it so hard for people on low incomes to live in Canberra with increases in rents of 14.4 per cent over the past year?

**MS BERRY:** That is simply not true. The ACT government is doing everything it can to support people on low incomes. The ACT government were not the ones cheering on the cuts to penalty rates for low income earners in this town. Over 20,000 people in

this town will be affected by a cut to penalty rates. Income is a very important part in a person's ability to be able to afford a home of their own.

**Ms Lawder:** Policy settings.

**MS BERRY:** We have set the policy settings. We have made the bold and courageous changes to our tax levers to ensure that more people get into homes. That is what we continue to call on the federal government to do: be bold and courageous like the Chief Minister has been here in the ACT and change the tax levers, remove capital gains tax and negative gearing and make a difference in our city and across the country on affordable housing so everybody can have the same goals and aspirations as the rest of us enjoy.

*Opposition members interjecting—*

**MS BERRY:** Thank you, Madam Speaker, for listening to the response to that question.

### **Families—preparatory programs for preschool children**

**MR STEEL:** My question is to the Minister for Disability, Children and Youth. Minister, what programs does the government provide to support families and children as they approach school age?

**MS STEPHEN-SMITH:** I thank Mr Steel for his question and recognise his ongoing commitment to achieving positive outcomes for children in our community.

The Community Services Directorate has been working with the Education Directorate to develop and deliver tailored intervention programs that focus on providing children with the best possible start to their education by enabling a smooth transition into formal schooling. Two such programs that have recently been delivered to families are preparedness for preschool—known as prep for pre—and big school ready.

A key aim of prep for pre is to equip families with knowledge, strategies and confidence to support their child's physical, social, emotional, cognitive and language development prior to starting preschool. As part of these programs, children gain extra skills and confidence by participating in interactive play sessions modelled on what a child will experience in a typical preschool program.

Prep for pre recognises that some families face challenges when it comes time to introduce their children to the early stages of formal education. The program gives families access to specialist expertise to help ensure that children who need a little more support get the best start to their school career. A multidisciplinary team comprising early childhood teachers, child and family workers, speech therapists, occupational therapists and physiotherapists from the child development service has successfully delivered the program across all four sites this term.



Big school ready is currently being piloted in the West Belconnen Child and Family Centre. It is a similar model to prep for pre and focuses on making sure children and their parents or carers have the supports in place to ensure a positive transition to school.

**MR STEEL:** Minister, what feedback have you received from families who have accessed these services through the child and family centres?

**MS STEPHEN-SMITH:** I thank Mr Steel for his supplementary. The feedback has been very positive for these programs. Through the prep for pre program, parents, carers and children all grew in confidence and learnt new skills. The program provided a positive experience for everyone, with families making new connections with other families and children making their first school friends.

I was pleased to attend two prep for pre sessions and heard firsthand the positive comments from parents and carers. I know that the Deputy Chief Minister also attended a session. The feedback provided to the staff involved in the program has also been overwhelmingly positive. One parent said, "It was so beneficial for us as parents, even more so than the children. Our anxieties have been minimised through this program and all our questions have been answered. Thank you."

We can see that in some cases the benefits of prep for pre have already been realised, as one parent commented, "I want to tell you this program was so good. I felt so lucky to come. I feel like I have learnt so much myself and I have discovered new skills in my child. Since coming to the program, my child is dressing himself."

The opportunity for participants to speak to other parents who are going through the same process has proved to be particularly beneficial, with one parent commenting, "I have connected with other parents and children transitioning to the same school." So already, Madam Speaker, networks are being built. Another parent said, "Thank you for the generous program, time, resources, networking and encouragement."

Through this feedback it is evident that our child and family centres are helping parents feel comfortable with the transition to school and optimistic about their children's future success in education. This is just one way that our fabulous child and family centres are helping families across Canberra throughout the year.

**MS ORR:** Minister, what programs will be on offer at the child and family centres over the upcoming school holidays?

**MS STEPHEN-SMITH:** I thank Ms Orr for her supplementary question. I am going to disappoint the Attorney-General by not having a number of song quotes in the answer. As we know, summer holidays—we are all going on a summer holiday—are fast approaching, as we have seen this week in this place. Members will be pleased to hear that child and family centres will again be offering the successful kids and families program. This program offers free events and activities for young children and their families and is run from the three child and family centres. The kids and families program is a great way for families to join in fun and family-friendly

activities during the school holidays, connect with other families and enjoy time in our welcoming child and family centres. Programs include a variety of fun activities, like cardboard city and recycle play, yoga for children and their carers, clay fun, Aboriginal and multicultural storytelling, basket weaving, water play and much more.

Christmas and the long summer school holidays can be a hard time for many families. Many families rely on the structure of school to provide connections to their communities. The government's child and family centres are an important point of contact between families and the community, as well as being a hub of important services and supports. The school holiday program is one way the centres help provide additional engagement and support to families during what can be a particularly difficult time of the year. The kids and families program will operate three days a week over three weeks in January 2018. Families can contact their local child and family centre for details; and of course I am happy to provide them to any member of the Assembly who is interested. The success of these programs and of the child and family centres more generally speaks to this government's dedication to supporting families in our community.

**Mr Barr:** I ask that all further questions be placed on the notice paper.

### **Mr Max Kiermaier—retirement**

#### **Statement by Speaker**

**MADAM SPEAKER:** Members, today, you may have gathered, will be the last sitting day for our Deputy Clerk and Serjeant-at-Arms. I am glad I cannot see his face; he is probably getting a little bit anxious at the moment. He retires at the end of January of next year.

Max has been in his position for 14 years, having previously worked in the House of Representatives as a parliamentary officer for 23 years. Max has served parliaments for 37 years, and still he has come back.

During his time here at the Assembly, he has worked with four Speakers and 51 members. In 2004, the first year after Max commenced, the Assembly sat eight times after midnight, and for a long time after that he was known around the office as Midnight Max. I would have hoped to have learned that one earlier. Amongst some other statistics, during Max's tenure, he has read 739 bills prior to their becoming acts; checked 536 minutes of proceedings and attended sittings on approximately 536 sitting days; and been secretary for 165 scrutiny reports.

Last but not least, he has the distinction of being the first person to carry the Assembly's mace, on Tuesday, 3 August 2004, after it was gifted to the Assembly by other Australian parliaments. Since that time he has carried the mace a further 512 times, since its introduction into the practice of the Assembly. Whilst it has been suggested that perhaps Max and Speakers could inject some more pomp and ceremony into the Assembly by processing from the members entrance along London Circuit and through the public entrance into the chamber, that option, for some reason, has not been pursued by Max.

When the Clerk took extended leave in the Seventh Assembly, Max very capably acted as Clerk for a period of 11 months, as well as acting as Clerk on numerous other occasions over the past 14 years.

Max is calm, has given considered advice and is, as we all know, a steady hand. The Clerk, Tom Duncan, has assured me that he hopes that by the end of today, or maybe tomorrow, he will be successful in his search for a photo of Max of 14 years ago to put up on the Assembly Twitter account.

On behalf of all members, as Speaker, I thank Max very deeply and personally for his dedication to the Assembly. I wish him all the best in his retirement. Can we show our appreciation the way we do in here.

**Members:** Hear, hear!

**MR COE** (Yerrabi—Leader of the Opposition) (3.30), by leave: Madam Speaker, on behalf of the opposition, we, too, want to extend our thanks to Max for all he has done in this place over 14 years. I see that he was appointed in 2003, but it was announced on 10 February 2004.

As you alluded to, Madam Speaker, as part of his role here he has been the adviser to JACS and the scrutiny of bills committee. I know that in that role he has been very calm, has been able to deal with last-minute advice with professionalism and has an unflinching modesty in his dealings.

Words that come to mind to describe Max include “dependable”, “reliable” and “sound”. He really has been a model of professionalism here at the Assembly. I am sure that both sides of the chamber would agree with that.

We always get that customary grin from Max whenever we approach him. I have walked into his office on several occasions to see that very nervous and cautious grin on his face as I present a particular challenge that I am looking for his magic wand to wave over. He has done a wonderful job here, and we in the Opposition are very grateful. Thanks, Max.

**MRS DUNNE** (Ginninderra) (3.21), by leave: As the Deputy Speaker and a former Speaker, I would like to pay tribute to Max Kiermaier on this his last sitting day. I have been in the Assembly all the time that Max has been in the Assembly; I have been here longer. But in the last two terms I particularly had opportunities to work with Max, firstly as the chair of the scrutiny of bills committee in the Seventh Assembly and then when I was Speaker during the Eighth Assembly. Max and I had a running joke that any time Max said anything that I was not really happy with, I would threaten that I would make him wear silver buckles and breeches like a proper sergeant-at-arms. I think that I always had a compliant sergeant-at-arms for fear of silver buckles.

Reflecting the words of Mr Coe, Max is always cool, calm, quiet, unassuming and very professional. I want to compliment him for that. I want to assure members that on the day of the terrible incident in the Canadian parliament a member who will

remain nameless came to me and asked for an assurance that the ACT Sergeant-at-Arms did not pack heat. I can assure members that he did not then, and I hope he does not now.

**MR RATTENBURY** (Kurrajong) (3.33), by leave: On behalf of the ACT Greens, and also as a former Speaker of this place, I would like to thank Max Kiermaier for his excellent service to the Assembly over, as you have noted, a sustained period of time and of course for his service to parliaments in Australia, given his role in the federal parliament as well.

I did serve with Max in the Seventh Assembly, as the Speaker, including the period in which the Clerk took extended leave and Max became the Acting Clerk. I have always found him to be incredibly professional, but also quite good fun. That is a great combination: being able to both get the job done very well and have a laugh and observe the wry ironies of this place.

I will miss Max. I thank you very much for your support and your service to this place, and I wish you all the best in your retirement.

**MADAM SPEAKER:** Thank you. Well done, Max.

## **Papers**

**Madam Speaker** presented the following papers:

Statement of Registrable Interests form—Revised November 2017, pursuant to the resolution of the Assembly of 30 November 2017.

Parliamentary Triangle—Proposed sale of East Block and West Block Buildings—Letter from the Chief Minister to the Speaker, dated 28 November 2017, enclosing a copy of the Chief Minister’s letter to the Acting Federal Minister for Local Government and Territories, in relation to the resolution of the Assembly of 21 September 2017.

## **Education and Care Services National Law Papers and statement by minister**

**MS BERRY** (Ginninderra—Deputy Chief Minister, Minister for Education and Early Childhood Development, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Women and Minister for Sport and Recreation) (3.35): For the information of members, I present the following papers:

Education and Care Services National Law as applied by the law of the States and Territories, pursuant to sections 301 and 324—Education and Care Services National Amendment Regulations 2017, dated 15 September 2017, together with an explanatory statement.

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

Leave granted.

**MS BERRY:** As Minister for Education and Early Childhood Development, I am pleased to table the Education and Care Services National Regulation Amendment.

The 2014 review of the national partnership agreement on the national quality agenda for early childhood education and care made a number of recommendations for changes to the Education and Care Services National Law and Education and Care Services National Regulations that were agreed by the Education Council on 31 January 2017.

The Education and Care Services National Law Amendment Act 2017 was given royal assent in Victoria on 27 March 2017. This gave effect to recommendations from the NQA review. I previously tabled the national law amendments in May this year.

Victoria is developing the amending national regulations over two stages. The first tranche is to give effect to the overall changes that commence on 1 October 2017. The second tranche will be developed to support the changes commencing on 1 February 2018. Tranche 2 amendments will be tabled later this year. This is the last sitting.

The majority of changes arising from the review will commence on 1 October 2017, except in Western Australia, where changes are to commence no later than 1 October 2018. The revised national quality standard, NQS, and some related changes will commence on 1 February 2018.

The 52 areas of reform recommended by the review can be broadly categorised into three themes: a simplified and more transparent assessment and rating process under the national quality framework; improved guidance for all services providing care to children over preschool age and authorised officers in relation to documenting child assessments for educational programs; and measures to improve oversight of and support within family day care services to increase the integrity and transparency of delivery and improve outcomes for children.

The amendment regulations for tranche 1 support the changes to the amending law that can be summed up as: the removal of supervisor certificates; the introduction of a national educator to child ratio for out of school hours care; and a range of changes to strengthen the regulatory model for family day care. The Australian Children's Education and Care Quality Authority, along with state and territory regulatory authorities, has been working within the sector in order to prepare the sector for the first round of changes.

The amending regulations were passed by the Education Council on 15 September 2017 and published on the New South Wales legislation register on 22 September 2017. Under section 303 of the Education and Care Services National Law Act 2010, any amending regulations must be tabled by the relevant minister. The normal disallowance provisions used by the parliament or assembly are then applied.

Extensions to transitional regulation 242 and 264 until 2020 have also been agreed to by the Education Council. These transitional provisions relate to the definition of an

early childhood teacher and use of replacement staff to ensure continuity and stability in this sector. These transitional provisions will form part of tranche 2 amendments.

A substantial amount of analysis, consultation and negotiation went into developing the amending regulations. Thanks go to our Victorian colleagues for consulting closely with jurisdictions on the development of the amending regulations. I submit the first tranche of amendment regulations to support the changes that commence on 1 October 2017.

### **Answer to question on notice**

#### **Question No 662**

**MRS JONES:** I seek leave to ask for an explanation under standing order 118A in relation to a question asked on notice.

Leave granted.

**MRS JONES:** Minister Gentleman, question on notice 662 relating to ACT Ambulance Service minimum crewing was asked 69 days ago. I ask for an explanation as to why it has not yet been answered.

**MR GENTLEMAN:** I thank Mrs Jones for her question. My office was in contact with Mrs Jones's office today, I understand, to advise on some of the details in regard to this question. There has been some toing and froing between the offices on the allocation of the answer to the question. We will get it as soon as we possibly can.

**Mrs Jones:** There has been no correspondence with my office about that.

**MR GENTLEMAN:** They contacted your office.

**Mrs Jones:** No; there has been none today whatsoever.

### **Papers**

**Mr Ramsay** presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2016-2017—Justice and Community Safety Directorate—Corrigendum.

Director of Public Prosecutions—Funding, pursuant to the resolution of the Assembly of 23 August 2017.

### **Property crime prevention strategy 2016-2020—progress report**

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

**MR RATTENBURY** (Kurrajong—Minister for Climate Change and Sustainability, Minister for Justice, Consumer Affairs and Road Safety, Minister for Corrections and Minister for Mental Health) (3.41): I present the following paper:

Property Crime Prevention Strategy 2016-2020—Progress report—2016-2017.

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

Leave granted.

**MR RATTENBURY:** The property crime prevention strategy 2016-20 includes a commitment for me to table a progress report in the ACT Legislative Assembly at the end of each year. Today I table that progress report. It provides an update on the government's achievements against the actions in the property crime prevention strategy and the progress against the targets.

The strategy has six objectives, with 17 actions that centre around improving community connections, promoting personal responsibility for safeguarding property, improving data sharing and accessibility, responding collaboratively to the changes in the property crime environment, supporting vulnerable people and targeting recidivist offenders.

I am pleased to inform the Assembly that there has already been progress against all of the objectives. The report includes work on 13 of the 17 actions in the 10 months since the strategy was launched in September 2016 until the end of the financial year. Four actions are yet to commence, but there are plans to progress these over the remaining three years of the strategy.

Positive highlights include promoting community connectedness through supporting national Neighbour Day, expanding the home safety program, working towards more secure bicycle facilities in buildings, piloting the safer families grants program, and ACT Policing returning a significant amount of stolen property to owners.

For the first time, in March this year the ACT government partnered with Relationships Australia to boost promotion efforts around national Neighbour Day in the territory. Neighbour Day is Australia's annual celebration of community, encouraging people to connect with those who live in their neighbourhood. We know that communities and neighbourhoods that are connected experience lower levels of crime.

Our partnership with Relationships Australia resulted in over 4,330 people connecting through local Neighbour Day events, and approximately 40,000 people being reached through social media promoting messages around connecting to your neighbours.

The ACT government-funded home safety program was expanded in 2016-17 to include educating vulnerable groups in our community about low-cost options to make houses more secure, through practical workshops. Ninety-one home safety assessments were conducted.

Earlier this year the government consulted with the community on a draft end of trip facilities general code in line with our vision for a healthy, active and vibrant city. Better quality and more secure end of trip facilities will support active living as well

as assisting in preventing bicycle theft. The government is currently considering the comments received from the community before finalising the code.

Contributing to our efforts to ensure that those who are more vulnerable to property crime are supported to safeguard their property, the safer families grants program was initiated as a pilot program in February 2017. Grants for amounts of up to \$2,000 assist women and children escaping domestic and family violence to establish new rental accommodation. This will help people to meet their short-term needs and establish their sense of safety, as well as having the potential to prevent property crime from occurring.

Through ACT Policing's targeted focus on recidivist and property crime offenders, 40 individuals were arrested and 268 charges were laid in the period of reporting. ACT Policing also recovered over \$1.4 million worth of stolen vehicles and property, the majority of which has been returned to owners. These are just a few of the highlights. There has been significant progress against the objectives in the first 10 months. As a result of the cross-government effort to tackle property crime, we are tracking well against three of the five targets in the strategy.

The ACT is 33.7 per cent under the national victimisation rate for unlawful entry with intent; bicycle theft decreased by 28.7 per cent, or 193 offences in 2016-17; and other theft decreased by 12.7 per cent, or 1,388 offences. Property damage did increase 3 per cent, or 155 offences, in 2016-17. While this is only a small increase, it is disappointing. This is something that will continue to be monitored and one of the areas the interagency forum will focus on when it is established early in 2018 to work collaboratively to respond to property crime.

The main challenge the ACT is currently facing in relation to property crime is the increase in motor vehicle thefts. Nationally there has also been an increase; however, the ACT is sitting above the national theft rate. The target under this strategy is to be at or below the national rate for motor vehicle thefts. Again, we are only marginally above our target but this is still a disappointing result, sitting at 0.83 thefts per 1,000 registrations above the 2016-17 national rate. There is clearly work to be done in this area.

We are not alone in this. Motor vehicle theft remains a challenge across Australia, with all jurisdictions apart from Western Australia experiencing an increase in 2016-17. One of the activities we are doing to address this is joining with other jurisdictions to financially support the National Motor Vehicle Theft Reduction Council. The council builds stakeholder capacity and innovation with a range of technological, communications, public education and knowledge-sharing projects, with a focus on disrupting car parts and laundering markets and diverting young offenders. Locally in 2017-18 preventing motor vehicle theft is one of our main focus areas. The government has worked with ACT Policing to identify when and how cars are being stolen. This will form the basis for community education campaigns being developed in 2018.

I would like to be able to stand here today and say that we can put a stop to crime altogether and that people should not have to take steps to safeguard their property.



However, property crime is everybody's business. Government, police, community organisations and individuals all have a role to play in preventing property crime. Although Canberra is one of the safest places to live and we experience lower crime rates than other jurisdictions, we are not immune. We need to ensure that we do not become complacent. Under this strategy the government will continue to play our role in preventing property crime.

As I have outlined, we have made good progress but still have work to do. I look forward to working with the community and our stakeholders to keep property crime down and minimise the number of people who become victims of property crime.

I have tabled the property crime prevention strategy 2016-17 progress report before the Assembly and commend it to members.

## **ACT greenhouse gas inventory 2016-2017**

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

**MR RATTENBURY** (Kurrajong—Minister for Climate Change and Sustainability, Minister for Justice, Consumer Affairs and Road Safety, Minister for Corrections and Minister for Mental Health) (3.48): I present the following paper:

Climate Change and Greenhouse Gas Reduction Act, pursuant to subsection 12(4)—Annual report by independent entity—ACT Greenhouse Gas Inventory 2016-17, dated 31 October 2017, prepared by Dr Hugh Saddler.

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

Leave granted.

**MR RATTENBURY:** I am pleased to table the ACT government's greenhouse gas inventory for the 2016-17 reporting period. The annual greenhouse gas inventory provides a comprehensive picture of the territory's emissions. It identifies the sectors responsible for greenhouse gas emissions, which assists us to tackle these sources in pursuit of our goal of reducing greenhouse gas emissions by 40 per cent on 1990 levels by 2020, and our longer term goal of reaching net zero emissions by 2050 at the latest.

I am pleased to inform the Assembly that this year greenhouse gas emissions in the territory have reduced by a further 3 percent. This demonstrates a further decoupling of our emissions from both population and economic growth. The current greenhouse gas inventory estimates emissions from the territory in the 2016-17 reporting period as 3,916 kilotonnes of carbon dioxide equivalents, including emission reductions from land use, land use change and forestry.

This is the largest reduction we have had in recent years. However, our emissions are still at 23 percent above our 1990 baseline. To reach our target, emissions in 2020 need to be at or below 1,918 kilotonnes. We are on track to meet this due to the ACT's secured contracts for 100 per cent renewable electricity.

Per capita emissions fell from 10.14 to 9.64 tonnes per person. In line with our legislated target, per capita emissions peaked by June 2013 at 10.45 tonnes. We are now also well below our per capita emissions from 1990 levels, which peaked at 11.45 tonnes of carbon emissions.

The defining achievement in this reduction of emissions comes from our renewable energy policy. In 2016-17, renewable electricity generation grew from 20.1 per cent to 29.1 per cent. This year, electricity emissions fell almost 10 per cent, despite a 1.4 per cent increase in through the meter demand to consumers. The amount of renewables created through the national renewable energy target increased by only 2 per cent, while ACT renewables grew significantly more.

Three of the large-scale renewable projects from our award-winning reverse auction process were producing electricity this year. ACT-contracted large-scale solar and wind projects provided 274 gigawatt hours, compared to 66 gigawatt hours in 2015-16.

At this point, electricity remains the largest single source of emissions in the ACT, accounting for 52 per cent of emissions. From next year, another large portion of ACT-procured clean energy generation will come online, helping to progress the dramatic decrease in ACT emissions. With renewable energy contracts already in place to achieve 100 per cent renewable electricity, the pathway to zero emissions will need to focus on the remaining sectors, especially transport, gas, waste and land use. These sectors are likely to be more challenging and will require greater involvement from the community.

By 2020 the transport sector will be the ACT's largest producer of greenhouse gas emissions, accounting for approximately 63 per cent of overall emissions. The latest greenhouse gas inventory shows that in the last year transport emissions have continued their upward trend. However, the increase of 23 kilotonnes CO<sub>2</sub>-e, or 2.1 per cent, was the smallest for many years and half the increase in the previous year.

Transport emissions are now 11 per cent higher than 2012 levels, and currently account for 29 per cent of total ACT emissions. With the majority of transport emissions coming from private car travel, cars will soon become Canberra's single biggest producer of greenhouse gas emissions. It is essential that we improve the movement of people around our city, especially by increasing public transport and active travel and reducing reliance on private car travel. This is one of the many ways in which light rail is a boon for our city. It will provide a high quality public transport option in a busy and growing part of Canberra, and it will do so using 100 per cent renewable electricity. The electrification of all transport, including private cars and the public bus fleet, will also play an important part in reducing transport emissions in the future.

By 2020, gas is expected to account for 21 per cent of the ACT's total emissions. The latest inventory report reveals that emissions from natural gas also increased, rising by over 8 per cent between 2015-16 and 2016-17, reaching the highest level reported in

the past five years. The latest inventory report reveals that gas usage in the ACT is at probably the highest level ever. Residential customers account for well over half of total consumption. This highlights the need to make efforts to reduce gas usage across the territory, especially in the residential sector. There are good opportunities for this, such as through the expanded use of highly efficient electrical appliances as an alternative to gas appliances.

The waste sector produces emissions through wastewater treatment and the release of landfill gas. Any organic material disposed of in landfill, such as garden waste or food waste, results in greenhouse gas emissions due to their breakdown in an oxygen-free environment. Waste emissions currently account for 2 per cent of the ACT's greenhouse gas inventory. But by 2020, after the removal of electricity emissions, they are expected to account for about 6 per cent of our total emissions.

In positive news, emissions from solid waste disposal in 2016-17 were 16 per cent lower than in the previous year. The reduction was caused by the combination of a 7 per cent decrease in the quantity of waste going to landfill and a 20 per cent increase in the volume of landfill gas captured at the Mugga Lane and Belconnen landfill gas generators. To reduce greenhouse gas emissions in the future we will need to explore ways to divert organic waste from landfill, and explore treatment options such as composting and anaerobic digestion.

Industry emissions in the greenhouse gas inventory entirely comprise synthetic gases used in refrigerants and are taken from the national greenhouse and energy reporting system. These emissions have increased steadily, as projected through linear regression modelling, and are 5 per cent of total emissions. These emissions are attributed proportionally to the ACT from an aggregate New South Wales supply. Whilst this may not truly reflect emissions from this source in the territory, it is the most reputable estimate that can be provided.

Finally, emissions from both land use change and agriculture are small and show little change year on year. After material changes to land use emissions in the national accounts last year, the ACT saw only a small change between 2015-16 and 2016-17. Previously land use change constituted a net sink; however, it is now a small positive source of emissions. This essentially means that land-clearing activities in the ACT are greater than revegetation efforts.

If a vegetated landscape is cleared, it releases carbon emissions. This occurs when, for example, the ACT clears an area of grassland or forest to build new suburbs. This highlights the need to improve planning and the use of existing urban areas, through quality urban infill, for example, which will reduce pressure to expand Canberra's urban footprint and remove grasslands and forests. As well as limiting deforestation, we will need to improve living infrastructure such as trees, open spaces with grass, and ponds. Some living infrastructure can operate as a carbon sink, but it also helps the city adapt to the extremes of climate change by providing shade or other cooling effects.

The ACT is a leader just through its ability to provide an inventory for the most recent financial year. The Australian government inventory and all other state inventories are

still compiled two years in arrears. This is a testament to our commitment to accurate and timely reporting on and monitoring of progress towards our greenhouse gas emission reduction targets. By doing this we are ensuring greater transparency and accountability in emissions reporting, and we will have a substantially better understanding of the immediate effects of our mitigation actions and progress. This latest inventory is also compiled using best practice methodology.

The figures presented in the report are based on revised data, as is the required method for greenhouse gas accounting. Only minor adjustments have been made to previous years. The reductions in emissions this year should be the beginning of major reductions as we approach 2020. Beyond that, the goal is to become a net zero emissions territory.

I commend the report to the Assembly.

**Climate Change and Greenhouse Gas Reduction Act—  
Minister's annual report 2016-17  
Paper and statement by minister**

**MR RATTENBURY** (Kurrajong—Minister for Climate Change and Sustainability, Minister for Justice, Consumer Affairs and Road Safety, Minister for Corrections and Minister for Mental Health) (3.57): For the information of members I present the following paper:

Climate Change and Greenhouse Gas Reduction Act, pursuant to subsection 15(3)—Minister's annual report 2016-17.

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

Leave granted.

**MR RATTENBURY:** I am pleased to table the 2016-17 minister's annual report under section 15 of the Climate Change and Greenhouse Gas Reduction Act 2010. This report is coordinated annually by the Environment, Planning and Sustainable Development Directorate with input from all ACT directorates.

This report sets out the actions taken in 2016-17 by the Minister for Climate Change and Sustainability under the act, the effectiveness of government actions taken to reduce greenhouse gas emissions, and the findings of a cost-benefit analysis of government policies and programs implemented to meet the climate change targets in the act.

In addition, within the minister's annual report I present a summary of greenhouse gas emissions from all ACT government operations for 2016-17. Section 15 of the act requires the minister to table this coordinated report within six months of the end of each financial year. Today I present this annual report for members' information.

This year I am pleased to report that all directorates are embracing the move to increased energy efficiency in their operations and many are including renewable

electricity generation at their sites. Lighting upgrades have been a focus of energy saving measures in buildings occupied by the ACT government. LED lights have been installed at 20 public schools, 14 works and bus depots, GIO Stadium, Exhibition Park in Canberra, offices at 220 Northbourne Avenue and North Building, the National Arboretum Canberra events terrace and gallery of gardens, Kippax library, and Capital Linen Services.

Winyu House, the new government building in Gungahlin containing offices, an Access Canberra shopfront, retail and commercial space, achieved a NABERS energy rating of five stars for both base building and tenancy area. Winyu House has a 74 kilowatt solar photovoltaic system which feeds into the base building. It also uses an energy efficient intelligent lighting installation which includes zone controls, motion sensors and timers.

During 2016-17 ACT Health completed the installation of a 500 kilowatt solar photovoltaic system on the roof of building 26 at the Canberra Hospital. The energy being generated from the system is utilised within the Canberra Hospital campus and assists to reduce the use of electricity on the campus. This project was part of the carbon neutral government loan fund and is complemented by the rollout of LED lighting throughout the hospital, which should be completed in 2018. The challenges associated with rolling the LED lighting project out in a clinical environment are being embraced and managed in a positive light.

Consistent with action 38 of the ACT's carbon neutral government framework, the government, through ACT Property Group, purchased 7,700 megawatt hours of green power, representing an indicative five per cent of the ACT government's energy consumption for 2016-17. In 2016-17 several government utilities contracts were renegotiated, resulting in energy savings including the whole-of-government gas contract, whole-of-government electricity contracts and whole-of-government small market electricity meter upgrade.

ACT government directorates all actively encourage staff to use sustainable transport options, including using ACTION buses, carpooling and cycling to meetings if possible. These actions reduce emissions from government transport. Staff are also encouraged to use other technologies to replace travel both locally and interstate, such as web conference and teleconference.

ACT Health reviewed the sustainability strategy 2010-2015 and has now had the Sustainability Strategy 2016-2020 endorsed by the ACT Health Executive Council. Landfill methane capture continued from the landfills at Mugga Lane and west Belconnen. This generated enough electricity to supply over 3,400 homes for one year. Canberra's older, high wattage streetlights are being replaced with energy efficient equivalents. As at 30 June 2017 4,917 LEDs had been installed on the streetlight network in both new greenfield developments and as retrofits.

Government capital works projects aim to apply ecologically sustainable development principles where possible, including trees and plantings, greater areas of permeable paving that allows for absorption of stormwater on site, and new or upgraded lighting installations. Projects also seek to use and recycle items where feasible, and to find

suppliers of furniture or other landscape materials as close to site as possible to reduce transport emissions.

In 2016-17 upgrades to Spence and Kambah shops were completed and included the planting of new trees to create a greater canopy in the public realm, reducing the heat island effect. New public housing is being built by the public housing renewal task force to Housing ACT's standards, with modern designs that take advantage of natural sunlight and ventilation, and delivering minimum six-star energy ratings.

The ACT's renewable electricity supply increased from 20.8 per cent in 2015-16 to 32.3 per cent in 2016-17. The Williamsdale and Mugga Lane solar farms began large feed-in tariff supported generation during 2016-17, as did the Ararat and Hornsdale stage 1 wind farms.

Mr Assistant Speaker, as you can see, there is a wide range of initiatives right across the ACT government, and, through our renewable energy purchases, right across the community.

As required by the act, and reflecting the community interest, I now turn to discuss the cost of living impact statement that I have tabled today. Two current climate change programs identified in action plan 2 had a cost of living impact in 2016-17. These were the energy efficiency improvement scheme and the large-scale feed-in tariff scheme. Together these schemes contributed approximately \$62.40 to an average electricity bill in 2016-17, similar to the contribution in 2015-16 of \$63.40. This is approximately two per cent of the total cost of energy, on average, to households during the year. This has no impact on gas bills as the cost of these schemes is passed on via electricity tariffs.

The total estimated energy bill savings to have been received by participating premises under the EEIS in 2016-17 is approximately \$18.5 million. This equates to average savings for participating households of \$264 in 2016-17, or an average saving across all ACT households of \$118. It is important to note that savings for participating households will continue for a number of years, even after the EEIS is expected to conclude in 2020.

Finally, I include as part 2 of the annual report a statement of the emissions of government operations. This year the government undertook an independent calculation of emissions produced by ACT government operations. The ACT government's greenhouse gas inventory now uses the same methodology as the territory's greenhouse gas inventory, enabling a direct comparison of ACT government emissions and territory emissions.

In 2016-17 emissions from ACT government operations totalled 154.6 kilotonnes of greenhouse gas emissions—CO<sub>2</sub> equivalent. This represents a decrease of seven per cent from the previous financial year, and an overall reduction of 11 per cent since 2012-13. Savings have been achieved by improving energy efficiency and increasing the proportion of renewable electricity used by the ACT government. These savings have offset increases in natural gas and transport emissions.

Sixty-one per cent of ACT government emissions in 2016-17 came from electricity, 14 per cent from natural gas used in government facilities in hot water and space heating applications, and 25 per cent from transport fuel use, including ACTION buses.

Today's report is one showing progress and our commitment to transparency and accountability for the work that we undertake to reduce emissions and produce renewable energy in a cost-effective manner. The ACT government is an exemplar to other businesses and the federal government agencies in Canberra about what is possible and how it can be done.

## Paper

**Ms Stephen-Smith** presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2016-2017—Community Services Directorate—Corrigendum.

## Health, Ageing and Community Services—Standing Committee Report 2—government response

**MS STEPHEN-SMITH** (Kurrajong—Minister for Community Services and Social Inclusion, Minister for Disability, Children and Youth, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Multicultural Affairs and Minister for Workplace Safety and Industrial Relations) (4.06): For the information of members, I present the following paper:

Health, Ageing and Community Services—Standing Committee—Report 2—*Inquiry into the Employment of People with Disabilities*—Government response.

I move:

That the Assembly take note of the paper.

I want to advise the Assembly that of the 32 recommendations, action has been completed in relation to seven, 16 have been agreed to, three agreed to in principle and six have been noted. I would particularly like to note and acknowledge that the ACT public service people with disability employment framework has been developed and completed, and was launched on 3 October. This framework was developed with the guidance and advice of the Australian Network on Disability. Of course, the public sector will continue to assess new initiatives, programs and ideas from other jurisdictions as recommended by the committee.

I also note that the Disability Reference Group has identified addressing barriers to employment as a priority of its two-year work plan. Finally, my colleagues will attest that as minister I am diligent in noting opportunities to appoint people with disability to government committees. The ACT diversity register, which is currently in

development, will help agencies to identify and match people with disabilities with board and committee vacancies.

Finally, I would like to thank members of the committee and members of the community who made submissions and gave evidence to this inquiry.

Question resolved in the affirmative.

### **Answer to question on notice**

#### **Question No 662**

**MR GENTLEMAN:** I seek leave to make a short statement in regard to standing order 118A and the query raised earlier on.

Leave granted.

**MR GENTLEMAN:** Earlier Mrs Jones asked me about question on notice No 662. I advised Mrs Jones that my office had contacted her office in regard to that question on notice. Mrs Jones said that my office had not. There are two emails that I would like to read into *Hansard*. The first one to Mrs Jones's office, to the email address jones@parliament.act.gov.au, was on 23 October this year. It stated:

Hi Liam,

Please accept my apologies on behalf of the Minister that QON662 which was due to Mrs Jones on Friday the 20th is now overdue. Our office has asked some clarification questions of the directorate, and as a result, the answer has been delayed. I hope to have this response this week.

Frances Bevan, Senior Advisor.

And then this Tuesday, again to the same address:

Hi Liam,

Just wanted to update you on this QON. Unfortunately, we have not been able to provide it, and the associated annual report hearing question taken on notice on the same topic to your office. Please be assured we are working to get these answers to you as a priority.

Frances Bevan, Senior Advisor.

We have contacted Mrs Jones's office twice. I do apologise to Mrs Jones that the response to the question is late, but we are trying to get it provided as soon as we can.

### **Environment and Transport and City Services—Standing Committee Reference**

**MR WALL** (Brindabella) (4.09): I seek advice and guidance before the next matter of Assembly business is called on. I note on the blue that there is a 246A statement



relating to an inquiry into having a mammal emblem by the chair of the Standing Committee on Environment and Transport and City Services, which seems also to relate to Assembly business notice No 4.

I am seeking some guidance as to whether or not the proverbial mammal may have already bolted on this issue and whether Mr Barr's notice under Assembly business would in fact impinge on the standing committee's inquiry, if they have already chosen to undertake it.

**MR ASSISTANT SPEAKER:** My understanding is that that will become clear once the statement is actually made to the Assembly.

### **Justice and Community Safety—Standing Committee Report 1—government response**

**MS STEPHEN-SMITH** (Kurrajong—Minister for Community Services and Social Inclusion, Minister for Disability, Children and Youth, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Multicultural Affairs and Minister for Workplace Safety and Industrial Relations) (4.10): Before I present my ministerial statement, I seek leave to make another short statement.

Leave granted.

**MS STEPHEN-SMITH:** I would like to advise members of the postponement of my response to report 1 of the Standing Committee on Justice and Community Safety, report on annual and financial reports, specifically recommendations 11 and 12, until early 2018. Recommendation 11 of the report states:

The Committee recommends that the responsible Minister update the ACT Legislative Assembly, by the last sitting day in August 2017, on the matter of NDIS Transport Hub Funding as raised by the ACT Public Trustee and Guardian at the National Meeting of Australian Public Trustees held in Hobart 22–23 March 2017.

Recommendation 12 from the report states:

The Committee recommends that the ACT Government report to the ACT Legislative Assembly, by the first sitting day in August 2017, on the outcome(s) of the supported decision making trial as undertaken by the community advocacy group—ACT Disability, Aged and Carer Advocacy Service (ADACAS).

The government response to recommendations 11 and 12 said that updates would be provided to the Assembly by the last sitting day of 2017. The deferment to recommendation 11 is required because the findings from both the NDIA's participant pathway review and the independent pricing review McKenzie & Co final report are not available.

The deferment to recommendation 12 is required because the outcomes from ADACAS's link and learn pilot will not be known until the evaluation report has been

completed by Professor Paul Charon of RMIT. The evaluation is expected to be finished in early 2018.

I have notified the chair of the Standing Committee on Justice and Community Safety of the postponement. I look forward to providing an informed update to members on both recommendations from the justice and community safety report No 1, report on annual and financial reports in early 2018.

## **Aboriginal and Torres Strait Islander agreement—annual report**

### **Ministerial statement**

**MS STEPHEN-SMITH** (Kurrajong—Minister for Community Services and Social Inclusion, Minister for Disability, Children and Youth, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Multicultural Affairs and Minister for Workplace Safety and Industrial Relations) (4.12): I present the following papers:

Aboriginal and Torres Strait Islander Agreement 2015-2018—Annual Report 2017—Ministerial statement, 30 November 2017.

Aboriginal and Torres Strait Islander Agreement 2015-2018—Annual Report 2017.

In July 2016, the then Minister for Aboriginal and Torres Strait Islander Affairs, Dr Chris Bourke, tabled the 2015 ACT closing the gap report. At the time, he noted that the reporting framework would be changing, with the development of a new outcomes framework. The report I am tabling today delivers on that commitment.

The ACT Aboriginal and Torres Strait Islander agreement for 2015-18, which I will simply refer to as the agreement, is based on community and stakeholder feedback that strong families are the key to improving resilience and achieving equitable outcomes for members of the Aboriginal and Torres Strait Islander community in the ACT. The agreement was developed with the Aboriginal and Torres Strait Islander Elected Body, with the then chair, Rod Little, a signatory. The elected body has continued to play a key role in its implementation and oversight.

I thank the outgoing Aboriginal and Torres Strait Islander Elected Body and previous members for their contribution to the vibrancy and voice of the community and their advocacy into government, and I look forward to working with new elected body members.

In line with the seven key focus areas of the agreement, the government is delivering on its commitment under the agreement to build strong families by supporting: education, through creating opportunities for lifelong learning; healthy mind, healthy body, through culturally appropriate focused and effective health, education, justice and community services; feeling safe, which is an important aspect for families in our community; employment and economic independence, to improve opportunities for individuals and families; connecting the community, underpinned by the principle of self-determination that leads to building resilient families, communities and support

networks; cultural identity, that values and celebrates the diversity of the Aboriginal and Torres Strait Islander community of the ACT; and leadership, recognising the wealth of experience that exists in the Aboriginal and Torres Strait Islander community and the need to pass on the skills and knowledge of today's elders to tomorrow's leaders.

The 2017 annual report on the agreement provides the stories behind the government's programs and initiatives and speaks to how we have made a difference in the lives of Aboriginal and Torres Strait Islander Canberrans. There are a number of examples that I would like to highlight from the report. In the interests of time, I will not be covering everything, and I encourage members to read the report for themselves.

Under the focus area of education, there has been an upward trend in the enrolment of Aboriginal and Torres Strait Islander students in ACT schools. We must continue to focus on ensuring that these children and young people have access to high quality, culturally appropriate and relevant learning experiences. The report includes a number of examples of how schools and CIT are seeking new and innovative ways to ensure that they offer culturally appropriate education and take meaningful steps towards reconciliation.

One of these is the story of *Mununja the butterfly*. In May 2017, four local primary schools commenced a curriculum project exploring ways to incorporate the Ngunnawal story *Mununja the butterfly* into learning activities and programs for upper primary students. A beautifully illustrated bilingual text was created, enabling students to experience the Ngunnawal language and culture. The story centred around a young girl who was turned into a butterfly to avoid marrying the evil Gunja, "the clever one". The story was written by local Ngunnawal—and I should say at this point Nu:nu:wul—elder Don Bell, who passed away in 2008. I am sure he would have wanted me to correct the pronunciation.

During the reporting period, we also saw the first year of the kick start my career through culture program. Under this program, more than 80 students from years 7 to 12 participated, with six year 12 students applying for jobs or further training in the land and conservation area.

Under the healthy mind and healthy body focus area of the agreement, a number of initiatives are working towards improving Aboriginal and Torres Strait Islander health outcomes and promoting a culturally safe health system that provides focused and effective primary health care across people's lives.

Working with an advisory board comprising members of UNEC—the United Ngunnawal Elders Council—the elected body and Aboriginal and Torres Strait Islander community groups, the government has worked to establish the Ngunnawal Bush Healing Farm. This beautiful facility has now started providing culturally appropriate prevention, education and rehabilitation programs for Aboriginal and Torres Strait Islander people recovering from alcohol and other drug problems to help them make positive choices and better respond to life challenges.

Another example in a holistic health context is the Canberra Sexual Health Centre youth sexual health outreach program, which helps young Aboriginal and Torres Strait Islander people to understand the links between their sexual health and their general health and wellbeing, and provides them with information about health services.

Feeling safe is a key focus area of the agreement, and the annual report provides evidence of a range of initiatives under the ACT Aboriginal and Torres Strait Islander justice partnership. One of these is the ACT bail support program, a culturally appropriate service that includes court-based and outreach bail support and support out of business hours to people in the Alexander Maconochie Centre. The provision of this support has filled a gap in bail support which would have resulted in Aboriginal and Torres Strait Islander people being ineligible for bail.

Another key initiative under this theme is the 10-year award-winning blueprint for youth justice in the ACT, which I have spoken about often in this place. Since the introduction of the blueprint, we have seen a 33 per cent reduction in Aboriginal and Torres Strait Islander young people under youth justice supervision; a 35 per cent reduction in Aboriginal and Torres Strait Islander young people under community-based supervision; and a 66 per cent reduction in nights spent in custody by Aboriginal and Torres Strait Islander young people.

As members are aware, I have recently established a task force, co-chaired by the Children and Young People Commissioner, to consider how we can best deliver continued improvements in outcomes for young people over the second five years of the strategy. The continued over-representation of Aboriginal and Torres Strait Islander young people in the youth justice system is one focus of the task force's important work.

A further achievement under this theme in the 2016-17 reporting period is that 98 per cent of offenders released from the AMC entered the extended through-care program, well above the target of 90 per cent. Extended through-care provides critical support and linkages to services and housing to assist people to re-connect with the community and avoid reoffending upon release.

Access to safe, affordable and secure housing has many benefits for physical, mental and cultural wellbeing and is an important component of community safety and stability. Housing ACT continues to work closely with the Aboriginal and Torres Strait Islander community and staff to provide tailored service responses to the community.

On 7 September 2016, the Aboriginal and Torres Strait Islander older persons accommodation project Mura Gunya, meaning "pathway to home", was officially opened. The purpose-built complex consists of five two-bedroom dwellings for older Aboriginal and Torres Strait Islander people in the ACT. The ACT government worked collaboratively with the elected body to deliver this important project. In the 2017-18 budget, the government provided funding to undertake early planning to identify options for the design, location and construction of a second Aboriginal and

Torres Strait Islander older persons housing project, in line with our election commitment.

The ACT government has been working to improve pathways between education, training and employment and particularly employment within the ACT public sector under the employment and economic independence focus area of the agreement. In 2017, the ACT government established the Aboriginal and Torres Strait Islander employee support network Murranga Murranga, that is able to bring together Aboriginal and Torres Strait Islander staff from across the ACT public service. Another initiative has been the Aboriginal and Torres Strait Islander career development program. This initiative is aimed at supporting and retaining Aboriginal and Torres Strait Islander staff and promoting diversity in the ACT public service.

Aboriginal and Torres Strait Islander staff across all non-senior executive levels of the ACT public service were invited to take part in the career development program in May 2017 to build their leadership skills and plan their career path. Participants attended three full-day workshops that included practical exercises, personal development sessions and peer coaching.

The total facilities management contract between the ACT government and Spotless facilities services acknowledges that one of Housing ACT's key initiatives is encouraging sustainable economic engagement and participation of specific cohorts within the ACT community, including Aboriginal and Torres Strait Islander people. During 2016-17 Spotless substantially exceeded its target of 10 employees and employed a total of 22 Aboriginal and Torres Strait Islander people through the total facilities management contract.

The theme of connecting the community acknowledges that maintaining connection with the local Aboriginal and Torres Strait Islander community is important for both identity and cultural safety. Connection to community is primarily enabled through strong families, and this is the focus for activities and innovations. To this end, I was pleased to launch the strong families portal in May this year. The portal is a central access point on whole-of-government services, initiatives and events for Aboriginal and Torres Strait Islander Canberrans. The portal was developed following consultation with the community, who identified a need for a central culturally appropriate communication channel between the ACT government and the Aboriginal and Torres Strait Islander community.

Members may also be aware of the growing healthy families initiative. Growing healthy families is a community development program delivered out of the three child and family centres in collaboration with the local Aboriginal and Torres Strait Islander organisations and communities. The program offers a range of culturally informed health, early childhood development and parenting services which support Aboriginal and Torres Strait Islander children, families and communities. Examples of these groups include Koori Kids, Deadly Bubs, Strong Women's Group, Ngunnawal Homework Club, Mums and Bubs and Koori Paint and Play. In 2016-17, there was an eight per cent growth in participation rates in growing healthy families, with 176 families and 265 children engaged in programs.

The child development service commenced operations in 2016, using medical and allied health staff who are co-located to provide a seamless service for young children and their families. The child development service focuses on early identification of developmental delays and/or disabilities for children zero to six years in the ACT. In 2016-17 the CDS provided a range of services to 116 children from birth to six years who identify as Aboriginal or Torres Strait Islander, and their families. The report includes many examples, but I am particularly pleased to note the work of CDS allied health professionals with both Gugan Gulwan and Winnunga Nimmityjah, and their engagement with child and family centre programs and Koori preschools, providing vital outreach support.

The ACT government recognises the importance of strong cultural identities for better life outcomes for Aboriginal and Torres Strait Islander peoples. Cultural identity is essential for Aboriginal and Torres Strait Islander health and wellbeing, and for this reason it is a key focus area of the agreement.

The ACT government continues to pursue its commitment to acknowledging the cultural contribution of the Aboriginal and Torres Strait Islander community to the life of the ACT. Over the past year, the government has continued to support a range of activities and significant celebrations through one-off grants: the NAIDOC committee received \$21,000 for a community family fun day on 27 May 2017 to celebrate the 50th anniversary of the 1967 referendum; \$21,000 was also provided to the Torres Strait Islander Corporation to celebrate the 25th anniversary of the Mabo decision by holding a community family fun day on 3 June 2017.

Other grants support participation and engagement of the ACT Aboriginal and Torres Strait Islander community including: cultural grants to encourage and support ACT-based community organisations to promote wider understanding of the cultures of Aboriginal and Torres Strait Islander people living in the ACT community through programs and events; scholarships grants to encourage and support ACT Aboriginal and Torres Strait Islander residents to undertake study and training to enhance and support their employment prospects in the ACT; and leadership grants to encourage and support ACT Aboriginal and Torres Strait Islander people to develop the knowledge and skills to be better equipped to lead and engage on behalf of their communities and organisations.

The final theme of the agreement is leadership. This theme is about empowering people, creating confidence and self-esteem. The ACT government continues to support the Aboriginal and Torres Strait Islander Elected Body and implement the review of the Aboriginal and Torres Strait Islander Elected Body Act 2008. The amendments to the act passed in June strengthened the functions of the elected body to consult with and provide advice on systemic and whole-of-government issues.

Further to this, I would like to advise the Assembly that I have signed and notified the Aboriginal and Torres Strait Islander Elected Body Regulation 2017. This regulation was developed for and with the elected body. Members have provided their input and we have sought to assist them in their role in providing the ACT government with the views of Aboriginal and Torres Strait Islander people living in the ACT.

The new regulation under the act: provides clarity on how the elected body members should declare their pecuniary and personal interests; defines the role of the chair and deputy chair; and institutes a prescribed code of conduct referred to in section 19 of the amended act. The code of conduct has been modelled on the code we have for members of this Assembly.

The ACT government also supports the United Ngunnawal Elders Council. UNEC provides advice to the ACT government in relation to heritage and connection to land matters for the Ngunnawal people. UNEC comprises representatives nominated by each of the Ngunnawal family groups. The council meets up to four times a year in Canberra at various locations, including community-based organisations

The annual report I table today highlights programs, initiatives and key performance data on the ACT's progress on improving outcomes for our Aboriginal and Torres Strait Islander communities. This is the second report of the whole-of-government agreement and the first to reflect the new outcomes framework under the key performance indicators headings for each focus area. I thank all directorates who have engaged in the detailed work of identifying appropriate indicators which go well beyond the ACT's reporting requirements under the closing the gap framework.

There is also movement in the national agenda, with significant work being put into a new framework for evaluation of achievement for Aboriginal and Torres Strait Islander people. While still in consultation, we are hopeful that this will signal a commitment to developing solutions together with the community. We urge the commonwealth to take the time ensure that this is the case, and that the new framework reflects the priorities of the community.

The current ACT agreement will expire next year and we will soon commence engagement with the community on a new or refreshed agreement. It is intended that the new agreement will be for five years, which we envisage will enable us to be more ambitious and innovative.

The government's ongoing commitment to reconciliation has been demonstrated by the establishment of Australia's first Reconciliation Day public holiday, to be celebrated on 28 May 2018. We remain committed to the shared vision outlined in the agreement:

The signatories of this Agreement are committed to pursuing equitable outcomes for members of the Aboriginal and Torres Strait Islander community in the ACT. The signatories are committed to supporting Aboriginal and Torres Strait Islander peoples, the community and their organisations to develop the opportunities, knowledge and skills to build an empowered, resilient and sustainable future.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

## **End of Life Choices—Select Committee Membership**

**MR ASSISTANT SPEAKER:** The Speaker has been notified in writing of the following nominations for membership of the Select Committee on End of Life Choices in the ACT: Ms Cheyne, Ms Cody, Mrs Dunne, Mrs Kikkert and Ms Le Couteur.

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

That the members so nominated be appointed as members of the Select Committee on End of Life Choices in the ACT.

## **Environment and Transport and City Services—Standing Committee Reference**

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism and Major Events) (4.28): I move:

That this Assembly:

(1) notes:

- (a) that the current emblems for the ACT are the floral emblem, the *Wahlenbergia gloriosa* (Royal Bluebell) adopted in 1982 and the faunal emblem, *Callocephalon fimbriatum* (Gang-gang Cockatoo) adopted in 1997;
- (b) that all other Australian States and Territories have a mammal emblem, distinct from their bird emblem;
- (c) that Tasmania was the last State or Territory to adopt a mammal emblem, with the Tasmanian Devil formally proclaimed in May 2015;
- (d) that other emblems adopted by other States and Territories are the Southern Hairy-Nosed Wombat (South Australia), Numbat (Western Australia), Red Kangaroo (Northern Territory), Koala (Queensland), Platypus (New South Wales) and the Leadbeater's Possum (Victoria); and
- (e) that there has been an increase in local interest of the fact that the ACT does not have a mammal emblem;

- (2) further notes that the ACT Government does not place legislative requirements around the use of the existing faunal and floral emblems, meaning they can be used by anyone on publications, uniforms or websites; and



- (3) resolves that the Standing Committee on Environment and Transport and City Services shall report back to the Assembly on whether the ACT should have a mammal emblem and a recommendation on what that should be by September 2018.

This motion seeks to conduct an inquiry into the adoption of a mammal emblem for the territory by the Standing Committee on Environment and Transport and City Services. Members may or may not be aware that the ACT is in fact the only state or territory without a mammal emblem, after Tasmania formally proclaimed the Tasmanian devil in May 2015. In 1996, when this place considered the adoption of a floral and faunal emblem, they were first considered by a standing committee, so requesting the Standing Committee on Environment and Transport and City Services to consider the question of a mammal emblem follows the precedent set in 1996.

I know this issue is something that some in the community are very interested in; others perhaps less so. That is why I think it is important to undertake a community consultation process to inform the committee's consideration of what the territory's mammal emblem should be. I should acknowledge in this context the work of Jamie Travers at the ABC, and indeed the *ABC Breakfast* program, who have already begun a community discussion on this matter.

I look forward to hearing the views of the community and the outcomes of the committee's consideration should the Assembly support this resolution today. I commend it to the chamber.

**MS LEE** (Kurrajong) (4.30): I thank the Chief Minister for bringing this motion to the Assembly, to give me a chance to spruik our wildlife, since I have had the great pleasure of coming across a lot of them in my capacity as shadow minister for the environment.

The Chief Minister has highlighted the fact that the ACT, unlike any other state or territory, is without a mammal emblem. We are certainly well known as the bush capital in Australia and beyond, and our bird and floral emblems are very recognisable.

The royal bluebell is a delightful choice for a floral emblem. It is very pretty and subtle. I personally think that that, along with the New South Wales waratah, are the two best floral emblems in all of the states and territories. It has nothing to do with the fact that I grew up in Sydney and have now called Canberra home for the past 20 years.

As the Chief Minister has pointed out, New South Wales has the platypus, Queensland has nabbed the koala as their own, South Australia has the hairy-nosed wombat, Tasmania the Tasmanian devil, WA the numbat, Victoria the Leadbeater's possum and the Northern Territory the red kangaroo. So I am not sure why the ACT does not already have one.

When we look at the potential candidates for such an honour, we have a very large number of mammals and many of them would be very suitable candidates. The

ACT has a number of forests, woodlands and grasslands that support a diversity of both native and introduced mammals of varying types. We have arboreal—or tree dwelling—marsupials, we have relatively large grazing marsupials, smaller ground dwelling mammals and bats. Among our arboreal choices are possums, pygmy possums, gliders, phascogales and koalas.

Larger grazers include the common wombat and local species of macropod: the eastern grey kangaroo, the wallaroo, red-necked wallaby and swamp wallaby. Young swamp wallabies are often mistaken for brush-tailed rock wallabies, and even though we no longer have them in the wild in the ACT, they are in Namadgi. Researchers also tell us that we probably have at least one bandicoot species in the ACT.

Our smaller ground-dwelling mammals include echidnas and platypuses, quolls, bettongs, potoroos, antechinus, dunnarts and native rodents. The threatened smoky mouse has not been recorded in the ACT since the 1980s, although it is thought there may be a few still present in Namadgi.

We have a rich choice for selection as the ACT mammal emblem. In terms of the selection that we have available to us, some, if not a number, by their very name or description probably rule themselves out. For example, the broad-toothed rat might engender anthropomorphic comparison, although it may demonstrate that the ACT has a sense of humour. The echidna, full of sharp pricks in their coat, may draw some unflattering comparisons to the ACT and it hardly makes for a very cuddly photo opportunity.

Too many gardeners and a number of homeowners across Canberra would be less than pleased with the choice of possum. A hairy-nosed version of our common wombat has already been claimed, and bats are also unlikely to bring out favourable, warm and fuzzy feelings. We also have an annual cull of kangaroos, again not a suitable choice.

That leaves us with some of the smaller, more cuddly and less known mammals like the eastern bettong, quolls and dunnarts. I note that the Chief Minister's preference appears to be the eastern bettong. That particular ACT resident—the bettong, not the Chief Minister—has a really good back story.

*It being 45 minutes after the commencement of Assembly business, the debate was interrupted in accordance with standing order 77. Ordered that the time allotted to Assembly business be extended by 30 minutes.*

**MS LEE:** In the early days of 2012 36 bettongs were released into Mulligans Flat sanctuary and today this number has grown to over 350. Mulligans Flat is now the only place on mainland Australia where you can see these species in the wild. I have been one of the very few lucky Canberrans to see them during a twilight tour of Mulligans Flat and I must say I can kind of see what the fuss is about.

I find myself today in some agreement with the Chief Minister. I think this is a very suitable inquiry for the ACT Assembly's environment and transport and city services

committee, and I do think that the eastern bettong is an ideal candidate. Its struggle for survival, its tiny size and its cute looks all make it a perfect choice for our mammal emblem, one that could go up against the hairy-nosed wombat, the possum, the red kangaroo or the Tasmanian devil in the cuddly stakes and win the publicity stakes with ease.

The Canberra Liberals support the Chief Minister's motion and we look forward to the committee coming back to the Assembly in the new year with a clear recommendation. For what it is worth, the committee can take on the record that they at least have my and the Chief Minister's vote for the bettong.

**MR RATTENBURY** (Kurrajong) (4.35): I am delighted to have the opportunity to spend time talking about the mammals of the ACT today. I did bring down my mammal books, but in the interests of time I am not intending to quote too extensively from them. The Greens support this referral. We note that there has been a surprising level of community interest in this, and I think that is a good thing.

With the royal bluebell and the gang-gang already existing as emblems of the ACT, it does seem quite appropriate to add a mammal. I was reflecting on the gang-gang emblem and how popular that is in Canberra, and the fact that, some years ago, when there was a proposal to reduce the number of government emblems, coats of arms and the like, there was some suggestion that the gang-gang emblem be no longer used by the ACT parks and conservation service. We almost had a full-blown strike on our hands at the suggestion that that logo be removed. I was pleased that it did not come to that point because it is a well-loved logo of Canberra.

With respect to mammals, we have debated this in the office this week. We note that mammals include marsupials, monotremes and placental mammals, which are the bats and rats. We do wonder about other species that are not mammals but are representative of the ACT. We offer the committee the advice that they may consider whether these animals need to be represented as well, particularly the earless dragons and the corroboree frogs, which are particularly emblematic of the ACT and are very visually attractive. We believe that it would be useful for the committee to reflect on the Indigenous heritage of the ACT and how that might be relevant to the mammal emblem.

When it comes to choosing a specific mammal, the key question is: what do those mammals represent? Ms Lee has spoken about the bettongs. The bettongs are an excellent story about bringing back what has been lost in this territory. Bettongs, of course, have been extinct on the mainland for some considerable period of time. My books suggest that the early 20th century was when they were last seen on the mainland, surviving only in Tasmania, and now reintroduced to the ACT at considerable effort but very successfully. Ms Lee spoke about the increase in population numbers, which has been exciting.

We have the brush-tailed rock wallaby. This could be a very suitable choice as well, representing the fact that it has been driven to the brink of extinction, but, with only a few species left, an excellent rebreeding program has been put in place and we are seeing a slow improvement in that species. The brush-tailed rock wallaby was heavily

targeted by the 19th century fur trade. Anyone who has ever seen one will understand that it does have a beautiful coat which, unfortunately, made it a considerable target for hunters. It is recognised as being nimble and nocturnal but may be seen basking by day and does form sociable colonies. That would be, I think, an appropriate one for the ACT.

One I would particularly like to advocate for which has not received a lot of mention so far is the spotted-tail quoll, otherwise known as the native cat. This has survived as a local, despite a range of threats to it. Spotted-tail quolls are considered to be efficient predators. It is the largest carnivorous marsupial on the Australian mainland. It is a savage hunter of other, slightly smaller mammals, but also feeds on carrion and invertebrates. Its range has been dramatically decreased, although sporadic sightings have been made in parts of its prior range. This species, as a local who has actually managed to survive despite not being declared endangered, is a great survivor and may well be a suitable emblem for the ACT.

We are pleased to support the referral to the committee today and we look forward to seeing the results of the committee's deliberations.

Question resolved in the affirmative.

## **Environment and Transport and City Services—Standing Committee**

### **Statement by chair**

**MS ORR** (Yerrabi) (4.40): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Environment and Transport and City Services. We had a feeling that this mammal emblem inquiry might be coming our way, so we prepared a few words on it.

The committee is excited to be inquiring into whether the ACT should have a mammal emblem and, if so, which mammal should be our emblem. The adoption of a mammal emblem is more than just a chance to talk about a cute critter. Having a mammal species recognised as an emblem raises awareness of that species. It draws attention to the mammal, its habitat and its habits. Perhaps most importantly, where a species is endangered, naming it as your emblem presents a great opportunity to shine a spotlight on that mammal and its plight.

This has been the case in Western Australia and Tasmania. Western Australia adopted the numbat as their emblem on 25 July 1973. The numbat has been listed as specially protected fauna that is rare or likely to become extinct under the WA Wildlife Conservation Act 1950 since 1973 and is ranked as endangered in WA. It is listed nationally as vulnerable under the EPBC Act. An intensive research and breeding program since 1980 has succeeded in increasing numbat populations, and reintroduction of the species into fox-free areas has also been undertaken. Perth Zoo has been closely involved in the conservation effort, breeding populations in captivity for release into the wild.

Following a public consultation process, Tasmania formally adopted the Tasmanian devil as their emblem on 22 May 2015. The Tassie devil is the world's largest surviving carnivorous mammal and is endangered within Tasmania, which is the only place it survives in the wild. Populations of the Tasmanian devil have been impacted over years by human activity, and now the aggressive devil facial tumour disease threatens the remaining population. The Tasmanian government noted in adopting the mammal as its emblem:

The Devil is recognised across the world as uniquely Tasmanian and choosing it as our State emblem will help to promote the State around the world as well as raising awareness of the difficult challenge the Devil faces in combating disease.

While the insurance population program has been a resounding success we must continue to do all we can to encourage support in the fight against disease and to secure its future in the wild.

These are just two examples of how adopting a mammal emblem can actually have a huge impact on conservation efforts.

Perhaps a greater concern than whether the ACT should adopt a mammal emblem is which mammal we should adopt. We have already heard a few ideas, so very clearly the debate is already underway on which mammal we should adopt as our emblem. I know that in this age of public polls we are all weary of the *Boaty McBoatface* saga and, perhaps of more relevance, the push to have the bin chicken recognised as bird of the year.

Let us consider which types of mammals might be suitable for our emblem. Before highlighting a few options, I note that this list is far from exhaustive. The 2015 ACT state of the environment report lists 47 mammals native to the ACT, all of which I am sure could be considered options for an emblem. But I will highlight a few options.

The Tasmanian or eastern bettong was once found in the ACT region. However, for over 100 years it has only been found in the eastern part of Tasmania. In 2011 the first bettongs arrived at Tidbinbilla as part of a collaborative effort to reintroduce them into the area. In 2012, eastern bettongs were reintroduced into Mulligans Flat Woodland Sanctuary. Bettongs are an important part of the health of ecosystems. By eating underground fungi, they are able to disperse the spores and increase nutrient exchange between the soil and the plants.

Another one which we have already heard about and could consider is the southern brush-tailed rock wallaby. It is known to be very shy. It is estimated that there are fewer than 40 southern brush-tailed rock wallabies left in the wild in Australia. Tidbinbilla National Park currently has around 70 per cent of the captive breeding population in Australia. The breeding program has been successful, with captive-bred southern brush-tailed rock wallabies being reintroduced into the wild in Victoria as part of a national recovery breeding program.

Perhaps shyer than the rock wallaby is the spotted-tailed quoll. The quoll is also part of the reintroduction strategy taking place at Mulligans Flat. The species is primarily a carnivore that preys on medium-sized mammals including possums, gliders and rabbits. Other prey include small mammals, birds, reptiles and invertebrates. It is also known to prey on domestic poultry and to scavenge on carrion.

The echidna is one of only two monotremes, or mammals that lay eggs, making it a truly distinctive creature. The echidna is the oldest surviving mammal and one of the few native species whose population is not currently under threat. Their ability to survive in extreme temperatures and adapt to local conditions through the density of their fur is no doubt a reason for their longevity and stability.

Often not instantly thought of as a mammal, bats are extensive throughout the ACT, which is home to at least 18 species. Perhaps the most notable is the white-striped free-tailed bat. The white-striped free-tailed bat is the largest of all the free-tailed bats and is one of the few microbats with calls that can be heard by humans. They are known as free-tailed bats because part of their bony tail extends beyond their tail membrane.

The smoky mouse is listed as threatened in the ACT, although it has not been observed since 1987. The elusive mammal is about the size of a small rat and can survive in a wide range of vegetation, from coastal heath to dry ridge line forest, subalpine heath and fern gullies. It likes sheltering in ground cover such as dense, low vegetation and grass tussocks, rocks, logs and leaf litter. It eats legume seeds, berries, bogong moths when it can, and truffle-like fungi when it needs to. Many die in the spring, when food can be scarce.

These are just a few examples. I reiterate that this is by no means an exhaustive list of possible emblem-worthy mammals; rather, it is just a few examples to get the discussion started.

The committee looks forward to the Canberra community putting forward many more suggestions and the reasons for them. We anticipate that a large number of people in the Canberra community will have a view on this topic and we encourage everyone to submit to the inquiry. We have already had some school groups inquire with us about making a submission. We would be more than happy to accept submissions from school groups. The submission period is now open. We will close submissions on Friday, 23 March 2018. The committee will present its report to the Assembly by September 2018.

## **Executive members' business—precedence**

*Ordered that executive members' business be called on.*

## **Drugs—pill testing**

**MR RATTENBURY** (Kurrajong) (4.47): I move:

That this Assembly:

(1) notes that:

- (a) Australian ecstasy pills are amongst the most dangerous in the world, as found in a review of nearly 27 000 pills conducted in five countries over 10 years. They are highest in “unknown” ingredients and highest in the toxic and potentially fatal substance para-methoxyamphetamine (PMA);
- (b) six Australians died after taking drugs at music festivals in 2015, with purity or toxicity believed to be important contributing factors;
- (c) Australian drug policy rests on three pillars: supply reduction, demand reduction and harm reduction. The National Drug Strategy attributes equal importance to all pillars, but in 2013 law enforcement spending was at 64 percent, treatment was at 22 percent, prevention was at 9.6 percent, while harm reduction represented only 2.2 percent of spending; and
- (d) the war on drugs has been ineffective at quelling the demand and supply of illicit drugs and instead it has pushed drug manufacture and trade underground, contributing to the increase in use of emerging psychoactive substances;

(2) further notes that:

- (a) in September 2017, the ACT Government announced it would allow pill testing services to be provided as a harm reduction measure to keep people safe at the Spilt Milk music festival;
  - (b) a number of studies have provided positive indications that pill testing minimises risky drug consumption, including:
    - (i) in Austria, two-thirds of drug users who were informed by a government-funded pill testing service of potential toxic harms decided not to consume their drugs, and told their friends not to either;
    - (ii) trials at recent festivals in the United Kingdom found that one-fifth of people handed over all drugs for disposal and an additional fifth said they would dispose of the drugs themselves when they were informed they did not have the drug they thought they had; and
    - (iii) in Australia, 76 percent of participants in a hypothetical study reported they would not take a pill with “unknown” substances in it; and
  - (c) in the absence of an officially endorsed pill testing trial, festival-goers are increasingly turning to reagent testing kits which are significantly less reliable and do not provide an opportunity to give information to consumers or collect data about what drugs are in the market;
- (3) expresses its disappointment that the opportunity to trial pill testing at Spilt Milk was missed despite the best efforts of the STA-SAFE consortium to provide all necessary documentation and paperwork as requested; and

(4) reaffirms the ACT Government's commitment to:

- (a) support pill testing as an evidence-based strategy to minimise drug-related harm and keep young people safe;
- (b) explore further opportunities to trial pill testing in the ACT; and
- (c) actively promote harm minimisation approaches through public messaging and community education materials.

I am pleased to bring this motion to the Assembly today to reaffirm our commitment to pill testing as part of an evidence-based harm minimisation approach to drug policy. The Greens have long advocated for a trial of pill testing here in the territory to keep our young people safe and to prevent them from dying from adulterated party drugs.

The reality is that most drug takers are unaware of the origin and chemical make-up of what they put into their body. For example, the MDMA content in an ecstasy tablet can vary widely and new synthetic drugs are constantly appearing on the market. There is also no control over how pills are manufactured or what goes into them. In fact, there is evidence to suggest that most pills and capsules marketed as MDMA often contain other chemicals and may not contain MDMA at all.

The concern is that some of these chemicals, such as PMA and PCP, are highly toxic and can cause dangerous side effects when ingested. While this is true for pills all over the world, with regard to ecstasy in particular, research shows that Australians are some of the highest consumers of ecstasy in the world and that Australian ecstasy has the highest rate of unknown ingredients.

Of course, there is no way of telling what is in a pill or tablet just by looking at it. Therefore, the consumption of these pills is a gamble that can have tragic consequences. Ecstasy is the second most commonly used illicit drug in Australia after cannabis, with figures putting the proportion of people who have ever used the drug at almost 11 per cent. Clearly the old law and order approach of telling people that drugs are bad and that they should just say no is not working. It does not stop people from taking drugs and it does not keep them safe when they do.

Australian drug policy rests on three pillars: supply reduction, demand reduction and harm reduction. At present, policy in the ACT and across the country focuses disproportionately on the second pillar, seeking to reduce demand through deterrence. As the motion outlines, while all three pillars are meant to have equal importance, the breakdown of spending at a national level shows that we continue to invest in a failed law and order approach, while harm reduction initiatives receive a minimal percentage of funding. If we continue to invest in approaches that do not work, we will continue to see the same outcomes.

We saw six deaths at music festivals in 2015 as a result of impure or toxic party drugs, clearly demonstrating that we need a new approach based on evidence and with harm reduction as the primary goal. The principle of harm reduction mandates that policies



be evaluated in terms of their impact on overall drug harm, not in terms of their impact on overall drug use. It is about encouraging people to engage with health providers to get more information and make safer choices.

Pill testing involves a simple on-site test by medical experts. The technology that the Greens have advocated for uses portable laboratory-grade equipment which can provide information about the composition of the pill. The test results can take around 15 to 20 minutes to be processed and in this time there is an opportunity for qualified health experts to engage with users to talk about their drug use.

Once the results are available, the expert can provide that information in an appropriate way. At no point would the expert ever condone drug use or say that the pill is safe. It is simply about giving people more information to allow them to make their own informed decisions. The information collected through the testing can also be provided to health and law enforcement agencies so that they can have a better understanding of what drugs are circulating in the community to better inform their response.

Madam Deputy Speaker, it is clear that young people care deeply about their welfare and safety. A 2013 survey of 2,300 young Australians by the Australian National Council on Drugs found that more than 82 per cent support the introduction of pill testing as a harm reduction initiative. My concern is that in the absence of an endorsed pill testing service, young people are already turning to other sources to get information about what is in their pills.

Reports suggest that sales of personal reagent testing kits have spiked in the lead up to recent festivals. These kits can provide some information, but they are less accurate, they cover a smaller range of substances and by using them we miss an opportunity to get people talking with health services about their drug use.

Laboratory grade pill testing is a better option and we should be using it. While pill testing has not yet been trialled here in Australia, there is a significant body of evidence to show that it reduces consumption of potentially unsafe substances. Users overwhelmingly choose not to consume a drug if they are alerted to any risks related to its strength or contents.

We know that in Europe, where pill testing is commonplace, it can save lives and influence people who use drugs to make safer choices. One example is in Austria, which I have spoken of before, where two-thirds of users who were informed by a government-funded pill testing service of potential toxic harms decided not to consume their drugs and told their friends not to either.

In addition to this, a study in Switzerland found that a pill-testing service is often the first contact with social support systems for many users. Therefore, by offering this service, it is easier to get people to participate in a conversation about informed drug use. The research overwhelmingly shows that, contrary to the claims of opponents, making a pill testing service available does not lead to an increase in drug taking, and that the information offered by these services can instead lead to reduced consumption.

Here in Australia, pill testing has the support of a range of health experts, academics, sections of law enforcement and various politicians across the political spectrum. The ACT government undertook a very detailed risk assessment of the most recent proposal to trial pill testing at Spilt Milk, which involved representatives from ACT Health, policing and other relevant areas across government. Having examined the proposal in detail, they decided to approve it on the basis that it could help prevent harm and was based on evidence.

At the recent annual reports hearings Chief Health Officer, Dr Paul Kelly, articulated the reason for the government's decisions. He said:

... pill testing, from the health side of things at least, putting aside the legal components, is essentially harm minimisation. We do know that the majority of people who go to these types of festivals do take either drugs or alcohol. That is a fact. We do know that young people are dying at these types of festivals around Australia right now. That is a fact. We do know that, despite the best efforts of drug enforcement to decrease supply or decrease demand, we still need to have a harm minimisation component within the national drug strategy. This fits very carefully and clearly within that as a potential way forward. If we do not do anything then we will continue to get the results we currently have.

I bring this motion forward today because, despite my deep disappointment that pill testing did not go ahead at Spilt Milk, it is important to be clear that the government remains committed to a harm minimisation approach to drug policy. There will be future opportunities for a pill testing trial in the territory and we should not let those opportunities be missed.

Whether it is at music festivals, dance parties, local venues or elsewhere, pill testing represents a chance to make these events safer for the people who attend. That is why the Greens have been such strong advocates on this issue. After the shift we have seen in the past few months, I suspect that pill testing will happen in the territory. I believe it is no longer a question of if but rather when.

Unfortunately, it is clear that we will continue to face a campaign that is full of anecdote and misinformation, and that those who oppose pill testing will continue to ignore the evidence. Some opponents of pill testing have called for greater use of sniffer dogs as an alternative. This is where it is important to look at the evidence base.

A recent New South Wales government review of sniffer dogs found that police uncovered drugs in only 26 per cent of cases where the dog gave a positive indication. Let me repeat that: in three-quarters of all cases where a dog detected something, the person was not carrying any drugs at all.

At the same time, we know of two cases where young Australians died when they swallowed all of their drugs at once to avoid detection by sniffer dogs. These are the tragic and very real consequences of the sort of ill-informed drug policy being proposed by the Liberal Party, both here in this place and up on the hill.

But the Greens will not be deterred by these ideological roadblocks. Recreational drug use will never be without risk and there will always be sections of society with a moral stance against drugs who will continue to campaign for prohibition. But ultimately the evidence has shown that pill testing is an effective preventative measure, helping to curb the consumption of harmful chemicals and encouraging young people to take control of their activities and make informed decisions.

I believe that our community understands the benefits of this approach. I want to take this opportunity to express my gratitude to the STA-SAFE Coalition which spent months negotiating and organising with the ACT government, festival organisers and others to get a pill testing trial off the ground. It is because of this kind of strong grassroots advocacy that community attitudes have shifted and there is strong support for a pill testing trial here in Canberra, as demonstrated by the petition I tabled in this place a number of months ago.

Pill testing should be implemented in Canberra because it works and because harm reduction is essential in preventing the adverse consequences of drug use. I believe we will soon see pill testing here in the ACT and our festivals and events will be better and safer for it. I commend the motion to the Assembly.

**MR HANSON** (Murrumbidgee) (4.57): The Canberra Liberals do not support this motion. Let me be very clear what this is about: it is essentially about the agenda of the ACT Greens to have Canberra as the drug dealing, pill popping capital of Australia. If you do not believe me because you think that is an exaggeration, let me explain to you, members, exactly what is going on here.

Mr Rattenbury's current motion as it appears on the notice paper calls on the government to explore further opportunities to trial pill testing in the ACT. That sounds very benign, doesn't it? That sounds very benign, but the motion that was circulated, the original version of the motion, said "explore further opportunities to trial pill testing in the ACT, including at music festivals, dance parties and late-night venues". What Mr Rattenbury actually wanted, until he stitched up a change that was acceptable to the Labor Party, was to have this at dance parties. Perhaps any dance party that you put on at your home or at a town hall will have pill testing there. Pill testing at every nightclub, every night venue, every pub in this town. That is what Mr Rattenbury wants.

If you have this pill testing on every street corner, as Mr Rattenbury wants, or at homes if you are having a dance party at your place, the reality is that this is going to be a Mecca for every drug dealer to come down to this place, come down to Canberra, and get their pills tested so that they can flog their product as they see fit.

It has the ACT logo on it. No doubt the coat of arms will go on it. It will have "Tested by ACT government." It will be endorsed, whether it be by the government or by the government-endorsed third party that they have said they are going to let do it. This is what Mr Rattenbury wants. This is his original motion.

Ms Fitzharris obviously went to him and said, “We are going to support you, Shane, but could you just keep that out for now. We do not want everybody to know that this is what we are actually going to be rolling out in every dance party and every night venue across Canberra. We do not want to let them know that that is what we are doing yet.” But that is clearly what is happening. We object to this on those grounds, but also on the grounds of expert medical advice, which we have not cherry-picked like Mr Rattenbury does, and the legal advice that is widely available.

I will go firstly to the medical issues. The fact is that there are many medical voices who raise genuine concerns about what is happening here. I go to ones that do not have a political agenda, do not have an agenda that is sympathetic to the Greens. Let us go to the president of the national AMA. He is a pretty authoritative source, I would have thought. The president of the national AMA, Dr Michael Gannon, recently said:

We do need to do better but we also need real evidence that something works ... the last thing we would want to do is give people a false sense of security about taking illegal drugs cooked up in someone’s bath tub.

The national president of the AMA has genuine and real concerns about this half-baked policy being put forward by the Greens and the Labor Party.

In a recent report entitled “Oversold pill testing not a magic bullet”, toxicologist Andrew Leibie from Safework Laboratories said:

... public statements made by politicians that the trial would help “keep people safe” were potentially misleading because the testing had limitations.

He questioned the reliability of on-site drug testing, saying he was not convinced that it would be able to accurately test for potency and detect dangerous new designer drugs. In an article on 20 January this year he said:

On-site pill testing kits are severely limited in what they detect ... They may indicate that a pill contains MDMA, or ecstasy, but they will not pick up other contaminants. The greatest concern however, is that on-site tests cannot detect new designer drugs on the market ... They ...potentially leave consumers with a false sense of security that the party drugs they buy may be safe. It could be a deadly assumption.

Another article on 7 December said:

... the whole concept is based on the false assumption that if you do know what you’re taking, it is safe ... that is absolutely untrue ... MDMA is not a safe drug and many of the deaths that have occurred across Europe this year have actually been due to MDMA ...

Due to MDMA, not other substances.

It is not just public statements that raise these concerns. Academic research papers raise the same issues. A report titled “Pill testing at music festivals: can we do more harm?” in the *Internal Medicine Journal* of November 2016 says:

... pill testing at best gave an artificial shine of safety ... The failure to detect an agent that could be life-threatening is of great concern. On-site testing will thus not solve this problem and could lead to other problems of an unpredictable and tragic nature.

Let me go to another: “Ecstasy pill testing: harm minimization gone too far?” in *Addiction*, by researchers from the Institute of Psychiatry of Kings College London and the Toxicology Unit of St George’s Hospital Medical School. The authors state:

Pill testing of any description does not guarantee safety, or protect the consumer against individual responses to pills.

They say:

The belief that pill testing may be viewed as a harm reduction approach is based upon the assumption that the knowledge made available to users from testing will in some way influence their drug-taking and lead to behavioural change. However, evidence for this is not substantiated.

The authors say that, in a recent UK study, subjects indicated that if the quality of pills became worse, 20 per cent would take more, and if pills were thought to improve, 40 per cent would take more.

Let me turn to some legal issues, because it is not just medical issues that are at play here. I will go to legal experts to make my point. Let me go to an article headed “Pill testing enters legal minefield”. The *Canberra Times* reports:

People conducting Canberra’s pill testing trial could face criminal charges unless the territory’s Criminal Code is amended, a lawyer says ...

He said while it appeared ACT Policing had agreed not to prosecute anyone involved in the trial, it didn’t make it legally sound ...

He was also concerned about possible civil lawsuits if someone who had their pills tested had an adverse reaction.

He said he couldn’t see how the private agency would not be liable, saying any disclaimer could be useless.

In an article in the *Sydney Morning Herald* last year, a top prosecutor says that punters are not legally protected by pill testing programs at music festivals. I quote:

ONE OF Australia’s top silks says people who run and use pill testing programs at music festivals could be arrested ...

Former NSW Director of Public Prosecutions Nicholas Cowdery, who is currently an adjunct professor at the Sydney Institute of Criminology, says if police enforce laws correctly any illegal drug user or tester is “liable to arrest and prosecution”.

You cannot ignore that advice, and we cannot pretend that this is not a serious issue; it is, and it must be addressed.

Much of what we have heard from Mr Rattenbury is evidence based. The Greens always tout that. But the reality is that this is not evidence-based policymaking. This is cherry-picked policymaking by cherry-picked advocates for this program who are in a minority and are a voice that is countered by the president of the AMA, by our own Law Society and by legal experts and medical academics.

What does the evidence from other places say? I will quote again:

Countries that have gone down the pill testing route do not provide any comfort that this approach works. Britain has roughly two and a half times Australia's population. In 2015, it had 114 deaths from NPS, a figure that has been rising every year since 2011. Australia recorded less than a dozen deaths from NPS in 2015, yet Britain has pill testing while Australia does not.

The death rate in the jurisdiction with pill testing is almost 10 times higher than in Australia. That evidence, in this evidence-based nonsense from Mr Rattenbury, is completely ignored.

Let us look at what evidence is in this motion. The 2006 *International Journal of Drug Policy* has an article headed "A survey of regular ecstasy users' knowledge and practices around determining pill content and purity: Implications for policy and practice". This is an Australian study, and it is the one which Mr Rattenbury's motion appears to reference, because it is the one that references that 76 per cent would not take an unknown pill. It is worth looking at the other quotes from this report that Mr Rattenbury has not provided.

First, it is a hypothetical figure. It says:

... we asked about future drug-use intentions rather than describing actual drug-using behaviour, and the former is an imperfect predictor of the latter

Much more importantly, the report does not purport to be conclusive evidence for pill testing. It concludes:

More detailed research examining ways in which pill testing may influence drug use is required to inform evidence-based policy.

Mr Rattenbury's own report that he appears to be quoting says that this is not evidence based. That is an unfortunate quote to have in that report. It would appear that Mr Rattenbury has ignored many of these facts and has misrepresented the evidence as he goes about this business.

We have taken this issue seriously. There have been some claims that invitations to seek briefings have been refused; I believe Mrs Dunne is going to go to that point. My office has asked for a briefing, I believe from the Attorney-General, both verbally and

in writing. I have not received a brief. Mrs Dunne, I believe, has asked for a tour of the facility that the proponent works at. We have not received a response. I am keen to get a briefing. Let me be very clear on the legal implications: as the shadow Attorney-General, I have requested such a briefing; no briefing has yet been provided.

I also go to the issue that proponents of pill testing have decided to abuse people that do not support it. It is unacceptable that we see this sort of abuse directed at me, Mrs Dunne and others in the media and in social media. Proponents have been reported as saying that anyone who disagrees only does so through ignorance or dishonesty. One of the statements says:

Either our opponents have no idea what they are talking about, or they are lying for political gain.

If you are trying to have an evidence-based conversation here, if that is what Mr Rattenbury wants, and he retweets a bunch of stuff that is out there, let me tell you this: if that is the sort of debate he wants, saying that this very important issue about liberalising, pushing drugs out so that they are more accessible, is only being opposed—as it was, I note, by the ACT Labor Party until a few weeks ago—for political gain or because we are all ignorant, is he saying that the president of the AMA is ignorant?

I invite Mr Rattenbury to reply in his conclusion. Is the AMA president ignorant or is he lying for political gain? Are the toxicologists ignorant or are they lying for political gain? Are the academics that I have quoted ignorant or are they lying for political gain? And the lawyers? Are the eminent members of the bar or the Law Society ignorant or are they just opposing this for political gain? Maybe he would like to go to that point. That is not the sort of language to use. If you are trying to on the one hand mount an argument that it is all evidence based and you continue with that abuse and then on the other hand say that people will not take briefings, it is a disgusting way to conduct a public debate about what is a very important issue.

In conclusion, I am going to quote something I wish I did not have to. It is about the death of Anna Wood, who died in 1995 as a 15-year-old. She took ecstasy at a dance party and it is reported that her death was as a result of MDMA. Her father, Tony Wood, said:

They keep on about harm reduction. They say just take the stuff safely.

But there is no safe way. You just don't know what will happen when you take drugs.

That alone should give us pause. As the father of a teenage boy and another boy who is approaching his teenage years, that certainly gives me great cause for concern.

We will not be supporting this motion. It is not evidence based. It is flawed, both on the medical evidence and the legal evidence. I call on proponents who have been abusive in the media to stop that abuse. The Opposition will not be supporting this motion.

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (5.11): It is an interesting debate. I thank Minister Rattenbury for his motion today. This is an important issue because the harms from illicit drug use are far reaching and affect not only individuals but also their families, especially, and the broader community. Addressing these harms is complex and requires a multifaceted response, drawing on the best available evidence of what works. The ACT government remains committed to preventing and reducing the harms associated with illicit drug use.

Pill testing is an important harm reduction measure that has been used effectively internationally for many decades. It is currently being delivered in approximately 20 countries in Europe, the Americas and New Zealand. Experience from these countries demonstrates that pill testing can help to reduce harm at events where illicit drug use is prevalent, including at music festivals. While pill testing has not been conducted in Australia, there is support for trialling the initiative. In a recent national survey, 94 per cent of respondents reported that they would use a pill testing service located at a festival.

Overseas evidence suggests that pill testing at festivals can reduce overall drug taking and show significant reductions in the harm to those who do consume illicit drugs. A recently published review of pill testing at eight festivals in New Zealand showed that testing led to festival patrons making more considered and safer decisions. Importantly, 63 per cent of patrons indicated that they did not intend to take the drug when they learned what it contained and that it was not what they had expected. This is an important point that I will return to later, particularly in light of Mr Hanson's speech.

In addition to helping keep people safe, pill testing allows useful information to be gathered about illicit drugs. This information can help public health authorities to predict trends in drug use and enact early warnings when dangerous or toxic substances are found to be circulating. In some circumstances, pill testing can also help health professionals to treat patrons who may be experiencing an overdose more efficiently and effectively.

It is important to note that in considering a pill testing trial the government is not softening its approach on drugs. It remains illegal to possess, manufacture and distribute illicit drugs in the ACT. In the government's message on the day we announced that a pill testing trial would take place, I was very clear that there is no safe way to take drugs but we do not have our heads in the sand. We are committed to keeping our young people safe and we know from experience from both here and overseas that a purely punitive approach to drug policy simply does not work. In some cases in our region we see a purely punitive approach. We have seen the extremes of this approach in our region in the Philippines recently.

As members are well aware, on Friday 22 September 2017 the ACT government announced that a pill testing service would be available during the Spilt Milk festival. This announcement was made following careful consideration of the evidence,



including a review of pill testing approaches implemented overseas. The pill testing service at Spilt Milk was to be provided by the Safety Testing and Advisory Service at Festivals, known as STA-SAFE. STA-SAFE is a consortium of harm reduction advocates and non-government organisations led by Harm Reduction Australia.

Testing was to be provided in conjunction with advice regarding the potential harms of illicit drugs, as well as advice about the potential toxicity of any identified or unknown substances. In the week commencing 10 October, the Spilt Milk organisers announced that they would not go ahead with the pill testing trial. This was disappointing and represented a lost opportunity to trial an innovative approach to harm reduction.

The fact remains that the consumption of illicit drugs carries an inherent risk of harm and young people are at particular risk. The age demographic for major music festivals in the ACT is 15 to 30 years old, an age cohort among which we know that risk-taking behaviour is prevalent. In 2016, 31.6 per cent of young adults and 9 per cent of teens said they had taken an illicit drug in the last year.

Wastewater testing can also tell us about the presence of drugs in our community. In December 2016, when the Spilt Milk festival was held, ecstasy levels detected in the ACT's wastewater were more than three times higher than in August 2016. While we cannot know for sure whether these drugs were consumed at the festival, the data does suggest a higher presence of ecstasy in the community around this time.

Illicit drug use and/or misuse of pharmaceuticals or use of drugs for non-medical purposes remains one of the most important behavioural risk factors for disease and death in Australia and is particularly damaging to young people. Drug use is the fourth most important risk factor for disease and death in people under 25. Preventing and minimising the harms associated with drug use in our young people and the broader community remains a priority for this government.

We remain absolutely committed to the three pillars of harm minimisation, which recognise that some problems like illicit drug use are intractable and that sensible evidence-based measures are needed to respond to these harms. The three pillars of harm minimisation focus on demand reduction, supply reduction and harm reduction. These form the cornerstone of the national drug strategy, which was released in July 2017 and will continue to guide actions in the ACT and right across the country. We are in the process of developing an ACT drug strategy action plan in response to the national drug strategy. I look forward to further work on that in the next few months.

Other priority harm minimisation approaches to be progressed under the plan include delivering the alcohol and other drug safer families pilot project. This is a component of the government's safer families initiative. The ACT Alcohol Tobacco and Other Drug Association (ATODA) has been engaged to scope and design the pilot project and has been working closely with the alcohol and other drugs sector to progress this work. Implementation is scheduled to commence in the first half of 2018. There is also, of course, significant work underway in the development and implementation of a drug and alcohol court.

These actions reaffirm just some of the government's commitment to preventing and minimising the harms arising from drug use in our community. Support for pill testing is just one aspect of this approach. I anticipate that the government may well receive another proposal for a pill testing trial in the ACT in the future. The government would consider such a proposal at that time. We are in a unique position to minimise harm and prevent drug-related deaths in our community and we will continue to pursue evidence-based interventions in support of this objective.

Mr Hanson spoke at length about evidence, and I do note the comments by the federal AMA president on the day. I was asked to respond to those in a media interview. I note that he said, "With the greatest of respect, we need evidence." Well, how do you gather evidence if you do not try something? I also note that the ACT AMA said:

AMA (ACT) President, Prof Steve Robson, today welcomed the ACT Government's announcement giving permission for pill testing at the Spilt Milk Festival in November.

"AMA (ACT) supports a harm minimisation approach to the use of illicit substances. On this basis and with the right safeguards, we welcome pill testing at Spilt Milk."

"The AMA (ACT) has previously been briefed on the proposed arrangements for pill testing in the ACT and the safeguards and processes to be used and they seem sensible and workable," Prof Robson said.

"It's a fine line between encouraging the use of illicit substances and doing what we reasonably can to keep people safe but I think pill testing, under the arrangements proposed for Spilt Milk, successfully walks that line." Prof Robson added.

"As we understand it, permission has been given for testing at one event. We would like to see feedback on both the process of and outcomes from testing undertaken at Spilt Milk to gauge its effectiveness."

"To gauge its effectiveness"—to gather the evidence. All the examples Mr Hanson gave of evidence were that there was no evidence that it works. Again, how can anything new be trialled to add to a body of evidence without giving it a go?

I also note significant support on the day from the chair of the Capital Health Network in the ACT and from the highly regarded Dr David Caldicott, who works tirelessly in an emergency department in the ACT and sees this firsthand. If Mr Hanson wants to quote medical experts, perhaps he and the opposition should listen to the evidence and be present—

*Opposition members interjecting—*

**MADAM ASSISTANT SPEAKER (Ms Lee):** Mrs Dunne.

**MS FITZHARRIS:** in emergency departments when people present with overdoses.

NDARC, the National Drug and Alcohol Research Centre, said there are five good reasons to test pill testing. It has been shown to change the black market. It also shows that the ingredients of tested pills started to correspond to the expected components over time. This suggests that pill testing might be able to change the black market in positive ways.

Third, pill testing changes behaviour. Research from Australia shows that 50 per cent of those who had their drugs tested said the results affected their consumption choices. Two-thirds said they would not consume the drug and would warn friends in cases of negative results. Visits to pill testing booths create an important opportunity, providing support and information over and above the testing itself. They enable drug services to contact a population that is otherwise difficult to reach, because these people are not experiencing acute drug problems. Indeed, the intervention has been used to establish contact and as the basis for follow-up work with members of not yet problematic but nevertheless high-risk groups of recreational drug users.

Finally, pill testing means that we can capture long-term data about the actual substances present in the drug scene and it creates the potential for an early warning system beyond immediate users. This is becoming all the more important as new psychoactive substances that may be used as adulterants are appearing more frequently. They note, of course, that this is not a panacea.

I note the evidence from legal experts. Madam Assistant Speaker, perhaps more than anyone in this place you will know that there is a difference of opinion in the legal community. What the opposition were not privy to—and I will follow up on whether there was a briefing request; as the lead minister on this issue, I do not believe there was, but we certainly can provide one if they would like—is that we received a proposal in, as I recall it, March or April this year. What I said at the time, contrary to Mr Hanson's claims in here, was that the government would consider the proposal; we would take a considered approach. We established a working group across government and we sought advice from experts in the community about the particular proposal that was put to us.

Mr Hanson in his speech gave no evidence whatsoever that he actually understood the trial that was going to operate here, the actual practicalities of how it was going to operate. He would not have made some of the statements that he made if he had.

That working group included the Justice and Community Safety Directorate, ACT Policing, ACT Health and Access Canberra. We spent a number of months evaluating this proposal. So, far from changing my mind at the last minute, I did what I think a responsible minister would do: take a proposal, consider it and then make a good, evidence-based decision. The evidence was overwhelming.

*Mr Hanson interjecting—*

**MADAM ASSISTANT SPEAKER:** Mr Hanson.

**MS FITZHARRIS:** I reiterate: evidence cannot be gained unless you try something. I am disappointed again—

*Opposition members interjecting—*

**MADAM ASSISTANT SPEAKER:** Members of the opposition, order!

**MS FITZHARRIS:** Clearly the opposition have realised that they have not sought the right information. Unsurprisingly they have a kneejerk reaction; notably, on the day we were supported by the Capital Health Network and by a medical doctor practising here. The only person from the opposition who had anything to say about this was the shadow attorney-general.

This is a harm minimisation effort. I also have children approaching the same age as many people going to music festivals. Of course it concerns me. I note a response that Mr Hanson quoted from someone who tragically lost a child. I have read similar pieces from parents who have lost children, asking for pill testing. Mr Hanson said that the father said, “You just don’t know what will happen,” and that is exactly right. You do not know what will happen.

*Opposition members interjecting—*

**MADAM ASSISTANT SPEAKER:** Members, please.

**MS FITZHARRIS:** Parents around the country who have lost children clearly have different views on what a pill testing trial will offer. What was said on the day we announced the trial was that this was an opportunity to give young people in particular information that they would not otherwise have. That is a key part of why this is an essential harm minimisation approach.

**MRS DUNNE (Ginninderra) (5.26):** I had intended to speak briefly on one particular issue, but the outrageous comments made by the minister for health in her remarks cannot go untouched. For the minister for health to liken opposition to pill testing—not just our opposition to pill testing but the opposition of other people in the community raising concerns about pill testing—to drug policy in the Philippines is an absolute outrage. It just shows how classy these people are when they are under pressure. This minister is under pressure. She is shown to be badly briefed and badly prepared on a number of occasions. She comes in here and her immediate response is to get down and dirty.

That is an outrageous comment about people who have thought about these issues and do not happen to agree with Ms Fitzharris in her current iteration. She did not always hold these views. They were not the views always expressed by the government; they just happen to be the views expressed at the moment. Because members of the public and members of this place do not always agree, then it is all right for her to get really classy and liken the opposition to drug policy in the Philippines.

This, of course, was within a few minutes of Mr Hanson suggesting that perhaps we have a respectful discussion, as the minister for health disrespectfully walks out of the chamber. The analogy the minister for health used to show her disagreement with the opposition was an outrage and disgusting, and the member should apologise.

The item I wish to speak on is some of the criticisms that have been levelled at the opposition for not getting on board with the zeitgeist on this issue. I particularly want to draw attention to comments reported in the *Canberra Times* recently where it was claimed that the opposition had received in excess of a dozen requests for Dr Caldicott to brief the opposition on pill testing and that we had ignored them. I put on the record my interactions with Dr Caldicott.

I have met Dr Caldicott twice and have sent one email to Dr Caldicott. I met Dr Caldicott at a public health forum before the election last year and I met him at another public health forum here in the Assembly in March this year. On both occasions I said to Dr Caldicott that I would like to visit Calvary emergency department to look at the issues in relation to drug and alcohol that he was talking about; the impact of drug and alcohol issues on his emergency department. I made that request during the election, and when I met Dr Caldicott again in March this year I made the same request.

I followed it up with a letter to Dr Caldicott. He came back to me and said that he would be happy to do that, but because it was Calvary Public Hospital I would have to get clearance from the minister. In late March, I wrote to the minister for health, who very graciously wrote back and said she did not have a problem and that if Calvary and the doctors were happy I was free to go to Calvary and have the visit that I had talked about with Dr Caldicott.

I immediately sent an email to Dr Caldicott with a copy of the minister's letter, asking him to be in contact so that we could make an arrangement for me to visit accident and emergency late one Friday or Saturday night because I was interested in the issues that he raised. Since then, radio silence. Since mid-May this year there has been no communication between me and Dr Caldicott or my office and Dr Caldicott. The last correspondence came from me directly in an email to Dr Caldicott.

There has never been an offer for briefing, except, of course, the multitude of snide comments that have been on Twitter, and none of those have been an offer for briefing. There has been a challenge to a debate and a range of other things, but there has never been an offer of a briefing formally sent to my office. I have asked my staff on a number of occasions to check whether we have missed anything. We have been through the junk email, the spam filter, all of these things; there has been nothing. Radio silence from Dr Caldicott. I want to put on the record here that neither Mr Hanson nor I are ignoring Dr Caldicott and the proponents; we have just not heard from them.

When constituents get in touch with me and ask to come and talk to me about particular issues—I am the shadow minister for health, I have an interest in this issue—I talk to my constituents. This particular constituent has decided to shout at me and Mr Hanson through Twitter but has never offered us a briefing.

**MR RATTENBURY** (Kurrajong) (5.32), in reply: In the interests of time I will be brief in my conclusion. It has been an interesting discussion this afternoon. I welcome the thoughtful comments from the minister for health, who had to duck upstairs to attend to some other matters at the end of her remarks. I think the Liberal Party are wrong about this, and I do not think that is a surprise to anybody. In the real world young people are out there taking these drugs. I have never, ever said that this will make it safe, and it is certainly not the messaging the medical professionals involved use either. What it is about is trying to minimise some of the risk. That is why it is worth trialling this to see if it has a positive impact.

I have been very clear in all of my public remarks that taking drugs is not safe and ideally people would not do it. But they do, and I would rather they did not suffer potentially fatal consequences as a result. Mr Hanson highlighted in his remarks the father who had lost his daughter. It is a terrible tragedy for any family to go through that experience. I am motivated in this because I hope that in doing this we would avoid that tragedy for some families. That is what motivates me in this space. That is why I continue to advocate for this so strongly. And that is why I hope we will see it take place in the ACT. It is important that we take whatever steps we can to avoid those kinds of tragedies striking in our community. I commend the motion to the Assembly.

Question put:

That the motion be agreed to.

The Assembly voted—

Ayes 11

Noes 8

Mr Barr	Ms Le Couteur	Mr Coe	Ms Lee
Ms Berry	Ms Orr	Mrs Dunne	Mr Parton
Ms Burch	Mr Pettersson	Mr Hanson	
Ms Cheyne	Mr Rattenbury	Mrs Jones	
Ms Cody	Mr Steel	Mrs Kikkert	
Ms Fitzharris		Ms Lawder	

Question resolved in the affirmative.

## **Environment and Transport and City Services—Standing Committee Report 3**

**MS ORR** (Yerrabi) (5.40): I present the following report:

Environment and Transport and City Services—Standing Committee—Report 3—Draft Lower Cotter Catchment Reserve Management Plan 2017, dated 28 November 2017, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

As chair of the Standing Committee on Environment and Transport and City Services, I table the committee report on the draft lower Cotter catchment reserve management plan. The Minister for Environment and Heritage wrote to the committee in August 2017 forwarding the draft lower Cotter reserve management plan and the consultation report prepared by the custodian of the reserve for review under the Nature Conservation Act 2014. In the case of this draft management plan the reserve custodian is the Environment, Planning and Sustainable Development Directorate.

Section 181 of the act requires the committee to consider the draft plan and consultation report and either recommend that the minister approve the draft plan or make another recommendation about the draft plan.

This draft lower Cotter reserve management plan was the first such management plan referred to the standing committee. The committee accepted the minister's invitation to consider the draft management plan due to its importance for management of a significant area of ACT water catchment and recreational reserve, and as an important exercise in the observance of the Assembly's role in scrutinising decisions such as this.

The committee details in its report the review process it followed and the outcome of that review. The committee report supports the approval of the draft lower Cotter reserve management plan. As required by the Nature Conservation Act, the committee will now write to the minister confirming its recommendation.

Question resolved in the affirmative.

## **Environment and Transport and City Services—Standing Committee Report 4**

**MS ORR** (Yerrabi) (5.42): I present the following report:

Environment and Transport and City Services—Standing Committee—Report 4—Management of ACT Cemeteries, dated 30 November 2017, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

As chair of the Standing Committee on Environment and Transport and City Services, I table the committee report on the management of ACT cemeteries. This inquiry was self-referred by the committee and commenced in July 2017. The committee sought and received views on current and future cemetery needs and administrative requirements from stakeholders and those involved in ACT funerals, cremations and

cemeteries, including the ACT government and the ACT Public Cemeteries Authority, and from community groups, individuals and religious denominations. The committee received 11 submissions and held four public hearings during October.

The Minister for Transport and City Services and the ACT Public Cemeteries Authority provided the committee with a detailed submission. In total 12 recommendations have been made by the committee. The recommendations all reflect that community preferences for burial and interment practices are shifting and it is important that we acknowledge this shift in the planning, management and operation of ACT cemeteries.

In light of the shift in burial and interment preferences, the committee recommends that: the planned extension of Woden Cemetery be reconsidered; the government proceed with the current plans for the southern memorial park as an urgent priority; and a second crematorium for Canberra be considered as a high priority. The committee also recommends that a review be undertaken to ascertain the feasibility and financial basis for adopting a renewable tenure scheme for burial plots.

Submissions to the inquiry demonstrated a strong preference for public provision of burial and interment services; therefore the committee recommends that the management and operation of ACT cemeteries continue to be the responsibility of the ACT cemeteries authority. The committee also recommends that the Cemeteries and Crematoria Act 2003 be reviewed where the committee's recommendations may require it.

The committee believes that its inquiry was a useful and timely means of looking at the current and future administration of ACT cemeteries. The committee appreciates the input it received from the community and from all parts of the ACT funeral sector.

Question resolved in the affirmative.

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

### **Statement by chair**

**MR STEEL** (Murrumbidgee) (5.44): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Health, Ageing and Community Services.

At a private meeting on 21 November 2017, the committee resolved to conduct an inquiry into the future sustainability of health funding in the ACT. In agreeing to undertake the inquiry, the committee notes that a feature of Australia's health system is that both the Australian and state and territory governments fund public hospitals with some private funding; state and territory governments fund the majority of the hospital system in Australia, at approximately a 50 per cent share; the Australian government funds a major share of private hospital costs, albeit indirectly through the private health insurance rebate, which is uncapped up to 35 per cent; the ACT government expenditure on health is \$1.63 billion in 2017-18, or 31 per cent of



the ACT budget—the largest proportion of expenditure compared to any other output; Australian government support for public hospitals is now capped, and it can grow no faster than 6.5 per cent each year; the ACT has an ageing population and there is an increase in chronic disease and increasing complexity of disease and co-morbidity rates; and discussion has started between the Australian and state and territory governments on new national health agreements.

The committee terms of reference resolve to inquire into and report on the future sustainability of health funding in the ACT, with particular reference to: the efficiency of current health financing, particularly examining the alignment of funding with the purpose of the ACT's health services, including the provision of quality and accessible health care to patients when they need it, the nature of health funding and how it improves patient outcomes, the sources and interaction of health financing in the ACT including ACT government funding, Australian government funding including Medicare, private health insurance, consumer out-of-pocket payments, and other sources; the impact on health financing of population growth and demographic transitions in the ACT and the surrounding region; and technological advancements and health innovation.

It is also inquiring into the relationship between hospital financing and primary, secondary and community care, including the interface with the national disability insurance scheme and residential aged care; funding the future capital needs of the health system in the ACT; relevant experiences and learnings from other jurisdictions, including other Australian states and territories; and any other relevant matter.

The committee will call for public submissions and will report back to the Legislative Assembly before the last sitting day of 2018.

### **Statement by chair**

**MR STEEL** (Murrumbidgee) (5.47): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Health, Ageing and Community Services.

At a private meeting on 21 November 2017, the committee resolved to conduct an inquiry into the implementation, performance and governance of the national disability insurance scheme in the ACT.

The committee has agreed to terms of reference and will consider the relationship between the ACT government and commonwealth government in regard to the NDIS and the National Disability Insurance Agency as it affects the ACT, particularly gaps or duplicate roles and responsibilities; practical outcomes of implementation in relation to disability workforce development strategies, the human services registrar, the availability of services for eligible NDIS participants, the availability of early childhood intervention services, the implementation of local area coordination, and supports for people with psychosocial disabilities; whether there are unique factors relating to the provision of disability services affected by the implementation of the NDIS in the ACT; and any other matter relating to the implementation of the NDIS in the ACT.

The committee will call for public submissions and report back to the Legislative Assembly before the last sitting day of 2018.

## **Inspector of Correctional Services Bill 2017**

Debate resumed from 26 October 2017, on motion by **Mr Rattenbury**:

That this bill be agreed to in principle.

**MRS JONES** (Murrumbidgee) (5.48): The Canberra Liberals are broadly in support of the Inspector of Correctional Services Bill 2017 put forward by the Minister for Corrections. We will offer one amendment at the detail stage. The bill has come about as a result of the review into the treatment of Mr Steven Freeman, who died whilst in custody at the Alexander Maconochie Centre. Mr Philip Moss AM, who was commissioned to undertake a review, released his report *So much sadness in our lives* to the minister on 7 November 2016.

The Moss review was commissioned after this death. It was tasked with looking into the treatment of Mr Freeman whilst in custody. The report documented the key events of Mr Freeman's time in custody, including that within hours of his arrival at the AMC Mr Freeman was assaulted severely and was rushed to hospital by ambulance. His injuries were so severe that he spent nine days in hospital. After his prolonged hospital treatment, he returned to the AMC and never left, dying one year later in the facility.

The review went on to note a number of failings in the AMC. It noted that the AMC did not follow up after his head injury with medical appointments, nor did it revisit early advice from ACT Corrective Services regarding the nature of his injuries. The review also notes Mr Freeman's boredom while in custody—a topic we have discussed in this place just this week—the lack of rehabilitative opportunities and a structured day for detainees.

It said that detainees often engaged in a couple of hours of rehabilitative programs, rather than the originally planned 30 hours per week. Mr Moss concluded that this lack of a structured day increased the possibility of detainees using and seeking illicit drugs. This is backed up by over 700 items confiscated last financial year.

I would also like to note that until I requested that the minister collate a list of recommendations made for the facility there did not seem to be such a list with the appropriate effort going into ensuring that every single one of the agreed recommendations was being implemented.

I have not seen any indication that, prior to my request in a motion at the beginning of this term of the Assembly, the minister was keeping such a close eye on the progress of implementing these recommendations. However, we have now come to this point where this inspector of correctional services is on the table and I welcome that.

In its response to the Moss review, the government agreed to recommendation 8 pertaining to the development of an inspectorate of custodial services. Similar recommendations were also made in 2007 in a human rights audit and in 2016 in the JACS inquiry into the Auditor-General's report on the rehabilitation of male detainees.

The Canberra Liberals welcome greater oversight of our correctional facilities in the ACT, including the troubled Alexander Maconochie Centre, the somewhat troubled Bimberi Youth Justice Centre and no doubt other places of detention such as under the courts building. This body will also have jurisdiction over ACT Corrective Services court cells and other facilities managed by ACT Corrective Services.

Establishing a preventative, proactive and independent role with expertise and resources to effectively conduct a full audit of any or all ACT correctional environments, with the ability to make recommendations to government, is a positive change. Such a body will hopefully ensure that detainees' rights are protected and make our correctional facilities more transparent and accountable.

We as a territory must tirelessly strive to operate our correctional facilities at the highest standards at all times. We do not have a death penalty in the ACT, yet prisoners have died in our custody. We do not want to see a repeat of such events.

The inspectorate will operate in an environment where other oversight bodies already exist. We are pleased to see that the minister has made it a requirement for the inspector to ensure that functions are exercised in a way that does not delay or unnecessarily duplicate functions by existing oversight bodies. This allows the inspector to refer matters that may be dealt with better by other bodies. In turn, other existing oversight bodies will be required to work with the inspector. These are positive requirements.

While this legislation is welcome, we would like to see greater consultation on and accountability in the appointment process. How will the person be treated if their findings are adverse? We have already seen in the previous term that official visitors, especially a couple who were really honest in committee hearings about problems in the correctional facilities, seemed to be being replaced at the next opportunity.

I want to reiterate that we would like this to work properly. I would like to make sure, where possible, that there is full confidence in the person appointed to this role and less opportunity for government to respond in unhealthy ways to any negative findings that are found.

Given that there have been plenty of issues inside the AMC, including deaths, bashings, escapes and overcrowding, it is vital that the entire Assembly and the ACT community have full confidence in the appointment of the inspector. The Canberra Liberals are concerned that the appointment process as outlined in the bill creates a situation where the inspector is an appointment purely of the executive, although I acknowledge there would be two ministers involved.

We have concerns that this creates something of a conflict of interest. The executive is selecting the person who will review and make recommendations on the actions of the

government. I guess the point we are making is that without any feedback from the Assembly as a whole, it is just not as easily perceived as being independent.

That is why I will seek to move the amendments circulated in my name. If adopted, they would raise the position above concerns of conflict of interest. Our amendments would require the executive to consult with the relevant committee, with that committee being given the opportunity to make a comment on the nominee and for the executive to appoint the inspector with a resolution passed in the Assembly by at least a two-thirds majority of members.

The amendment would create greater transparency and ensure that the Assembly and community can have full confidence in the inspectorate of custodial services. Hopefully, we will see a new era of safer places of custody and imprisonment in the ACT.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Community Services and Social Inclusion, Minister for Disability, Children and Youth, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Multicultural Affairs and Minister for Workplace Safety and Industrial Relations) (5.55): I am pleased to speak on the Inspector of Correctional Services Bill 2017 today. The bill is particularly important for my portfolio responsibilities for children and youth. It builds on work I have undertaken over the past 12 months and the work of my predecessors to ensure that our youth justice system and facilities support the rehabilitation of our most vulnerable young people.

I am passionate about the ACT having a human rights-focused youth justice system and I am proud that the ACT was the first jurisdiction in Australia to deliver on this. The inclusion of Bimberi Youth Justice Centre within the remit of the inspector of correctional services will further strengthen the ACT's commitment to transparent and accountable services.

This independent inspector will promote the continuous improvement of the ACT's youth justice system and work closely with and alongside our existing oversight mechanisms and agencies. These existing mechanisms include: external oversight of Bimberi by two official visitors, one of whom is a designated Aboriginal and Torres Strait Islander official visitor; external oversight of Bimberi and the broader youth justice system by the ACT Human Rights Commission and Public Advocate; and the charter of rights for young people in Bimberi Youth Justice Centre.

In addition we are committed to continuing ongoing reform of the ACT's youth justice system under the blueprint for youth justice in the ACT. This 10-year strategy provides a framework for significant youth justice reform and includes a focus on the rights and voice of the young person throughout the youth justice system.

The new youth justice task force, which is co-chaired by the ACT Children and Young People Commissioner, Ms Jodie Griffiths-Cook and the executive director of children, youth and families within the Community Services Directorate, Dr Mark Collis, is progressing work to take stock of how far we have come in improving our youth justice system and to establish the direction we need to take in the second five years of the strategy.

I note, given the recent release of the report of the Royal Commission into the Protection and Detention of Children in the Northern Territory, that its recommendations will also be considered by the task force. I look forward to receiving their further advice early next year.

Another component of this reform process is the development of standard reporting on Bimberi's performance so that a range of indicators can be objectively scrutinised each year. As I have indicated to the Assembly, I will be tabling the first of these reports at the earliest opportunity to include data from 2016-17.

The bill we are debating today will promote the continuous improvement of correctional and youth justice centres and services by: providing a framework for the systematic biennial review and scrutiny of correctional centres and services; ensuring that young detainees' rights under international and territory law are protected; promoting the wellbeing, rehabilitation and reintegration of young detainees by ensuring that legislation, policy and procedures relating to youth justice centres and services reflect best practice standards; and ensuring accountability and public transparency through the tabling of independent reports in the Legislative Assembly.

The reporting element is a key provision of the bill. The requirement for the inspector to provide an independent report to the Assembly for any examination or review of correctional or youth justice centres or services is a powerful transparency measure. The bill also requires the inspector, if appropriate and practical, to consult with people and staff suitable to the cultural background or vulnerability of any detainee involved in a matter being examined or reviewed.

This consultation with suitable people expressly includes where a review or critical incident relates to an Aboriginal or Torres Strait Islander detainee, a female detainee, a detainee with disability or a detainee from a culturally or linguistically diverse background. There may be other circumstances where the inspector considers it appropriate to consult with specific people and staff, such as where a detainee identifies as transgender, or another member of the LGBTIQ community.

This important provision ensures that the inspector considers and has available the broad experience and expertise necessary to undertake a representative and accurate external review and inspection. The establishment of the inspector of correctional services complements existing work underway, including preparation for the ACT's future obligations under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In line with this protocol, the bill has been designed to accommodate the phased inclusion of the ACT's youth justice centre into the inspector's scope. The bill requires that Bimberi must come under the inspector's oversight within two years of the legislation taking effect.

While we will seek to ensure the inspector's oversight of Bimberi comes into effect as soon as possible, a phased implementation is necessary because the youth justice environment in the ACT is very different from that of adult correctional facilities. The ACT's youth justice centre operates services and programs that are trauma-informed.

This means that in developing programs and services, we recognise and respond to the impact of traumatic experiences on young people's behaviour and their capacity to address issues.

The inspector must therefore have appropriate trauma-informed expertise to ensure that the specific needs of young people are met, including young people with disability. A phased implementation will also provide time for the identification—

*At 6 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.*

**MS STEPHEN-SMITH:** A phased approach allows for the development of an inspection framework relevant to youth justice facilities with suitable standards and in consultation with the ACT Human Rights Commission, youth justice experts and other stakeholders. These standards will be human rights compliant, will be consistent with the comprehensive quality assurance system that currently operates in Bimberi, and will complement existing scrutiny and oversight mechanisms.

New and contemporary standards will also take into consideration relevant recommendations arising from the Royal Commission into the Protection and Detention of Children in the Northern Territory. The government anticipates that the inspector's oversight will commence as soon as this additional work is complete.

In summary, the establishment of an inspector of correctional services is an opportunity to build on the ACT's significant achievements in the youth justice system, as we continue to deliver sustained change, as outlined in the award-winning blueprint for youth justice. This bill supports the government's commitment to an accountable, transparent and effective youth justice system. I commend the bill to the Assembly.

**MRS KIKKERT** (Ginninderra) (6.01): I support the amendments which will be circulated by Mrs Jones. Along with the rest of the Canberra Liberals, I welcome greater oversight of our correctional facilities in the ACT, including Bimberi Youth Justice Centre, which, as we all understand, has its own troubled history. The recommendation for the creation of this inspectorate arose out of a tragedy: the death of a man who was in the custody of this government. As Mrs Jones has already noted, it is a bitter irony that in a jurisdiction that lacks the death penalty we still have prisoners dying in custody. I genuinely hope this new office will have real capacity to help prevent any more such tragedies.

For this to be the case, however, it is essential that the new inspector be genuinely independent. As we all know intuitively and as numerous experts have repeatedly pointed out, external oversight requires full independence in order to function correctly. I have been in this position for barely a year, but in that short time one of the most common complaints I have heard from a variety of Canberrans is that effective external scrutiny is lacking in this territory. Some of these complaints and concerns have even been raised by those who have been tasked with providing some of this scrutiny.

We in this chamber should be concerned. They say that perception is reality. So when a number of Canberrans feel that those who are responsible for providing external scrutiny in this territory are too entangled in and too obligated to the government to perform their functions, then we have a problem.

Such concerns were raised earlier this year by Mr Bill Bashford, who pointed out that, as one of the government's official visitors for children and young people, his job required him to report directly to the very same directorate that supposedly he was independently monitoring, creating a serious conflict of interest. The simple solution, as I see it, is to remove any possibility of suspicion. Mrs Jones's amendments seek specifically to do this.

Protecting the integrity of the inspector's selection by requiring broader consultation with and scrutiny from a standing committee just makes sense. Making this officeholder's selection the responsibility of the full Assembly and not just the executive is a prudent move. A government that refuses to allow for this broad scrutiny and consultation inevitably appears as if it has something to hide.

Already the Legislation Act requires that a minister, before making statutory appointments, must consult with a standing committee and await their recommendation. I should think this government would wish to avoid the appearance of a political appointment at all costs. Why should this important appointment be treated any differently?

We live in a day and age when, according to those who measure such things, cynicism towards government is increasing. Citizens worry about hidden agendas and policy moves that look like elaborate defence mechanisms designed to protect those who sit in positions of power. Sensible governments that remain in touch with ordinary citizens understand that they must take steps to dampen such fears.

Wise governments happily put into place robust mechanisms that demonstrate their commitment to fairness and independence of oversight. Anything else looks and feels wrong to so many of those who have spoken to me over the course of the past year. We have personally witnessed what can go wrong when external oversight is not robust enough. I encourage this government to be both sensible and wise. I commend to this Assembly the amendments that Mrs Jones will move.

**MR RATTENBURY** (Kurrajong—Minister for Climate Change and Sustainability, Minister for Justice, Consumer Affairs and Road Safety, Minister for Corrections and Minister for Mental Health) (6.06), in reply: I am pleased to speak in support of the Inspector of Correctional Services Bill, and I welcome members' support for the creation of this very important position.

It is worth noting at the start of my remarks that the Moss review did not actually recommend the inspectorate of custodial services; it recommended that the Ombudsman review all critical incidents. But I formed the view that it was better to go beyond that recommendation and go past what the Moss review recommended to create the inspectorate. The Human Rights Commissioner has recommended the inspectorate model and it has come up in earlier discussions, and it seemed an even

more thorough response to the point Mr Moss made. I want to reflect that in the discussion today.

The bill aims to promote the continuous improvement of correctional centres and services through their systematic review and through independent and transparent reporting. It aims to reflect the requirements and expectations around the establishment of a national preventive mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, otherwise known as OPCAT, and other international guidelines created to ensure the humane treatment of people deprived of liberty.

The establishment of an inspector of correctional services is an important step in the oversight of our correctional centres and services. The inspector will examine and review correctional centres and correctional services at least once every two years. That is a full-scale review, but they also have the ability to review critical incidents and to provide independent reports to the ACT Legislative Assembly.

These functions ensure a systematic and preventative approach to the oversight of correctional facilities and services in the ACT and enable the inspector to review critical incidents through a best practice correctional lens. I frame this as both a prospective and retrospective take on things. The two-year review is designed to be preventative, to be prospective and drive that continuous improvement, but the powers to review matters that have taken place are also about ensuring there is strong external scrutiny of things that have happened.

The inspector's review powers include circumstances where: a person's life has been endangered; there is an escape from custody; a person has been taken hostage; a riot has occurred which resulted in significant disruption to a centre or service; a fire has occurred which resulted in significant property damage; an assault or use of force has occurred which resulted in a person being admitted to a hospital; or an incident identified by the responsible minister or director-general has been referred to the inspector for review. There is a very broad range of scope there for the inspector to be engaged. The bill also requires the inspector, if appropriate and practicable, to consult with people or use staff suitable to the cultural background or vulnerability of any detainee involved in a matter being examined or reviewed.

I will come back to the appointment of the inspector when we get to the amendment later, as there are a few important points to be made in that regard. Let me turn at the moment to the inspector's powers. Article 20 of the OPCAT specifically states that in order to enable a preventative mechanism, such as the inspector of correctional services, to fulfil its mandate, it must be granted access to all information concerning the number of persons deprived of their liberty; access to all information referring to the treatment of those persons as well as their conditions of detention; access to all places of detention and their installations and facilities; and the liberty to choose the places they want to visit and the people they wish to interview. These powers facilitate a proactive inspection regime that acts as a more effective prevention measure to protect against harm than simply responding to allegations of harm once they have occurred.



Acknowledging article 20 of the OPCAT, a number of powers have been provided for in this bill to ensure that the inspector is able to effectively fulfil their role and prevent harm occurring. These powers include the ability for the inspector to enter a correctional centre at any time; take any equipment required to effectively conduct an inspection of a correctional centre; have access to and talk to detainees in private at any time, with a support person of their choice where requested; talk to staff in private; inspect any document, including a health record, relating to a detainee, correctional centre or the provision of correctional services; compel people to provide documents or information or to present themselves to answer questions relevant to an examination or review; and to keep any documents, or make copies of any documents compelled, for as long as necessary. They are very extensive powers and underline the government's commitment to ensuring that this is a powerful and effective role in ensuring the oversight of our correctional facilities.

The bill creates an offence if a person, without reasonable excuse, fails to give assistance or answer any questions asked by the inspector or obstructs or hinders the exercise of the inspector's functions. It is intended that the criminal penalties serve as a deterrent to obstruction of the inspector carrying out their functions and that they need only apply as a last resort protection against non-compliance. The inspector's powers are critical for any effective preventative monitoring regime as the deterrence of mismanagement depends, among other things, on a required level of access to places of detention, relevant information, equipment and people.

A number of safeguards are also included in the bill which allow the inspector to carry out their mandate without detainees, their families, staff or non-government service providers in correctional centres being fearful of the consequences of providing information. The bill removes the common-law privilege against self-incrimination and civil liability that would otherwise allow a person to refuse to answer questions or produce documents as requested by the inspector. It provides that material obtained as a result of a person having to act without the protection of the privilege cannot be used as evidence against them in court proceedings other than for an offence under the Inspector of Correctional Services Act, or for an offence in relation to the falsification of the information, document or other thing.

The bill also creates an offence if a person takes discriminating, harassing or intimidating action, injures a person or damages a person's property because they intend to disclose, have disclosed or are thought to have disclosed information to the inspector. This may be particularly important if the information a person wishes to provide is seen as compromising the reputation of a person or agency.

In addition, the bill ensure that any information a person has access to because of the act remains confidential. It creates an offence for a person to use, share or divulge information in a private capacity not in accordance with the act or another territory law. This is an important provision intended to ensure that an individual's right to privacy is protected and the security of correctional centres is maintained.

To ensure accountability and transparency of reviews and inspections, the inspector is required to provide a report within six months of its completion. This time frame may be extended up to 12 months with approval of the responsible minister. These reports

are given to the Speaker, who is then required to table them in the Assembly within five sitting days. A report by the inspector must include an evaluation, an assessment and any recommendations relating to the correctional centre and services provided. The report must also include a statement of any matter that has been referred to or by another oversight or investigative entity and if any part of the report is to be kept confidential due to public interest considerations against disclosure.

When considering whether to make part of a report confidential, the inspector is required to consider if, on balance, the overriding interest against public disclosure outweighs the public interest in favour of disclosure. The grounds for potential non-disclosure of information in a report by the inspector do not include information which may cause embarrassment to or loss of confidence in the executive, a minister or a director-general, or information that may be misunderstood or misinterpreted.

Finally, as the bill establishes a new preventive oversight mechanism overseeing correctional centres and services in the ACT, the government has included a provision for the act to be reviewed as soon as practicable after the end of its fifth year of operation. This will ensure that the legislation empowering the inspector continues to meet its purpose, scope and objectives. The bill also makes consequential amendments to the Corrections Management Act, the Children and Young People Act and other territory laws to reflect the role of the new inspector.

This bill provides a necessary oversight of correctional centres and services that our community rightly expects. I believe that the bill has been constructed in a way that can give the community confidence that this role has the necessary powers and independence to serve the purpose that we intended.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Bill, by leave, taken as a whole.

**MRS JONES** (Murrumbidgee) (6.15): I move amendment No 1 circulated in my name [*see schedule 1 at page 5501*]. This amendment simply asks that the appointment, once suggested or concluded by the government, be sent to a standing committee of the Assembly for comment and then be consulted on with the general Assembly and agreed, with a two-thirds majority of members.

It is not an especially onerous request. It is already done for the advertising standards commissioner. It is also what has been recommended for our integrity and corruption commission. As we create more of these bodies with extensive and unusual powers, it is a safeguard which makes the work of the body additionally trustworthy. It is not a complex request. It is already done by the Assembly for various bodies—certainly not for all executive appointments—and it is an amendment we are proposing in order to give this body the additional respect it requires to do its job properly.

**MR RATTENBURY** (Kurrajong—Minister for Climate Change and Sustainability, Minister for Justice, Consumer Affairs and Road Safety, Minister for Corrections and Minister for Mental Health) (6.16): The government will not be supporting Mrs Jones's amendment. The bill does provide for the appointment of an inspector of correctional services by the executive for a period of five years. The person appointed must be selected following an open and accountable selection process and possess the experience and expertise necessary to exercise the inspector's function. These requirements are consistent with equivalent statutory authorities in the ACT, rule 55 of the United Nations Standard Minimum Rules for the Treatment of Prisoners, adopted in 1955, and principle 29 of the United Nations Principles for the Protection of All Persons under Any Form of Detention.

Going to the first of those points, equivalent statutory authorities in the ACT, I do note Mrs Jones's comments, but I can inform the Assembly that the appointment process that has been identified for the inspector of correctional services is the same as that for the Human Rights Commissioner, the Victims of Crime Commissioner, the Health Services Commissioner, the Children and Young People Commissioner and the Public Advocate, and I think there is a general acceptance that those officers have no constraints on their independence. They have extensive powers. I do not think anybody is suggesting that they do not have the independence they need. This is a standard appointment process that has worked well for those officers. With the breadth of powers that are contained in this legislation, I believe that this office will have the integrity and the independence that are needed to fulfil the role it is being asked to do.

**MRS JONES** (Murrumbidgee) (6.18): I am disappointed that the government is not going to support this, because it is a genuine attempt to assist in making sure that this body is able to do its role. I do not make any assertions about any mal-intent, but simply that this is a government which has had a number of problems in this area. We want this body to work really well, and I am disappointed that this fairly simple amendment will not be supported.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 8

Noes 11

Mr Coe  
Mrs Dunne  
Mrs Jones  
Mrs Kikkert  
Ms Lawder  
Ms Lee

Mr Milligan  
Mr Parton

Mr Barr  
Ms Berry  
Ms Burch  
Ms Cheyne  
Ms Cody  
Ms Fitzharris

Ms Le Couteur  
Ms Orr  
Mr Pettersson  
Mr Rattenbury  
Mr Steel

Question resolved in the negative.

Amendment negatived.

Bill, as a whole agreed to.

Bill agreed to.

## Correction

**MRS DUNNE** (Ginninderra) (6.23), by leave: Thank you, members, for your indulgence. During the debate on pill testing, I quoted from the *Canberra Times*. I said that the *Canberra Times* had said that the ACT Liberals had refused more than a dozen times a request for a briefing. When I went upstairs, my staff pointed out to me that that was not strictly correct. I will quote from the *Canberra Times* to correct the record. It said:

The ACT Liberals Vicki Dunne and Jeremy Hanson, who oppose pill testing, had refused up to a dozen requests to meet with STA-SAFE and discuss their concerns.

I hope that that makes the record correct.

## Reportable Conduct and Information Sharing Legislation Amendment Bill 2017

Debate resumed from 2 November 2017, on motion by **Mr Barr**:

That this bill be agreed to in principle.

**MRS KIKKERT** (Ginninderra) (6.24): I am grateful for the opportunity to resume the debate on this important legislation, which the Canberra Liberals will be supporting. The reportable conduct scheme for the ACT, which commenced on 1 July 2017, received unanimous support when it was introduced. There can be no doubt that every single member of this Assembly views the safety and protection of our children and young people as of great importance.

This bill seeks to amend the Children and Young People Act and the Ombudsman Act. Its primary purpose is to improve information sharing for child protection. This was one of the core recommendations in the Glanfield inquiry that was tabled in May last year in response to the tragic death of Bradyn Dillon three months earlier. Mr Glanfield specifically recommended:

Legislative provision should be made in the ACT similar to Chapter 16A of the NSW Children and Young Persons (Care and Protection) Act ... to clearly authorise information sharing and to foster a culture of appropriate information sharing and collaboration.

The bill expands the range of entities that may request and disclose child safety information and, importantly, it specifically authorises the heads of such entities to share child safety information on their own initiative, if deemed necessary, without a request. I and the Canberra Liberals support these enhancements to information sharing. The Glanfield inquiry notes that:

Sharing information between and across a range of agencies is critical to protecting women and children, experiencing or at risk of experiencing family violence, and to ensure they receive the assistance they require.

Concern over the lack of information sharing in the ACT is not new. The ACT Community Law Council identified this as a problem in 1995, and it has been raised by a number of bodies and in a number of reports in the years since. Mr Glanfield concluded that avenues for sharing child protection information in fact already operated in the ACT, there being “no absolute legislative impediment” to this. But he also found “considerable reluctance to do so”, with legal constraints and a “great emphasis on privacy issues” as the apparent reasons. He also identified as factors both distrust and “a fear of breaching privacy due to the complex and confusing model operating in the territory”. For this reason, he strongly recommended specific legislation that would help shift the information-sharing culture in the ACT.

It remains to be seen whether this and the original legislation that was passed last year will be what is desperately needed to shift the information-sharing culture in this territory, but similar legislation seems to be helping in New South Wales and we can all hope that it will do the same here. I note that the Glanfield inquiry likewise recommends that:

Any legislative amendments should also be accompanied by an awareness campaign and guideline material about how information can be shared.

I fully expect the government to report back to the Assembly on what specific steps it is taking to follow this recommendation in conjunction with this legislation.

This bill also seeks to amend current legislation in order to remove private health facilities other than hospitals and ambulance services from the reportable conduct scheme. The provision is informed by data from the Royal Commission into Institutional Responses to Child Sexual Abuse. But more importantly it is a measure designed to allow the Ombudsman to appropriately focus its resourcing, monitoring and oversight on the most vulnerable children and young people. This is an important amendment. As examples in New South Wales have shown, when those agencies tasked with overseeing child protection are swamped by notifications that do not actually result in statutory intervention, the diversion of valuable resources results in many other children and their families not receiving the support that they need. This is something that we must be mindful of in this territory.

As data from the AIHW reports reveals, in the two years between 2013-14 and 2015-16 the number of child protection notifications received in the ACT swelled 40 per cent, and this resulted in a 76 per cent increase in child protection investigations. Naturally we all want every credible report of possible child abuse to be investigated thoroughly, but the latest figures show the ACT having the lowest rate of substantiated investigations in the nation, at 30 per cent.

As the AIHW has made clear, having too many substantiated investigations implies that children are probably being missed by the system. At the same time, a very low

rate of substantiations suggests that important resources are being drained away from the most vulnerable. It is difficult to know where the perfect balance between these two extremes lies, but it is important that our child protection system not be overwhelmed with reporting that is statistically unlikely to increase the number of children and young people who are kept safe. Such reporting may in fact reduce that number. I commend this bill to the Assembly.

**MS LE COUTEUR** (Murrumbidgee) (6.30): Madam Speaker, I rise today in support of this amendment bill. I note that this an important step to bring the legislation in line with recommendations in relation to information-sharing powers from both the Royal Commission into Institutional Responses to Child Sexual Abuse and the Glanfield report on the review of system-level responses to family violence in the ACT.

The absolute priority here is the need for children and young people to be safe from harm. It is extremely important that, where there are allegations of harm and risk to children and young people, information about their welfare and safety must be available to child protection, law enforcement and relevant oversight bodies to ensure that the best possible outcomes can be achieved.

I am pleased that this amendment includes the requirement for designated entities to have practices and procedures to deal with reportable conduct, because it is vitally important that health services, schools, childcare services and services providing out of home care must be prepared and equipped to respond to allegations of abuse of children and/or young people.

All too often there is a human tendency to think, “This will not happen on my watch or in my organisation.” This requirement ensures that if and when it does, the organisation will already know how to respond. This amendment bill aligns with our responsibilities as a human rights jurisdiction and upholds important aspects of the Convention on the Rights of the Child, in that we must act to ensure that children are properly cared for and protect them from violence and sexual abuse.

For me, what follows is the need to not only protect them from such abuse but also provide timely and appropriate support services to those who have suffered abuse as children if they have not been adequately protected. This is because the effects of such abuse can be lifelong and can have serious adverse effects on a child’s trajectory into adulthood. All too often we see drug and alcohol used as a means of self-medicating against the pain, or the advent of mental health issues that can seriously affect a person’s ability to participate in community life. In many cases this leads to contact with the criminal justice system, either as a repeat victim or an offender.

I am looking forward to the second bill that will be introduced in April 2018 to expand the scheme to include religious organisations that provide pastoral care and religious instruction. This is a gap in the existing legislation that I have already spoken about and drawn attention to. In some ways, the fact they were not included in the first iteration astounds me, given that the overwhelming majority of child sexual abuse examined through the royal commission was perpetrated in religious organisations providing a range of pastoral and spiritual care services and activities.

My hope is that the consultation process underway through the discussion paper on extending the scope of the scheme in the ACT to help organisations become more child safe and child friendly will also provide the ACT government with strong feedback to include children and young people's residential camps; youth organisations; charity services; sporting and recreational facilities; talent, photography and beauty competitions; babysitting services; transport services; and children's entertainment and party services.

One glaring omission, in my opinion, is vulnerable adults such as those with a disability. Women with intellectual disability experience sexual abuse at a disproportionately high rate. Some research suggests that it is as high as 90 per cent. Think about that. That is almost every single one of them. The rate of sexual abuse against men with intellectual disability is also disproportionately high, with other research suggesting that it is as high as 60 per cent. That is more than one in two. If the reportable conduct scheme cannot be extended to cover these groups, then I recommend that the government examine what other robust protections for these vulnerable adults can be introduced.

Going back to the current amendment bill before this Assembly, I again indicate my support for it, as there must be the ability to share relevant information between the Ombudsman's office, child protection, the police, the Human Rights Commission and the directors-general of relevant directorates. And there must be an obligation for designated entities to ensure that they have well-prepared policies and procedures to deal with allegations of misconduct of this nature. Being able to investigate and respond to such allegations is a way of ensuring that we are doing everything we can to protect Canberra's children and young people from harm.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism and Major Events) (6.35), in reply: I thank members for their contributions and support for the bill. The purpose of the bill is to further support the operation of the reportable conduct scheme in relation to information sharing and promotion of child safety. The amendments contained within the bill will help support reportable conduct information sharing amongst entities with responsibility for the care and wellbeing of children and young people. Improving information sharing for child protection was a recommendation of the Royal Commission into Institutional Responses to Child Sexual Abuse. The amendments in this bill represent an important step in addressing this recommendation.

The government is determining what resources we will provide to the Ombudsman to implement the scheme in the medium to long term. We have provided funding to ensure that the Ombudsman is able to prepare to expand the scope of the scheme to cover all activities undertaken by religious institutions by 1 July 2018, and to meet all the requirements of administering the scheme. The extension of the scheme to include these organisations is an issue actively being investigated by my directorate, and we are consulting with the community on how best to manage this process. A discussion paper was released earlier this month. We welcome submissions before 26 January next year.

When the royal commission hands down its report in December it may have specific recommendations relating to reportable conduct schemes and other aspects of keeping children safe in our community. I can assure the Assembly that the ACT government will be proactive in responding to any of the recommendations made. I thank members for their support of this legislation today.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Correction**

**MS LAWDER** (Brindabella) (6.37), by leave: On Tuesday afternoon, in the debate about my motion on disallowance of a disallowable instrument, I referred to a page I had which had two tables on it. Unfortunately I referred to the first table and said \$125 million. It should have been \$12 million, so I correct the record today.

## **Workers Compensation Amendment Bill 2017**

Debate resumed from 31 October 2017, on motion by **Ms Stephen-Smith**:

That this bill be agreed to in principle.

**MR WALL** (Brindabella) (6.38): In the interests of everyone trying to get out of here tonight, I will keep this very short. The opposition will be supporting this legislation. We note that it makes a couple of sensible changes in adjusting the death benefit, the funeral expenses and the allowance paid to dependents of people that have the very unfortunate occurrence of dying in their workplace. We also note that the number of infectious diseases and occupation-related diseases is extended.

The opposition paid very close attention to the impact that the increase in these benefits had and also to the alignment of the bill to the change in the pension age being made by the commonwealth. We were very conscious of the impact that these changes would have on the premium costs for small businesses. We have weighed that up on balance. These costs are very minor and do provide appropriate coverage for employees.

However, we flag that the ACT continues to have one of the most expensive workers compensation schemes in the country and that solid work does need to be done going forward to make sure that our workers compensation premiums remain competitive with those over the border in New South Wales.

**MR RATTENBURY** (Kurrajong) (6.39): The Greens also support this bill. It does modernise the ACT's workers compensation scheme and it results in better overall compensation outcomes for workers. It makes several improvements. I will touch on a



couple of them briefly. Firstly it updates the list of deemed employment-related diseases. Compared to work-related injuries, it can be difficult to prove that a disease was caused by particular employment. But the list now incorporates the updates developed by Safe Work Australia, based on the latest scientific advice. This is an important improvement. The bill also increases the amount of statutory compensation payable to the dependants of a private sector worker who dies as a result of their work. This no-fault payment avoids the need to pursue common-law damages through the courts, which can be difficult and costly.

Previously statutory death compensation payments for private workers were approximately \$200,000, significantly below those available to Comcare workers, which are approximately \$530,000. This \$216,000 figure available to private workers was, I believe, lower than anywhere else in Australia. Fortunately, this bill increases the statutory amount to the same as the Comcare limit, which is \$530,000. In future the amount will be indexed using the wage price index, which is the same index applied to the Comcare payment. A workplace death is of course extremely tragic, and a payment cannot truly compensate. However, it does, hopefully, provide some assistance. The Greens support this increase to bring the payment in line with that of public sector workers.

On this issue, I note that UnionsACT have argued for a further increase in the statutory compensation amount to match the amount in New South Wales, which is \$750,000. While I have listened to that position, I have to note that the New South Wales scheme is different to the ACT scheme in various ways, so it does not provide an accurate picture to just compare the statutory compensation amounts. Although it has a lower statutory compensation amount, the ACT scheme provides coverage to a greater number of people. For example, unlike the New South Wales scheme, the ACT scheme allows for common-law damages or coverage for injury sustained by a worker travelling to and from work.

Finally, the bill changes the age limits under which workers can receive compensation. It also introduces a penalty for the situation where an employer does not pay weekly compensation to an employee as required by the Workers Compensation Act. The Greens support these changes. We believe they are all positive improvements that will assist workers in the ACT.

**MS STEPHEN-SMITH** (Kurrajong—Minister for Community Services and Social Inclusion, Minister for Disability, Children and Youth, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Multicultural Affairs and Minister for Workplace Safety and Industrial Relations) (6.42), in reply: In the interests of time I simply wish to acknowledge the contributions of Mr Wall and Minister Rattenbury to this debate and thank them for their support for the bill.

I would also like to acknowledge the work of the scrutiny committee. There is an element of this bill which is retrospective. That was considered, as it should be, by the scrutiny committee, which determined that the retrospective operation of this element of the bill has no prejudicial effect. I thank everyone for their consideration of the bill and 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

**MS BERRY** (Ginninderra—Deputy Chief Minister, Minister for Education and Early Childhood Development, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Women and Minister for Sport and Recreation) (6.43): I move:

That the Assembly do now adjourn.

## Giralang

**MS ORR** (Yerrabi) (6.43): As I have spoken about it a few times already in this place, I would like to discuss Giralang in my final adjournment speech for the year.

*Opposition members interjecting—*

It is true. I have recently had a few of Giralang's younger residents write to me about the shops and I wanted to share a few of their words. I note that they have all given me permission to do this. James wrote to me:

Dear Ms Orr

I appreciate the work you've done for the Giralang community. I am writing the letter to bring an important issue to your attention. The building site near our school has been abandoned for a long time.

The site where the old Giralang Shops were is currently an unsafe wasteland. Some people, even Primary students, go there. It is too dangerous as they could be injured. A brick could fall at their feet and no one can help them. Giralang needs a community hub.

Canberra suburbs were designed to have a shopping complex or other community meeting place, parents and guardians can pick up the groceries after they pick up their children.

Every afternoon students are coming out of the 7 eleven with slurpees. It's unhealthy. We need more healthy things that a new supermarket can provide. That way people can have healthy options instead.

Yze wrote to me:

Dear Ms Orr, I am writing this letter to talk about the construction site next to Giralang Primary School.

I think the construction site next to Giralang Primary School should be turned into small shops because it's a lot easier for older people, so they don't have to walk to Kaleen Plaza.

At the moment the construction site looks ugly and it's unsafe because people can hurt themselves. It should be turned into small shops and very fast.

I hope you enjoyed reading and understand why I think that the construction site should be finished.

Abbie said:

Dear Ms Orr, about the shops, we should as a community rebuild them.

Canberra was designed for suburbs to have community hubs. People such as the elderly, who can't drive, shouldn't have to catch a bus to go to the shops. Catching a bus to and from the shops can take a long time. If we had shops in Giralang it would make it much easier.

Something needs to be done with the site because it has been abandoned for so long. There is lots of graffiti and it doesn't look safe. I have heard that some students go into the building site. They could really hurt themselves because there is lots of scaffolding and buildings things there.

Thanks for reading my letter.

Caleb said to me:

I'm writing to you about the construction site in front of Giralang Primary School. I think we should put a Target store there because kids and parents need to do shopping for the weekend and the next week of school.

You should put a shop there or make the construction site gone because kids are going in when they're not supposed to. Kids could hurt themselves.

You should do something because kids are doing graffiti in there and the graffiti is rude. Thank you for reading my letter Ms Orr.

And James wrote to me:

Dear Ms Orr,

I think the building site should get knocked down and rebuilt so we can have new ideas and designs.

For example, a cafe, so teachers can go get coffee before they teach us.

There should also be shops there so people don't have to go all the way to Kaleen.

But the 7 Eleven is good so you can still get slurpees, and chocolate and stuff.

Those are the views of a few of the younger residents of Giralang. I think they reflect the views of most residents of Giralang: that we would like some movement on this

site and to see something happening. This year I have been advocating very strongly for this to happen and meeting with the developer because, as much as government has a role and we have been investing in Giralang through the park and going out and speaking to people so that it is the community's park, the developer does have responsibility for the site and it is up to the developer to bring forward a proposal.

Having met with him a number of times this year to convey the wishes of the Giralang community to see action on this, I am very pleased to say that he has announced a start to a consultation. On Tuesday, 5 December at 6 pm, at the community house in Giralang, he will be meeting with the community to have a chat to them about not only their vision for the suburb but also his vision and how those two can be brought together. I encourage everyone to go along. This is not going to be fixed by one person alone; we all need to work together—the community, the government and the developer—so that, hopefully, we can get some movement and get shops for Giralang once and for all. That is my wish for Christmas. Hopefully, it will come true.

### **Valedictory**

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism and Major Events) (6.47): As the mood lighting descends upon the Assembly, I rise this evening to extend my best wishes for the festive season to you, Madam Speaker, to all colleagues in this place and of course to the broader Canberra community.

I particularly extend my thanks and warm wishes to the staff of the Assembly for their assistance in the daily business of this place. Making this place function effectively is no mean feat. I take this opportunity tonight to thank each and every member of the Assembly staff for the work that they do.

I particularly single out Max, though, for many years of dedicated service. I am not sure that you have seen a St Kilda premiership in any of your years in this place. I wish you all the best in that endeavour in a post-Assembly life. I do note that the mighty Hawks have won four premierships in my time in here. We will not talk about other wins. Max, thank you. We wish you all the very best for the future.

This year, 2017, has been a very busy and productive one. The government has gotten on with the job of doing what Canberrans asked us to do. We are not here to mind the shop; we are here to enact progressive policies, the progressive policies that we took to the 2016 election. This is a very appropriate time to thank each and every member of the ACT Labor parliamentary team for their tremendous efforts this year in working to enact the policies that we took to the election. I also thank our partners in government, Minister Rattenbury and Ms Le Couteur. The parliamentary agreement is functioning well.

As I regularly point out, inside and outside this Assembly, Canberra is the best place in the world to live. It has been very gratifying and reaffirming to see our city recognised in so many ways in recent times. We are a positive and progressive place. Things happen here. I am proud that more and more people are recognising what is on offer in Canberra.

It is a great time to reflect on 2017. It has been a remarkable year for our city. We are privileged, in this place, to help guide Canberra through a rapidly changing world. There is a lot to be positive about, but there is always much more to do. That is why we will be very busy in 2018 across the community's priorities of health, education, better facilities for our kids, transport systems that cater for a growing city, better and tidier suburbs and a strong, job-creating economy. The years ahead are going to be challenging not just for Canberra but for this nation, but we must always keep moving and keep reforming for the benefit of our citizens.

On a personal note, it is time to reflect on our friends and colleagues who are no longer with us. We will of course bid a final goodbye to Steve Doszpot at his state funeral tomorrow. I acknowledge the loss of our friend and community champion Jayson Hinder this year.

I thank the hardworking staff in my office and across the executive for the work that they do to support me, to support ministers and to support the government. I recognise that these jobs have a huge effect on family and personal lives, so I encourage everyone to make the most of the summer holidays after a very busy year.

I thank my partner, Anthony, for his enduring support and perhaps even more enduring patience with my role here, particularly during the challenging marriage equality postal survey period.

It has been a big year for beards, which have become much more noticeable in this place. I thank Mr Hanson for joining me on this journey—and, indeed, the Clerk. It is one thing that we can agree on.

I thank the officials in my portfolio agencies for the support and advice that they have provided me through the year. I particularly want to acknowledge the remarkable achievements of Bronwen Overton-Clarke, one of the territory's longest-serving public servants, who will shortly retire from her role as a senior CMD executive and as the Public Sector Standards Commissioner. I wish Bronwen all the best in the future. She has been a huge help to me and to several chief ministers before me in a career spanning 31 years.

Finally, I thank those who keep this city functioning during the year, especially at Christmas time: all of our hardworking emergency services staff, the teachers, nurses, doctors, cleaners and childcare workers and all other public servants for all of the important work that they do for the people of Canberra. And a special thank you goes to those who will be away from your families at Christmas time.

As we approach the bushfire season, thankfully it is a little wet outside. The ground is moist, so we should not have any bushfire issues this summer—fingers crossed. I know that the hardworking team at the ESA will be doing their very best to protect us.

We look forward to working with all of you in 2018. On behalf of the ACT government, have a safe and happy festive season.

## **Valedictory**

**MR PARTON** (Brindabella) (6.53): What a year. We are at the end of my first full year as a member of this Legislative Assembly. It has been an absolute blast. I want to thank you, Madam Speaker, for cutting me a bit of slack from time to time—

**MADAM SPEAKER:** Occasionally.

**MR PARTON:** and for giving me that smile even when you are admonishing me. I am trying to learn about how to do things in here from my friend Mr Hanson. I do not know if that is a good choice—

**MADAM SPEAKER:** No, not a good role model, Mr Parton.

**MR PARTON:** but he is the one who is teaching me. For me personally this year has exceeded all of my expectations; it has been everything I expected and more. People say to me, “Do you miss the radio?” I say, “No. I did the radio for a long time and now I am doing this.” Even in a week when I battled, and did genuinely battle, with every piece of my heart, against the greyhound legislation, in a week when I gave everything I had to a fight and lost, it is still a pleasure to be here. It is a pleasure to fight the good fight even if you lose.

To my colleagues I say thank you for being such a wonderful team. Thanks to my friend Alistair, who continues to provide some wonderful support to me as a new member and just as a friend; and to Nicole and Andrew, my Brindabella colleagues, who never descend into Hare-Clark inspired bitterness—or at least, if they do, they disguise it really well. It is tough when there are three of you in the same area.

To Jeremy Hanson, whose cajoling over a number of years eventually got me here and who is very simply a champion bloke: I love spending time with you, Jeremy. Mrs Jones and Mrs Dunne have both been wonderful to me in so many ways. They both possess a lot of knowledge but they also possess a truly wicked sense of humour, both of them, which helps us to retain our sanity. Thanks also to the other members of the class of 2016, Elizabeth Lee, Elizabeth Kikkert and James Milligan, for sharing this journey with me. And thanks again to the great Steve Doszpot for just being Steve. It is going to be a sad day tomorrow.

My warmest end of year regards go to all of those opposite. I hope that our relationship does not deteriorate further as we move through the electoral cycle, but I fear that that may be the case. I guess the fascinating thing about our lives in here, locked in mortal combat with those opposite, is that personally we do not think they are all that bad. This is bad, because if I mention some I have got to mention all, do I not? Full marks go particularly to Meegan, Andrew, Gordon, Tara, Suzanne, Bec, Michael and Caroline for actually keeping it warm and friendly. It is appreciated, because—

**Mr Coe:** Who have you left out?

**MR PARTON:** You will have to go back to *Hansard*. And if I did leave anyone out, it was merely an error, of course. My staff have been awesome. Rob Lovett and Brad Clarke are two vastly different men with vastly different skill sets. They complement each other and me really well. It has been a pleasure to share an office with them. I would like to pay tribute to my two committees, EDT and ETCS: Jeremy, Suzanne, Michael, Tara and the staff who all make that happen.

Thanks to the Assembly staff for everything you do. Midnight Max, it is not going to be the same without you. I doorknocked Max during the election campaign but I cannot tell you how he voted, because he was not home. I do not know if I would have got him or not. I understand that it had been his wish to retire once St Kilda won a premiership, but he has conceded that that could still be a little way away.

When it comes to the Assembly staff and particularly the attendants in this chamber—in this country we do not live in a culture where we have hired help at home; we do not tend to have servants, and I still find it a little weird when the attendants come by and fill up my water. I am thankful, but I think that when the attendants have their Christmas Party the MLAs should rock up and wait on them. I would be happy to stand around and top up your glasses while you guys are gasbagging like us. I am happy to do that.

**Mr Coe:** It might not be water though, Mark.

**MR PARTON:** No, it will not be water. Thanks to my wonderful family for allowing me to indulge in this job, and to my beautiful wife, Luisa, who is my rock every day. She also boosts the ratings for the various live streams of the Assembly and she is probably listening now. I promise I will be home soon. To Brydie, Delaney, Attila, Angela and Anna, who are often compromised because of my schedule in here, thanks for your support.

But more than anything else, thanks so much to the community who supported me to come into this place and who continue to support me. I do not know how long I will do this for; none of us do. But I can tell you it is a great privilege to stand here and represent so many. We have had a year of engagement. I promised to keep on doorknocking after the election. That is what I have done and it has been a blast.

The end of the year is nigh. Do not work too hard. Make sure you have some time for you to refresh and recharge over the summer break. Thank you.

### **Valedictory**

**MR RATTENBURY** (Kurrajong—Minister for Climate Change and Sustainability, Minister for Justice, Consumer Affairs and Road Safety, Minister for Corrections and Minister for Mental Health) (6.58): The end of the sitting year is always a point of reflection as we look back at what the year has been like and contemplate the year ahead. I have certainly reached the end of 2017 with a sense of accomplishment about the things we have been able to achieve and deliver for our community, for those who voted for us and for this city as a whole. Of course there are also aspirations not met, but they provide a very good reason to turn up again in 2018 and have another go at

trying to achieve some of those things that perhaps we did not get to this year and iron out some of the glitches that still float around our city.

I take this opportunity to thank a range of people, as other members do at this time of year, particularly the Assembly staff. Comments have been made already tonight about how well they support us. I spoke earlier today about Max's retirement and I wish him very well in that.

I thank the Chief Minister and his ALP colleagues. As the Chief Minister noted, our parliamentary agreement continues to serve us very well. We certainly strive together to make this city as good as it can possibly be.

I thank the staff in all my directorates. There are many of them and obviously I will not be able to name them individually. When you become a new minister, you pick up all these new people you start working with and it takes a little while to get to know them, and for them to get to know us as ministers. I have really enjoyed working with the staff in all of my directorates. Each of them brings different skills and a different passion to the job, but I know that all of them are committed to doing the best job they can for the Canberra community.

I have some portfolios with a few tough responsibilities. Some of the staff that work in my areas of responsibility will be working very hard over Christmas, particularly those in mental health and corrections. They are tough jobs, I acknowledge that and understand how hard it is for them on the front line. We will be thinking of them over Christmas particularly as they continue to serve this community as well as they can.

I particularly acknowledge my Assembly colleague, Caroline Le Couteur, and her team. It has been great having a year in which there were two Greens in the Assembly, having a colleague to share the crossbench with and to seek wise words from on some of the issues that confront us, and to share the ideas that we have.

I thank the staff in my office. I will start with the directorate liaison officers: from Health, John and now Cathie; from the Environment, Planning and Sustainable Development Directorate, Kim—enjoy your holidays, Kim; I think she has already bolted out the door for a flight this afternoon and I hope she has a great break—and from JACS, Sam, who has now returned to the directorate, and Elizabeth, who has just joined us. I appreciate their professionalism as well as the fun that they bring to the office.

To my own staff, Indra, Matt, Michael, Lisa Gelbart, Lisa Gardiner, Jarrah Aguera and Christian, I could not do this without you. They are fun, professional, passionate and just a terrific team to work with. It gives me confidence every day that I have got them with me as we seek to do the best we can for this city and for those that support the Greens.

Tonight I particularly want to mention Jarrah Robbins. He has been working with me for many years now and is someone I have the most enormous respect for. It has been an incredibly tough time for Jarrah and we will certainly be thinking of him this Christmas and assuring him that whenever he needs us we will be there for him.



I wish all colleagues in the Assembly a wonderful Christmas. Enjoy the festive season, and we will see you in 2018.

### **Valedictory**

**MS LEE** (Kurrajong) (7.02): Whilst I may not quite have a tendency for poems like Ms Lawder's or have a Christmassy wardrobe like Ms Cheyne's, it does give me enormous pleasure to deliver my first end of year adjournment speech.

Disability and the environment were not sectors that I had any expertise or experience in but I threw myself into these portfolios with all the gusto of a newly elected member. In marking my one year in the Assembly, I spoke about some of my adventures so far. I take the opportunity today to highlight some others. I am sure that not many members will be able to lay claim to having led a SH'BAM warm-up for the Alzheimer's ACT Memory Walk and Jog or gone on a spin class crawl to raise funds for Hartley Lifecare.

I have had constituents approach me with issues ranging from potholes and broken streetlights to complex issues with the NDIS plan, variations to the Territory Plan and noise and light pollution; and from light rail to unfair rates hikes, disability transport and mobility parking and cancellation of a much-loved bus route. I have had the great pleasure of hosting work experience students, interns and volunteers. Siobhan, Georgina, Ashleigh, Dollie and Jasmine are all amazing young women who I know will go far.

I put my hand up to be a member for Kurrajong because I want to be able to advocate for and represent people who may not be in a position to do it for themselves. Whilst doing this in opposition has its challenges, I know that there are people who look to me to make a difference, and it is what I strive to do every day.

The small part that I was able to play in assisting SHOUT earlier this year, the small role I played on the select committee on establishing the ACT anti-corruption and integrity commission, the small experience from my legal background that I bring to the scrutiny and the JACS committees, the small contribution I make to Canberrans living with a disability, the small smidge of difference I make to our natural environment and our ongoing commitment to the future of sustainable energy supply, and the small community full of heart that is Kurrajong that I am proud to represent are all the small things I can do to help make Canberra just a little better.

Even though it is my job to help others, to inspire others and to lead others, being a member has given me the opportunity to work with and meet some of the most inspiring people in Canberra. There are so many amazing Canberrans. I cannot mention them all but I will highlight one: a faceless, nameless Canberran who goes about her day without fanfare or recognition who I have come to develop a great respect for.

K is a bilingual social worker who works at one of our hospitals. When Canberrans from the same ethnic background with little English come to the hospital after a major trauma, lost as to where to go next, having no idea how to even start navigating the NDIS, she goes above and beyond her role of social worker to translate, to be their

shoulder to cry on, to reassure families and to give advice about where to go next. If this were not enough, K has a child with a disability for whom she is carer, and she volunteers for the multicultural community. She has a resilience that cannot be matched.

It would not be a proper end of the year adjournment without an Oscar-worthy list of thank-yous. First, thank you to the people of Kurrajong for placing your faith in me and for trusting me as your local member to be your voice in the Assembly.

Thank you to all the staff at the Assembly for making our jobs easier every day, and thank you, Max. We did not get a chance to work very long together but I will always remember fondly our adventures in getting through security at Parliament House to give evidence before that Senate inquiry on billboards. Best wishes in retirement.

Thank you to my team of Sue, Josh, David, Anton and Dan. I could not ask for a better team to be on this crazy journey with. They really do go above and beyond their duty, and I am always grateful for their support. Indeed, thank you to all the staff in all the MLAs' offices, because I know just how hard they work.

To all my colleagues across the chamber, on the crossbench and of course in my own party room: Alistair, Nicole, Andrew, Vicki, Jeremy, Giulia, James, Elizabeth and Mark—and I know that Steve is watching down today and we will get a chance to say a proper goodbye to him tomorrow—I look forward to continuing to work with you in 2018. Madam Speaker, thank you for your guidance in my role as Assistant Speaker.

Finally, a great big thank you to my partner, Nathan, and also my parents, John and Cecilia, who definitely take on the brunt of my crazy life. I thank you for your love and support. Happy Christmas to everybody.

### **Valedictory**

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Transport and City Services and Minister for Higher Education, Training and Research) (7.06): Another year has come to an end. Some days it is a bit hard to take a breath and reflect on what has happened this year, what we have collectively achieved and particularly who we have lost. First, I pay tribute to the loss of former and current members of the Assembly: Jayson Hinder, Val Jeffery and Steve Doszpot. May they all rest in peace.

On a different note, there have been a couple of babies born to staff in the building this year. I look forward to hearing great news from your office, Madam Speaker. How you might manage to have two babies born at the same time is quite remarkable.

As ministers, we have the privilege of being able to update the Assembly often on our achievements, as well as being the subject of questions in here and in committees. For me there have been many highlights. I would just like to mention a few today.

The work that we have done to inform our new approach to preventative health is something that I am very proud of. It has been informed through multiple

conversations within government, across the community and with our stakeholders. This is vital work that I spoke about in my first speech in this place. We simply have to shift the dial on our focus on health. We must make sure we do everything we can to make our community healthy.

I am also very excited about our work to encourage kids to walk and cycle to school. Next year, 2018, will be a big year for kids in Canberra as we roll out more and better programs to encourage kids to walk and cycle to school. And next year, in addition to light rail and an upgraded bus station in the Gungahlin town centre, there will also be a big change to Hibberson Street, becoming a shared zone prioritising pedestrians. I first started working on this in 2012 and I am so pleased to see change on the street coming in 2018.

This year we have seen parliaments around the country at their worst and, more recently, at their best. Parliaments remain important, and it is great to have an enlarged Assembly here in the ACT. The role of representative democracy is a fundamental part of the success of our community, as somewhat old-fashioned as that may seem today.

I will say some thank-yous. Thank you to the community of Yerrabi, which I think is Canberra's happiest community, many of its residents pioneers of their suburbs, a wonderful mix of ages, ethnicities and professions. It is a great place to live. And thank you to the broader Canberra community for sharing your stories, for supporting us and for your patience with all of our roadworks.

Thank you to all my colleagues. As I said last year, we are greater than the sum of our parts. That is even more true this year. It is so great to have many new members out there chatting to people in their neighbourhoods, learning more every day about what matters to our community and getting to know them even better.

Thank you especially, Chief Minister, and you, Madam Speaker. You have been a terrific Speaker. I have really enjoyed seeing you thrive in this role, keeping us in order. Thank you for your good advice. Thanks to Shane and Caroline for being good colleagues and to the opposition for your participation and your humour. Where we do agree and work together, it is what we can collectively do best. Thank you to the directorates that I work with every day, who work so hard to deliver for our community in the roles that serve the community every day.

Thank you to Assembly staff. Yesterday it was great to get a glimpse of your amazing calm, with 55 pages of amendments. It was truly remarkable. Thank you to all those staff who sit in the clerks' chairs. I do not know how you keep a straight face sometimes. Thank you to the attendants, who are so welcoming, and for your endless filling of my water glasses. Thank you to Bob, who cleans my office, and all the other cleaners. I arrive very early most mornings and it is nice to share these early hours with you.

Thank you to my office, without which I simply could not do this job. We have had a huge year. I will mention something about each of them. Thank you very much to the two Karens and to Ashleigh, our DLOs; to Vanessa, who has very smartly brought

order and calm and the best instinct about human beings I have ever come across; to Blair for his boundless enthusiasm and irrepressible efforts to work with our stakeholders and many MLAs across a very big portfolio; to Judy for joining us and bringing a very rich professional background and wisdom to our office, for taking this leap; and to Elliot for getting stuck into this busy world, working long hours, always being upbeat and ready to work, and being a good source of advice and great company. Welcome back, Claire. It is just so nice to have you back. I and many of us are in awe of you, and we hope Nicky can come in more often so that we can cluck over him. You have given me such sound advice and a good talking to over the past three years, always at just the right time. Hanna, thank you for joining us and for being upbeat, smart and impeccably well dressed—which just had to be said.

Charlotte, my first staff member, will leave in January, almost exactly three years after she joined me. She is awesome and has a very big future. Her story is a great one. She will go on to do big things and I really look forward to seeing those. She has more initiative and organisational skills in her little finger than most people have in their whole life. She is a great campaign manager. She is patient; I tried to count the number of mobile offices and doors we have knocked on but I could not keep up. We never run out of things to talk about. She makes sure she remembers to tell me that I am old; I am not sure if I will feel young when she goes. We will miss her.

And to my family, thank you very much.

### **Valedictory**

**MR COE** (Yerrabi—Leader of the Opposition) (7.11): As has been remarked upon, another year has gone by. I would like to start by thanking the staff in my office, those currently there, those who have left and those who are on maternity leave. To Ausilia, David, Deborah, Emily, Joe, Kate, Ramon, Sarah and Stuart, thank you very much for all that you have done to support me and to support the Assembly team.

To my colleagues, Andrew, Elizabeth, Elizabeth, Giulia, James, Jeremy, Mark, Nicole and Vicki, I thank you very much for the work that you have done. I think we are a good team, I think we are a diverse team and a team that fairly and accurately represents Canberra and I think it is a team that will go well in the coming three years.

As I remarked last night at Elizabeth Lee's event, the first year of a four-year term in opposition is hard work. I know that, based on 2009 and on 2013. You are in the shadow of one election and the next election seems a long way away. But I think it has been a good year of consolidation, of building systems, of getting to know each other and, of course, getting across our portfolios and getting a few wins along the way as well. I would really like to thank my colleagues for giving me the opportunity to lead the party that I love. I also want to thank and pay tribute to Steve, Jayson, Val and their families. They will be in my thoughts this Christmas.

There have been many issues that we have litigated over the last 12 months, things such as school contracts and education standards, care and protection issues, the funding of SHOUT, the prosecution of issues at the jail, issues with Indigenous policy, bikie laws, the casino and greyhound issues, the lease variation charge and the overall

planning regime. There have been hospital fires and ongoing data issues, light rail, ICAC, land deals, rates, dangerous dogs and many others.

For a small team there is a lot to get across. There are those that have never experienced opposition, which is everyone on the other side of the chamber now. Just as we do not know what it is like to live in their shoes, I do not think they quite understand what a day in the life of opposition is like either. But I very much look forward to the agenda and the issues that we will be presenting next year.

I want to say thanks to Max, again, for all that you have done over the last 14 years. I also want to thank all the offices within the Assembly, particularly the committee office, the library and Hansard. To the officers of the Assembly, I wish you a merry Christmas too; and to all the public servants that diligently prepare answers to our questions on notice, thank you very much. I realise that that is a burden but it is probably a necessary burden. However, I imagine they do not always agree with me as they are preparing those statistics.

Finally, I would like to thank Yasmin, Angus and Annabel, who each morning and each night when I see them remind me of what really matters in life.

### **Valedictory**

**MADAM SPEAKER (7.15):** Members, with your indulgence I will say a few words from here. I want to end this year by thanking all of the officers of the Assembly, from the attendants to all that goes on behind the scenes and in front of the scenes. We now know there is Midnight Max, so next year what we call Mr Duncan needs to be revealed. I look forward to that. To my colleagues, thank you for a very big year, a successful year. I am enjoying the view from here, so thank you for that opportunity.

Much has been said about friends and family over this time, so I will provide two quotes. The first one is from Kahlil Gibran:

You may forget with whom you laughed, but you will never forget with whom you wept.

And, on a more positive note, Ralph Waldo Emerson said:

It is the blessing of old friends that you can afford to be stupid with them.

And I think that through the year we have seen many such activities.

To my great staff, Melinda Gonczarek, Emma Cooper and Tom Nock, I simply say, “Fangleberry and well job,” and they will know exactly what I mean. I wish Mel and Emma all the best because within the next two weeks we will have two new babies associated and connected with the Assembly. If they are completely coordinated and organised they will make it for Speaker’s drinks next Friday. I very much wish them a happy Christmas.

To end, I refer to a valedictory in *Hansard* of 14 December 1996. Santa Claus does exist. It is recorded in *Hansard*. It seems that Mr Humphries, the attorney at the time, was trying to close debate, and in through the doors came Santa Claus:

Ho, ho, ho, Mr Speaker! I wish everyone a merry Christmas, and to all a happy 1996.

I wish you all “Ho, ho, ho, a happy 2018.” It is on page 3099, if there is any doubt.

### Valedictory

**MS BERRY** (Ginninderra—Deputy Chief Minister, Minister for Education and Early Childhood Development, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Women and Minister for Sport and Recreation) (7.18), in reply: I wish all members and their families a safe and happy end of year celebration, and obviously a big thank you to all of the countless people who have made this another successful year for the Assembly and for the ACT government. I particularly want to thank the Chief Minister and my Labor colleagues for the support that they have shown me as deputy leader as well.

Of course I also want to thank the people of Ginninderra for choosing me again as a member in this place last October. It is a privilege and I never take it for granted. I hope to catch up with many of my Belco neighbours over the summer break.

What I would like to focus on in reflecting on the year is the bravery of the victims of domestic and family violence and sexual assault who have sought help, and the amazing professionals who provide it. To give you an idea of the scale, in the ACT alone there were 26,000 phone calls to the Domestic Violence Crisis Service and 24,000 to the Canberra Rape Crisis Centre. More than 3,000 family violence incidents were attended by police and nearly 700 criminal proceedings commenced by the DPP.

Christmas will not be easy for these people and it might not be safe. But what the Canberra community has shown, particularly in the last couple of years, is that we acknowledge the scale of this problem and support all of the interventions that are needed to stop it. Crisis support services, police, community and housing services, and the many individuals involved do amazing work every day, 365 days of the year for this cause.

The Canberra community has also shown courage and a willingness to support the perpetrators to better understand their behaviour and to change. This takes courage too, and equally dedicated and skilled professionals to work with them through this process. During this 16 days of activism as we head into the break, all of these people will never be far from my mind. I also ask members to keep up their advocacy and keep pushing for change over this festive season and into next year.

I remind members that as of last night the domestic violence Christmas program, which is an initiative supported by Housing ACT, in collaboration with the Domestic Violence Crisis Service, has commenced. The program has been running successfully

for 12 years. This program provides short-term accommodation for women, men and children escaping domestic and family violence where refuge accommodation is not available over the Christmas and New Year period. The program runs from 29 November 2017 to 31 January 2018. The phone number for the Domestic Violence Crisis Service is 6280 0900.

In finishing up, Max: a former constituent of mine and former Speaker of this place, when I told him you were retiring, said, “Good on him. Send him my regards.”

Question resolved in the affirmative.

**The Assembly adjourned at 7.22 pm until Tuesday, 13 February 2018, at 10 am.**

## Schedule of amendments

### Schedule 1

#### Inspector of Correctional Services Bill 2017

Amendment moved by Mrs Jones

1

Clause 9 (2) and (3)

Page 6—

*omit clause 9 (2) and (3), substitute*

- (2) The appointment must be made—
    - (a) in consultation with—
      - (i) a standing committee of the Legislative Assembly nominated by the Speaker for the purpose; or
      - (ii) if no nomination under subparagraph (i) is in force—the standing committee of the Legislative Assembly responsible for the scrutiny of public accounts; and
    - (b) in accordance with an open and accountable selection process.
  - (2A) The committee may make a recommendation to the Executive about the proposed appointment.
  - (3) The Executive must not appoint a person as the inspector unless—
    - (a) the Executive is satisfied that the person has the experience or expertise necessary to exercise the inspector's functions; and
    - (b) the Legislative Assembly has approved the appointment, by resolution passed by a majority of at least 2/3 of the members.
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## Answers to questions

### Drugs—pill testing (Question No 772)

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 27 October 2017:

- (1) In relation to research by Winston Sustainable Research Strategies, and associated information, cited on ACT Health's webpage on pill testing, when was the Canberra Omnibus Survey conducted.
- (2) What questions were asked in the survey.
- (3) Can the Minister supply a copy of the Canberra Omnibus Survey report from Winston Sustainable Research Strategies; if not, why not.
- (4) Was information or opinion specific to pill testing sought from respondents to the survey; if so, what questions were asked in order to garner that information or opinion.
- (5) What methodology was used in conducting the survey.
- (6) How many people participated in the survey.
- (7) What was the standard error in the survey results.
- (8) What did the survey cost.
- (9) Which government agency funded the survey.
- (10) What procurement process was used in securing the contractor to undertake the survey.
- (11) What was the contract number.

**Ms Fitzharris:** The answer to the member's question is as follows:

1. Winston Sustainable Research Strategies undertook interviews from 31 August to 3 September 2017.
2. The report is classified *Cabinet in Confidence*.
3. See answer to question two.
4. See answer to question two.
5. See answer to question two.
6. See answer to question two.
7. See answer to question two.

8. \$7672.50
  9. ACT Health.
  10. Procurement was undertaken in accordance with the purchasing principles and guidelines as stated in the *Government Procurement Regulation 2007*, for services or works less than \$25,000.
  11. A quotation was sought from the provider and a contract was not required as the amount quoted was below the notifiable contract threshold.
- 

### **Health—CALMS (Question No 773)**

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 27 October 2017:

- (1) What was the start date for the service funding agreement with Canberra Afterhours Locum Medical Service (CALMS).
- (2) On what date does the agreement expire.
- (3) Is there an option to extend the agreement; if so, what are the terms of the option.
- (4) What is the annual funding provided under the agreement.
- (5) Is the annual funding paid more frequently than once per year; if so, how frequently and in what proportions.
- (6) What was the tendering process used and if single select, why.
- (7) Does the funding provided under the agreement subsidise service fees CALMS charges its patients; if not, for what is the funding intended; if so, by how much.
- (8) Does the agreement require CALMS to operate an accredited, afterhours primary medical care service, available to all ACT residents based on clinical need, inclusive of residential aged care facilities; if not, what service is CALMS required to provide.
- (9) Why are emergency departments unable to provide the afterhours primary medical care services provided by CALMS.
- (10) Do the hours of service provided by CALMS overlap with the opening hours for the nurse-led walk-in clinics; if so, why.
- (11) What analysis was made of the cost of providing a CALMS service versus the cost of providing 24/7 service at nurse-led walk-in clinics.

**Ms Fitzharris:** The answer to the member's question is as follows:

1. The start date of the current Service Funding Agreement (SFA) with Canberra Afterhours Locum Medical Service (CALMS) was 1 October 2016.

2. The current SFA expires on 30 June 2019.
  3. Clause 14.1 of the SFA allows for the Agreement Period to be extended only by the written agreement of the parties prior to the expiration of the SFA.
  4. Base funding for CALMS in 2017-18 is \$1,262,432 (GST exclusive) per annum.
  5. CALMS is paid 50 per cent of total annual funds twice a year in July and January.
  6. New SFAs with existing service providers was the chosen procurement method for the CALMS to ensure continuity of service to the Canberra community by commencing new SFAs with existing service providers.
  7. Funding provided under the agreement does not subsidise service fees. CALMS is funded to provide Afterhours GP services through the whole of the after-hours period at three agreed clinic settings and at Home or Residential Aged Care Facilities (RACF's) as clinically appropriate.
  8. Yes, CALMS provides an accredited, after-hours primary medical care service, available to all ACT residents based on clinical need, inclusive of residential aged care facilities.
  9. Canberra Hospital's Emergency Department (ED) is a specialised unit designed to provide quality emergency care and treatment to people who are seriously ill, injured, in pain or are suffering from life-threatening conditions. CALMS GP service provides afterhours primary medical care services for conditions that a patient would usually see their GP for, and that cannot wait until the in-hours period. Patient attendance at CALMS reduces demand on the more costly, tertiary treatment and trauma services provided at ED.
  10. CALMS call centre operates from 6pm to 8.30 am the following morning, with clinic hours from 8:00pm until approximately 11:00pm weekdays. A home visit can be arranged outside the clinic hours. On weekends & public holidays, CALMS clinic is open from 10.00am until approximately 11.00pm. Walk In Centres hours are 7.30am to 10pm every day of the year, including Christmas Day and New Year's Day.  
  
CALMS operates after-hours including its call centre, overnight, while walk-in clinics do not operate overnight. There is a small overlap in the late evening and early morning, however CALMS and nurse-led walk-in clinics provide different, albeit complementary, services. CALMS provides GP services and the Walk In Centres provide one-off nursing advice and treatment for people with minor illness and injury.
  11. A comparative cost analysis is not possible as the service scope/purpose and business models of CALMS and nurse-led walk in centres are different. CALMS is a private service, receiving Medicare Benefits Schedule (MBS) funding from the Commonwealth Government and gap fees from some patients. In addition, the ACT Government provides funding to enhance their capacity to employ GPs. Nurse-led walk-in centres are fully funded by the ACT Government.
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**Health—waiting times  
(Question No 776)**

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 27 October 2017:

- (1) In relation to the answer to question on notice No E17-178, noting the increasing trend in wait times longer than clinically recommended as at the end of each month January to May 2017, what strategies are in place to deal with the increasing trend.
- (2) What analysis has been done as to the reasons for the increasing trend.
- (3) What were the numbers as at the end of (a) June 2017, (b) July 2017, (c) August 2017 and (d) September 2017.

**Ms Fitzharris:** The answer to the member's question is as follows:

1. The ACT Elective Surgical Management Plan 2017-2018 has been developed to reduce the total number of long wait patients over the 2017-18 financial year.
2. The increasing trend of long wait patients during the second half of last financial year has been attributed to the following contributing factors:
  - a. Ongoing increases in demand for both emergency and elective surgery.
  - b. While Calvary Public Hospital Bruce has met overall surgical activity targets, some specific surgical specialty targets have not been met, leading to the wait list increasing at specialty level.
  - c. Scheduled maintenance within operating theatres, resulting in a number of theatres being unavailable for surgery at Canberra Hospital and Health Services for short periods.
3.
  - (a). June 2017 was 424
  - (b). July 2017 was 442\*
  - (c). August 2017 was 517\* and
  - (d). September 2017 was 505\*

\* The data for 2017-18 is preliminary and subject to change due to validation processes and changes in clinical urgency and ready for care status.

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**Health—policy  
(Question No 777)**

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 27 October 2017:

In relation to the answer to question on notice No E17-537, has the Government made a decision on what will be encompassed by the Preventative Health Strategy; if not, (a) what is the status of this decision-making, (b) when will the strategy be finalised and (c) when will the strategy be released publicly; if so, (a) what does the strategy cover,

(b) is the strategy therefore complete, (c) what process was followed in its development, (d) when was it released and (e) where may it be accessed.

**Ms Fitzharris:** The answer to the member's question is as follows:

On 6 November 2017, I outlined the government's broader approach to preventive health by

- Addressing the risk factors and better understand how Canberrans make choices and finding ways to help Canberrans make simple changes to lead a more healthy and active life
- Building a strong, broad based research capability in preventive health able to inform policy and healthy practices in the ACT
- Using innovation to commercialise research in preventive health and grow and diversify business opportunities in the sector
- Using our 'healthy and active living' commitment as a way to attract people to live in our city as well as be a draw card for visitors who want to experience a city strongly committed to the wellbeing of its citizens.

Developing a strategy to deliver on these four objectives will commence in early 2018, in partnership with relevant experts and key stakeholders. A preventative health plan addressing specific actions and strategies to prevent chronic conditions will be developed as part of this overarching strategy.

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### **Government—expenditure (Question No 778)**

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 27 October 2017:

Why were the following invoices, as disclosed in the notifiable invoices register, not paid within one month of receipt of the invoice: (a) Donald Cant Watts Corke (Health Advisory) Pty Ltd – \$44,333.33 (invoice received 6 June 2017, paid 10 August 2017), (b) Donald Cant Watts Corke SAFM Pty Ltd - \$75,691.00 (invoice received 10 June 2017, paid 29 August 2017), (c) Everlight Radiology Limited – \$90,370.50 (invoice received 7 July 2017, paid 29 August 2017), (d) KPMG – \$61,380.00 (invoice received 30 June 2017, paid 17 August 2017) and (e) KPMG – \$31,680.00 (invoice received 15 May 2017, paid 17 August 2017).

**Ms Fitzharris:** The answer to the member's question is as follows:

1. a) Invoices were inadvertently overlooked during a change of staffing arrangements, which resulted in the invoices not being tracked and payment delayed. A process has since been established with the suppliers to forward invoices to a shared email account for processing payments without delay.
- b) Invoices were inadvertently overlooked during a change of staffing arrangements, which resulted in the invoices not being tracked and payment delayed. A process has since been established with the suppliers to forward invoices to a shared email account for processing payments without delay.

- c) The invoice from Everlight Radiology Limited was raised on 31 July 2017, and due for payment by 18 August 2017. The invoice was received by Canberra Hospital and Health Services (CHHS) on 4 August 2017, processed and sent to Shared Services for processing on 16 August 2017. CHHS received a reminder email, and followed up with Shared Services who advised they had not received the invoice. The invoice was resent to Shared Services on 22 August 2017 and was processed.
- d) The invoices from KPMG required further clarification of the actual dates worked onsite by the consultant in the month of April, delaying payment.
- e) The invoices from KPMG required further clarification of the actual dates worked onsite by the consultant in the month of April, delaying payment.

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### **Health—illicit drugs (Question No 779)**

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 27 October 2017:

How many people reported to hospitals in the ACT during 2016 for overdoses of (a) benzodiazepines, (b) pharmaceutical opioids, (c) heroin, (d) methamphetamines, (e) party drugs such as MDMA and (f) other drugs.

**Ms Fitzharris:** The answer to the member's question is as follows:

1. 323 patients presented to ACT Emergency Departments during 2016 which were classified as drug overdoses of the kinds requested.

Emergency Department Patient data only collects one diagnosis code for each patient, therefore a breakdown by type of drug is not available

The data on patients admitted to hospital and discharged in 2016 that may have been admitted for drug overdose but classified as 'poisoning' as a result of these drugs are:

- (a) 120 episodes of care for patients with 'poisoning by benzodiazepines';
- (b) 166 episodes of care for patients with 'poisoning by pharmaceutical opioids';
- (c) 10 episodes of care for patients with 'poisoning by heroin';
- (d) nine episodes of care for patients with 'poisoning by methamphetamines';
- (e) 12 episodes of care for patients with poisoning by party drugs such as MDMA; and
- (f) other drugs – unknown as the definition is too broad.

'Emergency Department Patients' and 'Admitted Patients' have separate classifications for reporting purposes as they are different patient cohorts. Therefore, the two datasets cannot be compared.

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### **Health—illicit drugs (Question No 780)**

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 27 October 2017:

How many deaths were caused in the ACT during 2016 by (a) benzodiazepines, (b) pharmaceutical opioids, (c) heroin, (d) methamphetamines, (e) party drugs such as MDMA and (f) other drugs.

**Ms Fitzharris:** The answer to the member's question is as follows:

1. Data for 2016 coded with cause of death is not yet available. Data on ACT deaths is collected and maintained by the ACT Registrar of Births, Deaths and Marriages. Cause of Death codes are provided by the Australian Coordinating Registry (ACR).

The Australian Bureau of Statistics (ABS) have published data for 2016 registrations that is noted as preliminary and subject to revision. The ABS reports a total of 32 drug induced deaths for the ACT in 2016.

<http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/3303.0~2016~Main%20Features~Drug%20Induced%20Deaths%20in%20Australia~6>

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### **Arts—policy (Question No 781)**

**Mrs Dunne** asked the Minister for the Arts and Community Events, upon notice, on 27 October 2017:

- (1) In relation to the answer to question on notice No E17-261, given the 2015 16 artsACT Strategic Plan expired more than one year ago, when was/will a new plan be (a) developed and (b) released.
- (2) What process was/will be followed to develop the new plan.
- (3) Did/will that process include an evaluation of the outcomes achieved under the 2015-16 plan; if not, why not.
- (4) When will the 2015 ACT Arts Policy be updated.
- (5) What process will be followed to update the policy.
- (6) What are specific examples of the support and advice artsACT has provided to other government agencies in relation to their support for the arts in each of the previous two financial years.
- (7) What are specific examples of advocacy artsACT has undertaken for inclusion of the arts in other areas of government in each of the previous two financial years.
- (8) Why are there no measurable targets for ACT Government directorates and agencies in relation to the arts.
- (9) Is the Government giving consideration to a strategy for inclusion of arts programs in other directorates and agencies; if not, why not; if so, what is the (a) scope and (b) timeline.
- (10) In relation to the answer to part (6) of E17-261, what were the targets and outcomes for each of the dot points outlined in the answer.



- (11) How does artsACT measure success in those areas if there were no targets.
- (12) Is the Aboriginal and Torres Strait Islander (ATSI) Agreement more than two years into its three-year currency; if so, (a) why are there as yet no specific programs and targets for ATSI arts and culture to be engaged in achieving health, justice and other social outcomes, (b) when will those programs and targets be developed and (c) what process will be followed in developing those programs and targets.
- (13) How much funding was provided, in 2016-17, to (a) organisations and (b) individuals through (i) key arts organisations' grants, (ii) program grants, (iii) project grants, (iv) arts residencies grants, (v) Community Outreach Program grants, (vi) Community Arts and Cultural Development grants, (vii) out-of-round grants, (viii) Llewellyn Hall grants, (ix) Book of the Year grants and (x) Fringe Festival grants.
- (14) Has the artsACT internal budget for 2017-18 been finalised; if not, why not; if so, how much funding is allocated for (a) organisations and (b) individuals through (i) key arts organisations' grants, (ii) program grants, (iii) project grants, (iv) arts residencies grants, (v) Community Outreach Program grants, (vi) Community Arts and Cultural Development grants, (vii) out-of-round grants, (viii) Llewellyn Hall grants, (ix) Book of the Year grants and (x) Fringe Festival grants.
- (15) Are there any multi-year grant funding recipients who have funding increments calculated by any means other than consumer price index (CPI); if so, by what means are those increments calculated.
- (16) Does the Government have scope to negotiate with funding recipients for increments by any means other than CPI; if so, (a) on what basis and (b) what criteria are followed in assessing non-CPI-based increments.

**Mr Ramsay:** The answer to the member's question is as follows:

- (1) a) The need for a specific strategic plan for artsACT has been overtaken by its incorporation into Chief Minister, Treasury and Economic Development Directorate. As part of the new governance arrangements artsACT is currently working on a business plan which aligns to government strategic priorities.  
b) N/A
- (2) N/A
- (3) N/A
- (4) There are no immediate plans to update the 2015 ACT Arts Policy, however once a Ministerial Advisory Mechanism has been established there will be an opportunity for the mechanism to guide any future work.
- (5) There is no process in place, however once a Ministerial Advisory Mechanism has been established there will be an opportunity for the mechanism to guide any future work.
- (6) artsACT provides advice and support across the ACT Government on a regular basis. Some examples include:

artsACT works closely with the Health Directorate and is a member of the Arts and Health Committee, which is chaired by the Health Directorate. In 2015, ACT Health and artsACT jointly commissioned an independent evaluation of the arts program at the Canberra Hospital as a pilot project. The Report on Art at the Canberra Hospital is available on the artsACT website <http://www.arts.act.gov.au/community-participation/arts-and-health> artsACT has also been providing advice to the Arts and Health Curator in regard to artwork at the new University of Canberra Public Hospital and on the engagement of an artist for a public artwork commission for the Canberra Hospital. artsACT has also provided advice on engagement with Ngunnawal artists.

artsACT has provided advice to the Justice and Community Safety Directorate regarding the inclusion of Ngunnawal Art and integrated public art in the new ACT Law Courts Precinct, the development of the Arts and Crafts Policy for the Alexander Maconochie Centre and advice about current programs and delivery of the annual exhibition.

artsACT has provided support in the establishment of networks between the Office of Aboriginal and Torres Strait Islander Affairs and Visit Canberra. Advice has also been provided to the Community Services Directorate on potential arts projects for Aboriginal and Torres Strait Islander children and families.

artsACT regularly provides advice and support to Transport Canberra and City Services on the public artwork it manages. This includes advice on specialist suppliers to assist with artwork conservation.

In addition to the cross Directorate advice and support, within the Chief Minister, Treasury and Economic Development Directorate, artsACT has provided support for the inclusion of local artists in promotional material for Floriade and assistance regarding potential programs at the National Arboretum. Furthermore, direct support to Events ACT was provided by managing public art exhibitions at Floriade 2016 and Floriade 2017. Advice was also provided to Treasury's Civil Infrastructure and Capital Works team on the inclusion of public art as part of urban infrastructure at Molonglo.

- (7) Some specific examples of advocacy artsACT has undertaken for inclusion of the arts in other areas of government include:

artsACT works closely with VisitCanberra in relation to promoting the arts sector in Canberra and advocating for inclusion of local content alongside content from National Cultural Institutions. artsACT has been liaising with relevant arts organisations to ensure that their activities are promoted via the VisitCanberra website. artsACT has also provided content for the 2018 Canberra Visitor Guide.

artsACT has strongly advocated for a number of visual arts organisations to be accommodated within the Kingston Arts Precinct development and is continuing this advocacy with the Suburban Land Agency as the project develops. Furthermore, artsACT has advocated for the consideration of arts spaces in the Woden Town Centre as part of Agency planning processes.

Consideration of spaces for arts activity in urban planning policy has been promoted by artsACT to the Environment, Planning and Sustainable Development Directorate including as part of the strategic planning for the City and Gateway Corridor.

Investigations for cross directorate program opportunities for Aboriginal and Torres Strait Islanders engaged in the arts. These discussions have included the Justice and Community Safety Directorate through the Alexander Maconochie Centre, ACT Health through the Ngunnawal Bush Healing Farm, Visit Canberra and Events ACT. artsACT has also liaised with and raised awareness of the arts through the Aboriginal and Torres Strait Islander Consultation Process, including with the Environment, Planning And Sustainable Development Directorate through ACT Heritage, Natural Resource Management and the Murumbung Ranger Programs.

artsACT has advocated for the inclusion of public art in the light rail project and has provided advice to Transport Canberra in this regard.

- (8) It is standard practice for policy areas to have targets for their content responsibility. artsACT is responsible for achieving measureable targets in relation to the arts for the ACT Government.
- (9) artsACT is continually working across Government on the inclusion of arts in other directorates and agencies. There has been no consideration of a formal strategy. This will be considered in business planning for artsACT noting that a scope and timeline has not yet been determined.
- (10) The 2015-16 artsACT Strategic Plan detailed the measures of success against the principles outlined in the 2015 ACT Arts Policy. Principle three related to the vitality of the Canberra Region Arts Ecology. The measures of success against this principle were as follows:
  - Number of people employed in the arts and cultural sector: There were 6,937 persons employed in the arts and cultural sector as their main job in the ACT in 2011 (Source: *Census*, Australian Bureau of Statistics, 2011. 2016 Census data for cultural occupations has not been released yet).
  - Number of businesses in the cultural sector: As of June 2014, the ACT had nearly 1,200 active businesses in the creative industries (Source: *Counts of Australian Businesses, including Entries and Exits*, Australian Bureau of Statistics).
  - Number of volunteers and estimated volunteer hours: Almost one third (76,500) of all people living in the ACT undertake some paid or unpaid work in culture and leisure activities (Source: *Work in Selected Culture and Leisure Activities 2007*, Australian Bureau of Statistics). In 2016, there were 773 volunteers at artsACT-funded organisations, who worked for approximately 40,000 hours (Source: artsACT SmartyGrants).
  - Household expenditure on cultural items: Canberrans spend approximately \$211 million per year on arts and culture, which is a higher per capita level than other capital cities (Source: *Household Expenditure Survey 2009-10*, Australian Bureau of Statistics).

Specific targets have not been determined, as the measures (such as increased number of people employed in the arts and culture sector) are not solely the responsibility of artsACT and are influenced by factors outside the control of Government.

- (11) Specific targets have not been determined. Nevertheless, success is demonstrated through some of the figures available in the 2015 Economic Overview of the Arts Report including: the number of Canberrans employed in the arts and cultural sector as their primary occupation (almost 7000); nearly 1,200 active businesses in the creative industries operating in Canberra; and over 400,000 attendances at ACT Government funded arts organisations.
- (12) (a) artsACT has focused on relationship building, gaining consensus and understanding the unique perspectives and activities of the ACT Aboriginal and Torres Strait Islander communities through the release of the draft Aboriginal and Torres Strait Islander Consultation Report. artsACT is currently considering feedback received through this process ahead of engaging with community for the co-design of programs and targets which will consider health, justice and other social outcomes.
- (b) These programs will be developed inside the 2017-2018 financial year.
- (c) artsACT will establish an ACT Aboriginal and Torres Strait Islander Arts Network as a working group to consider the priorities identified through the ACT Aboriginal and Torres Strait Islander Consultation Report and engage with artsACT in a co-design process for new programs and targets.

This process supports commitments outlined in the ACT Aboriginal and Torres Strait Islander Agreement 2015-2018, and will assist Aboriginal and Torres Strait Islander's to freely pursue social and cultural development in line with the right to self-determination.

- (13) The funding provided in 2016-17 was:

Category	Expenditure 2016-17
Key Arts Organisation	\$4,108,918
Program	\$473,690
Project (including screen)	\$563,469
Arts Residencies	\$56,000
Community Outreach	\$1,777,998
Community Arts and Cultural Development	\$273,328
Out of Round	\$22,453
Llewellyn Hall	\$37,559
Book of the Year	\$15,000
Fringe Festival	\$30,000

Detail on 2017 funding recipients can be found on the artsACT website  
<https://www.arts.act.gov.au/funding/current-funding-recipients/act-arts-fund-2017>

- (14) Yes. The funding allocated is:

Category	Budget 2017-18
Key Arts Organisation	\$4,179,000
Program	\$533,000
Project (including screen)	\$840,000
Arts Residencies	\$109,000
Community Outreach	\$1,813,000

Category	Budget 2017-18
Community Arts and Cultural Development	\$363,944
Out of Round	\$25,000
Llewellyn Hall	\$42,000
Book of the Year	\$16,000
Fringe Festival	\$0

Detail on 2018 Project funding recipients can be found on the artsACT website  
<https://www.arts.act.gov.au/funding/current-funding-recipients>

- (15) Yes, some Key Arts Organisations have received increases above CPI depending on the strength of their business plan against the assessment criteria, and the available budget.
- (16) Yes, the organisational application process for Program organisations and Key Arts organisations provides an opportunity for the applicant to present a case for increments in funding levels above CPI, depending on the strength of their business plan against the assessment criteria, and the available budget.

The assessment criteria for Program organisations is:

- An organisation with a clearly defined role in the ACT arts sector which meets a community need.
- A high-quality program of activity that fosters artistic innovation and creative thinking and facilitates community participation in and access to the arts.
- Strong governance and administrative practices to deliver the proposed program.
- A justification of the budget, outlining a sound and sustainable financial position that represents value for money and includes a diversity of income.

The assessment criteria for Key Arts Organisations is:

- Contribution to the ACT's critical arts infrastructure through provision of diverse high quality programs, services and facilities that are responsive to community needs and enable strong participation and access opportunities for the ACT community.
- Contribution to the artistic vibrancy and vitality of the ACT arts sector, demonstrated by programs and services that develop arts practices, encourage innovation, and foster creative thinking and collaboration.
- Demonstrated sustainable and sound financial position supported by a budget that represents value for money and includes a diversity of income sources.
- A board that provides strategic and expert governance and reflects a skill mix necessary to support the business of the organisation and should include appropriate representation in the key areas of management, business, finance, governance, law, and the arts. The board is also the employing authority for the engagement of staff to deliver the artistic program.

**Arts—venues  
(Question No 782)**

**Mrs Dunne** asked the Minister for the Arts and Community Events, upon notice, on 27 October 2017:

- (1) In relation to the answer to question on notice No E17-260, given building and facilities improvement works are scheduled to start in early 2018 with completion by 30 June 2018 (a) what, now, are the answers to parts 1(b) and 1(c) and (b) is the program running according to schedule; if not, what is the new schedule.
- (2) Given capital upgrade works were scheduled to start in early 2017-18, (a) what, now, are the answers to parts 2(a), 2(b) and 2(c) and (b) is the program running according to schedule; if not, what is the new schedule.

**Mr Ramsay:** The answer to the member's question is as follows:

- (1) (a) Procurement planning is underway. The final scope of work at each arts facility depends on costings provided by suppliers. The works required at each facility have been prioritised and the highest priority works to fire protection and mechanical systems will be completed first. There is no set budget for each facility; funding is allocated according priority.  
  
(b) The program is running to schedule.
- (2) (a) Stakeholder consultation and procurement planning are underway. The final scope of work at arts facilities depends on costings provided by suppliers. The works required at each facility have been prioritised and the highest priority works to fire protection and mechanical systems will be completed first. There is no set budget for each facility; funding is allocated according priority.  
  
(b) The program is running to schedule.

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**Arts—national arts disability strategy  
(Question No 783)**

**Mrs Dunne** asked the Minister for the Arts and Community Events, upon notice, on 27 October 2017:

- (1) What is the Government's response to the National Arts Disability Strategy Evaluation Report 2013-15 in relation to (a) each of the report's findings in relation to the four focus areas, particularly, but not limited to, the findings that note there is more scope for improvement and (b) each of the report's three recommendations.
- (2) What did the Government do to encourage stakeholder input to the Strategy itself.
- (3) What will the Government do to encourage increased stakeholder input to the National Arts Disability Strategy for 2019.

- (4) What preparations, including stakeholder consultation, will the Government make for its own contribution to the 2019 Strategy through the Cultural Ministers Council.

**Mr Ramsay:** The answer to the member's question is as follows:

- (1) (a) Through the Meeting of Cultural Ministers, the ACT Government supports all of the report's findings.
- (b) Through the Meeting of Cultural Ministers, the ACT Government supports the three recommendations.
- (2) artsACT participated in the Working Group which developed the National Arts and Disability Strategy in 2009. As part of this development process artsACT consulted with the ACT Department of Disability Housing and Community Services. Individual artists and organisations were also invited to comment on the discussion paper prepared prior to the development of the Strategy and a number of submissions were received from the ACT including from the ACT ArtsAbility Officer.
- (3) The process for the 2019 National Arts Disability Strategy has not yet been determined by the Meeting of Cultural Ministers therefore there has not yet been any consideration to stakeholder engagement.
- (4) The process for the 2019 National Arts Disability Strategy has not yet been determined by the Meeting of Cultural Ministers therefore preparations have not yet commenced.
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### **Health—private practice fund (Question No 784)**

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 27 October 2017:

- (1) In relation to the answer to question on notice No 525 and the Private Practice Fund, who is responsible for the fund's (a) administrative and (b) financial management.
- (2) Is there a committee, or similar, that oversees the fund's operations; if not, why not; if so, who are the members.
- (3) Are there any staff who undertake the day-to-day administration of the fund; if not, how is the day-to-day administration managed; if so, (a) what is the staffing structure, (b) what full-time equivalent staff are engaged and (c) to what extent are volunteers engaged.
- (4) For how long has the fund been in existence.
- (5) On average, what is the annual income and expenditure.
- (6) Who audits the fund.
- (7) Are the fund's audited financial statements available publicly; if not, why not; if so, where may they be accessed.

- (8) As at 30 June 2017, when the fund stood at \$36.9 million, how much was held in (a) bank accounts and (b) in investments.
- (9) Were the bank accounts interest-bearing.
- (10) What was the nature of investments held.
- (11) How much was spent from the fund, during 2016-17, on (a) fees for attendance at professional development courses and conferences, (b) travel, accommodation and out-of-pocket expenses associated with attendance at professional development courses and conferences, (c) research grants, (d) staffing costs and (e) other costs.
- (12) What was the nature of “other costs” referred to in part (11).
- (13) What are the acquittal requirements for grants.
- (14) What benefits have grant-funded research projects brought directly to service delivery outcomes at ACT hospitals.

**Ms Fitzharris:** The answer to the member’s question is as follows:

1. a) The responsibility for the administration and b) financial management of the Private Practice Funds are held within the Strategic Finance Branch of ACT Health.
2. The committees who oversee the Private Practice Funds (from private practice work) and Medical Education Expenses funding approvals is made up of three biannually peer elected staff specialists and an ACT Health delegate.
3. a) The current staffing structure is an ASO5, two ASO4 and a SOGB part time role; b) 3 FTE is allocated for administration; c) No volunteers are involved.
4. The fund has been in existence since the early 1980’s after the introduction of Medicare.
5. As per the annual report over the past 3 years the average cash receipts has been \$27.902 million and the average cash payments has been \$24.424 million.
6. All accounts are included in the annual audit by the ACT Audit Office.
7. There are not separately audited financial statements. Information on the fund is disclosed in a note in the annual report.
8. The funds as at 30 June 2017 were held in; a) bank accounts \$22.102 million and b) investments \$15.632 million.
9. Yes.
10. The investments are managed by ACT Treasury.
11. During 2016-17 expenditure from the funds was:
  - a and b) \$3.629 million was the combined costs to attend conferences and related professional development for staff specialists and non-staff specialists. This amount includes the estimated costs for approved support that has not yet been acquitted.



- c) \$1.233 million was committed for research related grants and activities.
  - d) No staffing costs are paid directly, however, there may be staffing costs incorporated into research grants.
  - e) Other costs \$20.067 million.
12. Other costs for 2016-17 include reference books purchased on behalf of various departments for the use of all staff, mobile phones, tablets and laptops for specialists, computing costs and some stationery \$0.310 million, the balance are payments made in line with the employment arrangements; facility fees, bonuses and donations.
13. Researchers are requested to provide a report to the committee when the grants are acquitted.
14. PPF grant-funded research projects have significantly benefited service delivery in ACT hospitals. The benefits have been far reaching and include:
- Support to achieve highly competitive National Health and Medical Research Council grants that have led to major translational research in a number of specialties, for instance drug discovery platform technologies to repurpose drugs for incurable cancers and immunologic disorders;
  - Clinical trials that have impacted not only the ACT community but internationally changed practice. Examples include a new Continual Positive Airway Pressure (CPAP) method called Ceasing CPAP at Standard Criteria to dramatically reduce chronic lung disease and length of stay in hospital for pre-term babies; and a risk factor cardiac prevention study identifying predictors of early heart disease in children; and
  - Health service research informing processes around quality improvement, such as falls prevention and outcome improvement, especially for the elderly.

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### **ACT Health—identified risks (Question No 785)**

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 27 October 2017:

- (1) In relation to the answer given to question on notice No 607, what infrastructure risk management processes and structures were in place before the establishment of the HIS risk register in July 2016.
- (2) If no processes or structures existed, why not.
- (3) How did the directorate know if an infrastructure risk emerged.
- (4) Does the directorate have an equipment risk register; if so, (a) when was it established, (b) how is it managed and (c) by whom is it managed; if not, why not and when will one be established.

**Ms Fitzharris:** The answer to the member's question is as follows:

1. ACT Health has had embedded risk management, captured in operational governance processes, for many years. These risk management processes are undertaken in accordance with ACT Health policy, guidelines and processes, including the:

- a. ACT Health Integrated Risk Management Policy (August 2007); and
- b. Guidelines (April 2008).

At this time, these policies were based on *Australian Standard AS/NZS 4360:2004 - Risk Management*. The documents are revised on a scheduled basis to comply with the revised *Australian Standard AS/NZS 31000*.

2. Processes and structures were in place.

3. The ACT Health Risk Management Framework and Guidelines include direction for identification, reporting, communicating, recording and rectification of risks.

4. Yes, the Health Directorate has an equipment asset register.

- a. 2009.
- b. An annual risk assessment of equipment is completed against a risk matrix, via the asset stocktaking process. If identified as a risk, equipment is managed as part of the upgrade and replacement program for assets.
- c. Business Support.

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### **Government—expenditure (Question No 786)**

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 27 October 2017:

In relation to the invoices for (a) Fujifilm Australia Pty Ltd received on 26 July 2017, paid 12 September 2017 for the amount of \$47 110.93, (b) Magnus Medical Software Pty Ltd received 8 August 2017, paid 12 September 2017 for the amount of \$52 136.15, (c) Pacific Knowledge Systems received on 2 August 2017, paid 12 September 2017 for the amount of \$33 700.92, (d) Toshiba Medical Systems ANZ Pty Ltd received on 17 July 2017, paid 7 September 2017 for the amount of \$325 454.80, (e) Veritec Pty Ltd received on 16 June 2017, paid 19 September 2017 for the amount of \$83 077.50 and (f) American Express Australian Limited received on 10 July 2017, paid 7 September 2017 for the amount of \$31 476.94, was (i) the invoice paid late; if so, why and (ii) interest or any other form of late payment penalty paid; if so, how much was paid.

**Ms Fitzharris:** The answer to the member's question is as follows:

1. a)
  - i) Delay occurred due to staff vacancy transition period.
  - ii) No penalties incurred from the supplier.
- b)
  - i) Delay occurred due to staff vacancy transition period.
  - ii) No penalties incurred from the supplier.

- c)
    - i) Original submission misplaced by Shared Services.
    - ii) No penalties incurred from the supplier.
  - d)
    - i) Shared Services contacted ACT Health on 6 September 2017 to advise that they could not process against the order number as result of a system error. A new order number was generated and the payment was made on 7 September 2017.
    - ii) No penalties incurred from the supplier.
  - e)
    - i) Delay occurred due to staff vacancy transition period.
    - ii) No penalties incurred from the supplier.
  - f)
    - i) Delay in payment occurred due to statements/invoices being delivered in hard copy and becoming misplaced during the clearance process. When it became obvious that the invoice had been misplaced, a new copy was prepared and sent to relevant approvers before being sent to Shared Services for payment. The process for these payments has now changed in that the approvals are now sought via email for faster processing and easier tracking.
    - ii) No penalties incurred from the supplier.
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### **Schools—New South Wales students (Question No 787)**

**Mr Coe** asked the Minister for Education and Early Childhood Development, upon notice, on 27 October 2017:

- (1) How many students from NSW were enrolled in (a) public and (b) private schools in the ACT for each of the previous five years in the (i) Belconnen Network, (ii) North/Gungahlin Network, (iii) South/ Weston Network and (iv) Tuggeranong Network.
- (2) What is the average amount spent by the ACT Government per student enrolled in a (a) public and (b) private school for each of the previous five financial years.
- (3) Can the Minister outline the funding arrangements for students being educated across the NSW and ACT borders under the Memorandum of Understanding on Regional Collaboration.
- (4) What is the total value of payments made by the NSW Government to the ACT Government towards the education of NSW students within the ACT for each of the previous five financial years.
- (5) What is the total value of payments made by the ACT Government to the NSW Government towards the education of ACT students within NSW for each of the previous five financial years.

**Ms Berry:** The answer to the member's question is as follows:

- (1) The table below shows the numbers of NSW resident students enrolled in ACT schools, by each network, over the last five years. Please note that there may be slight differences in totals from previously reported figures for 2017 due to different extraction dates for data.

	2013		2014		2015		2016		2017	
Network Name	Public	NG	Public	NG	Public	NG	Public	NG	Public	NG
<i>Belconnen Network</i>	208	336	227	355	260	392	288	399	276	428
<i>North/Gungahlin Network</i>	1059	1351	1023	1364	1016	1358	950	1370	931	1334
<i>South/Weston Network</i>	343	1320	356	1308	359	1315	345	1320	341	1308
<i>Tuggeranong Network</i>	276	512	267	566	282	590	289	610	261	628

- (2) The Education Directorate publishes actual cost per student data in its Annual Reports. The following table provides a summary of the cost per student as recorded in the in ACT Public schools for the period 2012-13 to 2016-17. The cost per student includes funding from both ACT and Commonwealth governments:

<b>Average cost per student per annum in public schools:</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>
a. Preschool	\$6,092	\$6,357	\$6,793	\$6,891	\$7,026
b. Primary schools	\$13,704	\$14,321	\$13,837	\$13,915	\$13,632
c. High schools	\$17,024	\$17,789	\$17,905	\$18,111	\$17,799
d. Secondary colleges	\$17,700	\$18,013	\$17,547	\$18,584	\$18,184
e. Special schools	\$56,192	\$58,242	\$61,192	\$65,061	\$64,955
f. Mainstream schools' student with a disability	\$26,259	\$27,624	\$27,347	\$28,654	\$27,132

The ACT Government funds non-government schools in line with the Commonwealth Schooling Resource Standard (SRS) and has funded its share of the SRS since implementation in 2014. The SRS is a needs based funding methodology.

- (3) There are no funding arrangements for cross-border students under this Memorandum of Understanding. The ACT Government is compensated for NSW students attending ACT Public Schools through the Commonwealth's horizontal fiscal equalisation arrangements.
- (4) NSW makes no direct payments to the ACT towards the education of NSW school students in ACT schools. The ACT Government is compensated for NSW students attending ACT Public Schools through the Commonwealth's horizontal fiscal equalisation arrangements.
- (5) The ACT Education Directorate accesses the NSW distance education program for ACT students who are unable to attend the school they are enrolled in due to isolation or special circumstances (for example, travelling with family). The cost to the ACT is approximately \$30,000 per annum.

**Health—hoarding  
(Question No 788)**

**Mr Coe** asked the Minister for Health and Wellbeing, upon notice, on 27 October 2017 (*redirected to the Minister for Regulatory Services*):

- (1) How many complaints regarding hoarding have been investigated by the ACT Government, including the Chief Health Officer and the Health Protection Service, during (a) 2016-17 and (b) 2017-18 to date.
- (2) How many of the complaints received involve longstanding cases which have been unresolved for more than 12 months.
- (3) What action is being taken to address those cases where hoarding behaviour has been documented over several years and is ongoing.
- (4) How many complaints received were properties owned by the ACT Government and how many were privately owned.
- (5) Does the ACT Government handle hoarding situations on privately owned properties differently than when the property is owned by the Government; if so, can the Minister outline the differences in approach or available powers.
- (6) When was the Hoarding Case Management Group first established.
- (7) Can the Minister provide the total number of cases the Hoarding Case Management Group handled for each year since its commencement and identify how many cases were active over multiple years.
- (8) How many hoarding cases from 2016-17 is the Hoarding Case Management Group still actively working on.
- (9) Can the Minister provide an update on the implementation of the Hoarding Code of Practice.
- (10) Are any further legislative changes planned or being considered to assist in resolving hoarding cases.

**Mr Ramsay:** The answer to the member's question is as follows:

- (1) Noting hoarding crosses many portfolios, I can advise within the Regulatory Services portfolio. Under the *Public Health Act 1997*, the Health Protection Service (HPS) is responsible for investigating complaints of insanitary conditions including effluent leaks, odour from pets, stagnant swimming pools etc, called "environmental health complaints", and this may involve investigating hoarding-like behaviours.

In the 2016-17 financial year, the HPS received 99 environmental health complaints and does not electronically record complaints of hoarding-like behaviours separately. Thus it is not possible to electronically extract data on the number of complaints received involving, or alleging, hoarding-like behaviour.

There were 14 environmental health complaints received from 1 July 2017 to 31 October 2017, with no abatement notices issued.

In 2016-17, Access Canberra did not separately identify hoarding complaints. However, in 2017-18, seven complaints in relation to hoarding were received as at 17 November 2017.

- (2) Within the Regulatory Services portfolio, one residential property has had repeated incidents of insanitary conditions over several years. There are several other known 'hoarding' properties that HPS regularly inspects. These properties are also monitored by the Hoarding Case Management Group.

Access Canberra currently has 3 hoarding matters currently under review with constant engagement with the lessees to assist in remediation of the property. One of these is being cleaned up by the deceased estate (family) and is under active remediation to ready the property for sale.

- (3) Complex cases of hoarding that require management under multiple legislative powers are referred to the Hoarding Case Management Group chaired by ACT Health for multi-directorate co-ordination.

Access Canberra assists the Hoarding Committee with strategies and how to utilise legislative provisions under the Planning Act and Work Health and Safety Act to assist the remediation of unclean blocks in the Territory. This engagement is ongoing and the Committee is advised where regulatory powers are considered appropriate.

- (4) Within the Regulatory Services portfolio, I can advise ACT Health does not record this information. Complaints not deemed to be public health risks are referred to ACT Housing if the complaints involve ACT Housing properties.

Access Canberra has no outstanding matters relating to ACT Housing properties.

- (5) No.

- (6) The first meeting of the HCMG was held on 25 May 2015.

- (7) In 2015, the HCMG managed six hoarding cases. In 2016, the HCMG managed eight cases. In 2017 (to 31 October 2017), the HCMG has managed 11 cases. Other cases have been raised by HCMG members, not all of these cases were complex enough to require intervention of the HCMG or fall within the Regulatory Services portfolio.

Several cases have been monitored by the HCMG across calendar/financial years.

Highly complex cases require multi-faceted approaches from government and community organisations to address underlying hoarding behaviours and related issues. Three such cases currently remain on the HCMG agenda.

- (8) As noted in response to question 7, three cases from 2016-17 are being actively managed by the HCMG.
- (9) ACT Health is considering a number of options for progressing a Hoarding Code of Practice and the HCMG is working collaboratively to manage complex cases involving hoarding-type behaviours in the ACT.

- (10) Current legislation and co-operation with ACT Health, Access Canberra and TCCS is deemed appropriate and effective to manage the issue.
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**Transport—bicycle storage  
(Question No 789)**

**Mr Coe** asked the Minister for Transport and City Services, upon notice, on 27 October 2017:

- (1) Can the Minister provide a breakdown of the total number of ACT Government owned bike racks in the Territory by (a) suburb and (b) type of bike rack.
- (2) Can the Minister provide a breakdown of the total number of bike racks the ACT Government has installed in the Territory for each of the previous three financial years by (a) suburb and (b) type of bike rack.
- (3) Can the Minister outline the process and what data is used to determine placement and type of bike racks.
- (4) What feedback has the ACT Government received regarding (a) placement of bike racks, (b) number of bike racks, (c) type of bike racks, (d) maintenance of bike racks and (e) damage caused by bike racks.
- (5) Can the Minister provide the total number of requests the ACT Government has received during each of the previous three financial years asking for additional bike racks broken down by suburb.
- (6) Can the Minister provide the total number of complaints the ACT Government has received during each of the previous three financial years regarding bike racks causing damage to property.
- (7) Has the ACT Government been approached in the previous three financial years to provide compensation to cyclists that have had their bikes damaged by bike racks; if so, was compensation paid and what was the amount of compensation; if not, what is the ACT Government's policy on damage caused by bike racks.
- (8) Can the Minister provide a breakdown of the total cost of purchasing and installing each type of bike rack owned by the ACT Government.
- (9) Has the ACT Government installed addition bike racks near businesses involved in the Bike Stop program; if so, can the Minister provide the total number and location of the bike racks; if not, why not.
- (10) Can the Minister provide the type and number of bike racks installed along Victoria Street, Hall.

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1) The Territory is currently compiling a comprehensive asset management database with information about the total number of bike racks across the Territory.

- (2) As above.
- (3) Placement and type of bike racks are determined by community requests and observational needs analysis. In 2016-17 a Bike Rack Art Project was successful in engaging local entrepreneurs to design and develop new bike rack designs. Four winning designs have been manufactured and installed across town and group centres.
- (4) The main feedback the ACT Government receives in relation to damage caused by bike infrastructure is in relation to bollards and banana rails rather than bike racks, or their placement or location. Roads ACT is continuing to evaluate and remove inappropriately placed bollards and banana rails, including around Lake Burley Griffin. Some complaints noted issues associated with exposed bolts on bike racks as well as bike racks blocking access in certain areas and being located too close together.
- (5) In the last three years, the ACT Government has received the following requests for new bike racks:
- 2016-17 5 (City, Braddon, Watson, Greenway, Hall);
  - 2015-16 10 (2 x City, 3 x Braddon, 2 x Greenway, Phillip, Mawson, Crace); and
  - 2014-15 4 (City, Macquarie, Dickson, Lyons).
- (6) Access Canberra has received 166 calls in relation to bike infrastructure since 2009. However, the majority of these matters relate to bollards and banana rails and other issues relating to safety and accidents. The ACT Government does not have data pertaining to complaints about bike racks causing damage to property.
- (7) The ACT Government has not been approached in the previous three financial years to provide compensation to cyclists that have had their bikes damaged by bike racks.
- (8) The 2017-18 Budget includes \$20,000 for an additional 25 bike racks. These have been installed primarily in Braddon.
- (9) The ACT Government has not installed additional bike racks near businesses involved in the Bike Stop program. Participating businesses have been advised to contact the ACT Government if they wish to be considered for additional bike parking. To date, none of the participating businesses have requested this.
- (10) There are three Standard Galvanised U rail bike racks along Victoria Street in Hall.
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**ACTION bus service—automated announcements  
(Question No 790)**

**Mr Coe** asked the Minister for Transport and City Services, upon notice, on 27 October 2017:

- (1) Is there a minimum volume the automated announcements on Transport Canberra buses are required to be set to.
- (2) Is there a maximum volume the automated announcements on Transport Canberra buses are prohibited from exceeding.



- (3) How many complaints has Transport Canberra received in (a) 2016-17 and (b) 2017-18 to date regarding announcements be too (i) soft and (ii) loud.
- (4) Are Transport Canberra drivers instructed to increase the volume of the automated announcements if a vision impaired person boards the bus; if not, what other procedures or measures are Transport Canberra drivers instructed to undertake to ensure a vision impaired customer is aware of their stop.

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1) Generally there is an audio announcement volume setting fixed for each fleet vehicle type. Further fine tuning adjustment by technical staff may be required on a case by case basis.
- (2) As above.
- (3) Transport Canberra feedback is coded into subject categories. There were 35 pieces of feedback coded to the on board announcements received between 1 January 2016 to 31 December 2016 and 16 received between 1 January 2017 to 31 October 2017.

Of the feedback received one complaint received in May 2016 commented that the on board announcement could not be heard. Ten pieces of feedback received were concerned that the announcements were not available.

A further word search for 'volume' of all NXTBUS feedback resulted in no matching criteria.

- (4) Transport Canberra drivers are not able to adjust audio announcement volume settings.

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### **ACTION bus service—bus stop locations (Question No 791)**

**Mr Coe** asked the Minister for Transport and City Services, upon notice, on 27 October 2017:

- (1) What data and criteria are assessed in determining stop locations selected for Transport Canberra bus services.
- (2) Do all Transport Canberra bus stops have corresponding stops on the opposite side of the road for passengers travelling in the opposite direction; if not, why not; if so, how many metres can the stops be apart to be classified as corresponding.
- (3) Is there a corresponding bus stop for the stop located at Callum Street after Hindmarsh Drive in Woden; if not, why not and will a stop be established in the remainder of 2017-18; if so, what is the location.
- (4) Can the Minister provide, for each of the previous five financial years, the total number of Transport Canberra bus stops added to the network, and include (a) the location of the stop and (b) the routes that service the stop.

- (5) Have any bus stops been added, or will be added, due to Light Rail Stage 1; if so, can the Minister advise (a) why the stop was or will be added, (b) the location of the stop and (c) the routes that services the stop; if not, can the Minister identify when determinations on future stop removal will take place.
- (6) Can the Minister provide, for each of the previous five financial years, the total number of Transport Canberra bus stops removed from the network, and include (a) the location of the stop, (b) whether a replacement stop was added and (c) the routes that serviced the stop.
- (7) Have any bus stops been removed, or will be removed, due to Light Rail Stage 1; if so, can the Minister advise (a) why the stop was or will be removed, (b) the location of the stop and (c) the routes that serviced the stop; if not, can the Minister identify when determinations on future stop removal will take place.

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1) Bus stop locations are determined following the analysis of Myway data, the impact of services and safe access. Data and criteria includes MyWay data, impact on services, potential all day patronage and safe access to bus stops for passengers.
- (2) No, not all stops require a partner, for example loop services. There is no defined measurement for partner stops.
- (3) No. A safety review undertaken by TCCS found that a corresponding stop for Callum Street after Hindmarsh Drive was unsafe to install due to the potential passenger safety impacts, including lack of pedestrian crossings and buses stopping in a busy traffic area.
- (4) This information is not readily available and the administrative effort to produce this data will require the deployment of staff resources from other activities and will therefore not be undertaken at this time.
- (5) None to date. Stops will be changed as required through network reconfiguration and integration.
- (6) This information is not readily available and the administrative effort to produce this data will require the deployment of staff resources from other activities and will therefore not be undertaken at this time.
- (7) The following bus stops have been removed from regular service due to Light Rail Stage 1:
  - 4751: Flemington Rd Exhibition Park;
  - 4752: Flemington Rd opp Exhibition Park;
  - 4927: Flemington Rd before Exhibition Park; and
  - 4928: Flemington Rd after Randwick Rd.

These stops are unserviceable due to works underway. EPIC is serviced through traffic control arrangements for special events.

Further stop changes will be informed by the final network design to be implemented in mid-2018.

**ACTION bus service—ticketing system  
(Question No 792)**

**Mr Coe** asked the Minister for Transport and City Services, upon notice, on 27 October 2017:

- (1) What is the scope of Transport Canberra's upcoming review on the Ticketing, Fares and Refund Policy.
- (2) When is the review scheduled to be completed.
- (3) Is the review being undertaken by an independent third-party, or will an independent third-party be involved in the review process in any capacity; if so, can the Minister provide the (a) name of the successful contractor, (b) value of the contract and (c) scope of the contract.
- (4) Will the findings of the review be made public; if so, when and where will they be published.
- (5) Will the review address instances where minors are refused admittance to a bus due to missing or damaged MyWay cards.
- (6) Does Transport Canberra keep data on incidents where drivers have been found to have breached or acted inconsistently with any Transport Canberra policy; if so, can the Minister provide a breakdown of the total number of incidents by type in (a) 2015-16, (b) 2016-17 and (c) 2017-18 to date.
- (7) What counselling or other remedial training is provided to Transport Canberra drivers who have been found to have breached or acted inconsistently with the Ticketing, Fares and Refund Policy.
- (8) Are there any follow up procedures in place to ensure counselled drivers follow the Ticketing, Fares and Refund Policy, or further remedial measures should a driver continue to breach the policy; if so, can the Minister outline the procedures.
- (9) What is Transport Canberra's policy on minors requesting patronage with a damaged or missing MyWay card or other reasonable excuse.
- (10) Does Transport Canberra keep data on incidents where minors are refused admittance to a bus due to missing or damaged MyWay cards; if so, can the Minister provide the total number of incidents in (a) 2015-16, (b) 2016-17, and (c) 2017-18 to date.

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1) The policy is being reviewed internally as part of a review of Transport Canberra Operational policies.
- (2) November 2017.
- (3) No.

- (4) The revised policy will be made publicly available on the Transport Canberra website: [http://www.transport.act.gov.au/about/policy/service\\_policy](http://www.transport.act.gov.au/about/policy/service_policy)
  - (5) Drivers are not permitted to refuse travel to minors due to missing or damaged MyWay Cards. Page 24 of the Driver's Handbook highlights this duty of care and obligation.
  - (6) Transport Canberra has an IT system in which customer feedback, driver responses, and subsequent action is recorded. However, this is not a disciplinary tool, and therefore cannot be used to track data for verified breaches of any policy.
  - (7) Appropriate disciplinary action is taken when an allegation of policy breach is substantiated. Disciplinary action may include a record of conversation conducted with the Depot or Regional Manager, which is maintained on the driver's personnel record. More serious breaches are escalated and proportionate action taken.
  - (8) If further policy breaches occur, they may be referred to the next Management level, or escalated to HR for further investigation.
  - (9) Drivers are to permit travel to minors regardless of whether they can produce a fare.
  - (10) It is a rare occurrence in extenuating or high risk circumstances and one which is swiftly addressed if a minor is refused travel. There is no data reporting mechanism to record refused travel for minors as drivers are to permit travel to minors regardless of whether they can produce a fare.
- 

### **Roads—pedestrian crossings (Question No 793)**

**Mr Coe** asked the Minister for Transport and City Services, upon notice, on 27 October 2017:

- (1) Can the Minister provide the total number of accessible signalised pedestrian crossings in the ACT during (a) 2013-14, (b) 2014-15, (c) 2015-16, (d) 2016-17 and (e) 2017-18 to date.
- (2) What data and criteria are assessed in determining the number and placement of accessible signalised pedestrian crossings.
- (3) What maintenance is undertaken on accessible signalised pedestrian crossings to ensure they are functioning correctly.
- (4) Is the maintenance of accessible signalised pedestrian crossings undertaken by an external contractor; if so, can the Minister provide (a) the contract name, (b) the contract number, (c) the contract value, (d) the duration of the contract and (e) an outline of any key performance indicators within the contract.
- (5) Can the Minister outline the maintenance schedule for accessible signalised pedestrian crossings in the ACT.

- (6) How much was spent on maintenance of accessible signalised pedestrian crossings in (a) 2015-16, (b) 2016-17 and (c) 2017-18 to date.
- (7) How many requests for maintenance of accessible signalised pedestrian crossings been lodged with Access Canberra in (a) 2015-16, (b) 2016-17 and (c) 2017-18 to date.
- (8) What is the timeframe for maintenance of accessible signalised pedestrian crossings to be completed after a request is lodged with Access Canberra.
- (9) When was maintenance last conducted on the accessible signalised pedestrian crossings around the Canberra Hospital; if not undertaken in the last six months, when will these crossings be inspected and, if necessary, fixed.

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1) The following values are for the number of signalised pedestrian crossings.  
a) 872, (b) 894, (c) 918, (d) 944, (e) 955. All signalised pedestrian crossings have audio-tactile push-buttons with the exception of a small number of sites where there are physical constraints that prevent their installation, as detailed at 2) below.
  - (2) At all new traffic signals audio-tactile push-buttons are provided for all pedestrian crossings that are part of the installation. A few older intersections may not have audio-tactile push-buttons for a specific reason. For example it is not permitted to have two such push-buttons that call the 'walk' for different crossings mounted on the same pedestal. Some intersections have specific geometry such that there is not room enough to have two separate pedestals on the same traffic island.
  - (3) All traffic signals are routinely inspected every four months and the correct operation of all push-buttons is checked as part of those inspections.
  - (4) Yes as part of the contract for the general maintenance of traffic signals in the Territory; (a) Provision of Traffic Signals Maintenance Services, (b) 2016.25228.210, (c) \$3,277,378 over three years, (d) Three years with the option of two extensions of two years each, (e) Apart from specified routine scheduled maintenance there are specified response times for different categories of faults.
  - (5) As described in 3) above.
  - (6) The maintenance of pedestrian push-buttons is included in the contract for the general maintenance of traffic signals in the Territory referred to in 4) above and it is not possible to separate the cost associated with this specific activity.
  - (7) (a) 14, (b) 19, (c) 4.
  - (8) Respond within one working day of being notified of the fault.
  - (9) All intersections around The Canberra Hospital were routinely inspected in October 2017. All audio-tactile pushbuttons were operating correctly. The intersection of Yamba Drive and Kitchener Street, which is close to The Canberra Hospital but not the main pedestrian entrance, does not have audio-tactile push-buttons for the reason outlined in 2) above.
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**ACTION bus service—patronage  
(Question No 794)**

**Mr Coe** asked the Minister for Transport and City Services, upon notice, on 27 October 2017:

- (1) Can the Minister outline the changes to the Route 56 bus service, and the reasons for the changes.
- (2) Can the Minister provide, for 2016-17, the total number of passenger boardings for the Route 56 bus service which departed from Gungahlin on weekdays at (a) 7:03am, (b) 7:19am, (c) 7:40am and (d) 8:08am.
- (3) Can the Minister provide, for 1 July 2017 to 6 October 2017, the total number of passenger boardings for the Route 56 bus service which departed from Gungahlin on weekdays at (a) 7:03am, (b) 7:19am, (c) 7:40am and (d) 8:08am.
- (4) What was the average number of minutes it took for the Route 56 bus to complete the service departing from Gungahlin on weekdays at (a) 7:03am, (b) 7:19am, (c) 7:40am and (d) 8:08am, for 6 October 2016 to 6 October 2017.
- (5) What was the average number of passengers, from 6 October 2016 to 6 October 2017, who boarded the Transport Canberra Route 56 bus service between 7:00am and 9:00am in Gungahlin and departed the service (a) at the Gungahlin Bus Station, (b) between the Gungahlin Bus Station and Kosciuszko Ave and Amarina Street, (c) at Kosciuszko Ave and Amarina Street, (d) between Kosciuszko Ave and Amarina Street and Kosciuszko Ave and Everard Street, (e) at Kosciuszko Ave and Everard Street, (f) between Kosciuszko Ave and Everard Street and Flemington Road and Sanford Street, (g) at Flemington Road and Sanford Street, (h) between Flemington Road and Sanford Street and Northbourne Avenue and Antill Street, (i) at Northbourne Avenue and Antill Street, (j) between Northbourne Avenue and Antill Street and the City Bus Station and (k) at the City Bus Station.
- (6) What was the average number of passengers, from 6 October 2016 to 6 October 2017, who boarded the Transport Canberra Route 56 bus service between 7:00am and 9:00am in Palmerston and departed the service (a) at the Gungahlin Bus Station, (b) between the Gungahlin Bus Station and Kosciuszko Ave and Amarina Street, (c) at Kosciuszko Ave and Amarina Street, (d) between Kosciuszko Ave and Amarina Street and Kosciuszko Ave and Everard Street, (e) at Kosciuszko Ave and Everard Street, (f) between Kosciuszko Ave and Everard Street and Flemington Road and Sanford Street, (g) at Flemington Road and Sanford Street, (h) between Flemington Road and Sanford Street and Northbourne Avenue and Antill Street, (i) at Northbourne Avenue and Antill Street, (j) between Northbourne Avenue and Antill Street and the City Bus Station and (k) at the City Bus Station.
- (7) What was the average number of passengers, from 6 October 2016 to 6 October 2017, who boarded the Transport Canberra Route 56 bus service between 7:00am and 9:00am in Mitchell and departed the service (a) at the Gungahlin Bus Station, (b) between the Gungahlin Bus Station and Kosciuszko Ave and Amarina Street, (c) at Kosciuszko Ave and Amarina Street, (d) between Kosciuszko Ave and Amarina Street and Kosciuszko Ave and Everard Street, (e) at Kosciuszko Ave and Everard Street, (f) between Kosciuszko Ave and Everard Street and Flemington Road and

Sanford Street, (g) at Flemington Road and Sanford Street, (h) between Flemington Road and Sanford Street and Northbourne Avenue and Antill Street, (i) at Northbourne Avenue and Antill Street, (j) between Northbourne Avenue and Antill Street and the City Bus Station and (k) at the City Bus Station.

- (8) What was the average number of passengers, from 6 October 2016 to 6 October 2017, who boarded the Transport Canberra Route 56 bus service between 7:00am and 9:00am in Downer and departed the service (a) at the Gungahlin Bus Station, (b) between the Gungahlin Bus Station and Kosciuszko Ave and Amarina Street, (c) at Kosciuszko Ave and Amarina Street, (d) between Kosciuszko Ave and Amarina Street and Kosciuszko Ave and Everard Street, (e) at Kosciuszko Ave and Everard Street, (f) between Kosciuszko Ave and Everard Street and Flemington Road and Sanford Street, (g) at Flemington Road and Sanford Street, (h) between Flemington Road and Sanford Street and Northbourne Avenue and Antill Street, (i) at Northbourne Avenue and Antill Street, (j) between Northbourne Avenue and Antill Street and the City Bus Station and (k) at the City Bus Station.
- (9) What was the average number of passengers, from 6 October 2016 to 6 October 2017, who boarded the Transport Canberra Route 56 bus service between 7:00am and 9:00am in Dickson and departed the service (a) at the Gungahlin Bus Station, (b) between the Gungahlin Bus Station and Kosciuszko Ave and Amarina Street, (c) at Kosciuszko Ave and Amarina Street, (d) between Kosciuszko Ave and Amarina Street and Kosciuszko Ave and Everard Street, (e) at Kosciuszko Ave and Everard Street, (f) between Kosciuszko Ave and Everard Street and Flemington Road and Sanford Street, (g) at Flemington Road and Sanford Street, (h) between Flemington Road and Sanford Street and Northbourne Avenue and Antill Street, (i) at Northbourne Avenue and Antill Street, (j) between Northbourne Avenue and Antill Street and the City Bus Station and (k) at the City Bus Station.
- (10) What was the average number of passengers, from 6 October 2016 to 6 October 2017, who boarded the Transport Canberra Route 56 bus service between 7:00am and 9:00am in Braddon and departed the service (a) at the Gungahlin Bus Station, (b) between the Gungahlin Bus Station and Kosciuszko Ave and Amarina Street, (c) at Kosciuszko Ave and Amarina Street, (d) between Kosciuszko Ave and Amarina Street and Kosciuszko Ave and Everard Street, (e) at Kosciuszko Ave and Everard Street, (f) between Kosciuszko Ave and Everard Street and Flemington Road and Sanford Street, (g) at Flemington Road and Sanford Street, (h) between Flemington Road and Sanford Street and Northbourne Avenue and Antill Street, (i) at Northbourne Avenue and Antill Street, (j) between Northbourne Avenue and Antill Street and the City Bus Station and (k) at the City Bus Station.

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1) The Route 56 service was changed as part of the October 2017 timetable update. All routes across the network were subject to variation, as planners balance the needs of the network within available fleet and budget.
- (2) For 2016-17, the total number of passenger boardings for the Route 56 bus service which departed from Gungahlin on weekdays are displayed in the table below:

Departure Time from Gungahlin Bus Station	Total Boardings
07:03	3,806
07:19	8,796
07:40	8,926
08:08	7,108

- (3) For 1 July 2017 to 6 October 2017, the total number of passenger boardings for the Route 56 bus service which departed from Gungahlin on weekdays are displayed in the table below:

Departure Time from Gungahlin Bus Station	Total Boardings
07:03	1,119
07:19	2,296
07:40	2,914
08:08	2,228

- (4) The average number of minutes it took for the Route 56 bus to complete the service departing from Gungahlin on weekdays for 6 October 2016 to 6 October 2017 are displayed in the table below:

Departure Time from Gungahlin Bus Station	Average time taken to complete the service (in mins)
07:03	32
07:19	37
07:40	42
08:08	44

- (5) - (10) The table below displays the average number of passengers, from 6 October 2016 to 6 October 2017, who boarded and departed the Transport Canberra Route 56 bus service in the southbound direction between 7:00am and 9:00am at each stop (excluding destination stops with an average of 0 passenger departures):

*(Available at the Chamber Support Office).*

- (5) – (10) The table in *Attachment A* displays the average number of passengers, from 6 October 2016 to 6 October 2017, who boarded and departed the Transport Canberra Route 56 bus service in the northbound direction between 7:00am and 9:00am at each stop (excluding destination stops with an average of 0 passenger departures).

Please refer to *Attachment A*.

*(A copy of the attachment is available at the Chamber Support Office).*



**ACTION bus service—route alterations  
(Question No 795)**

**Mr Coe** asked the Minister for Transport and City Services, upon notice, on 27 October 2017:

- (1) Are Transport Canberra bus services being directed towards proposed light rail corridors in anticipation of the new light rail service; if so, can the Minister outline (a) how Transport Canberra determines which routes to modify or remove, (b) whether this is being done to increase expected patronage of light rail services and (c) what bus routes have been affected, and how they have been changed.
- (2) Why has Transport Canberra ceased the 250 bus route from stopping at Baldwin Drive.
- (3) Was any community consultation undertaken regarding the change of services along Baldwin Drive.
- (4) Can the Minister provide patronage data for Transport Canberra bus route 250 during (a) peak times and (b) off-peak times during (i) 2015-16, (ii) 2016-17 and (iii) 2017-18 to date.
- (5) Can the Minister provide patronage data for Transport Canberra bus route 30 during (a) peak times and (b) off-peak times during (i) 2015-16, (ii) 2016-17 and (iii) 2017-18 to date.
- (6) Can the Minister provide the total number of patronage boardings at each Baldwin Drive stop for each Transport Canberra bus route servicing that area during (a) 2015-16, (b) 2016-17 and (c) 2017-18 to date.
- (7) Can the Minister provide an outline detailing why the 250 bus route no longer services the stops along Baldwin Drive.
- (8) Can the Minister provide an outline detailing the reasoning behind the recent modification(s) to bus route (a) 30 and (b) 250.

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1) Transport Canberra is currently undertaking consultation with the community to discuss how local bus services can connect to the Rapid Network in 2018.
- (2) The introduction of the Black Rapid (current Route 250) saw the service straightened to follow Aikman Drive. This is the strategic Rapid corridor highlighted in Transport for Canberra Report Card, providing the fastest and most direct route between the Belconnen and Gungahlin town centres.
- (3) See above.
- (4) The patronage data for Transport Canberra bus route 250 during (a) peak times and (b) off-peak times during (i) 2015-16, (ii) 2016-17 and (iii) 2017-18 to date (as at 2 November 2017) are displayed in the table below:

	Fiscal Year		
	2015-16	2016-17	2017-18
Peak Times*	91,501	88,815	27,166
Off-Peak Times*	164,028	171,315	55,071

\*Off-peak periods apply between 9:00am and 4:30pm and after 6:00pm on weekdays, and all day weekends and public holidays. All other periods are peak.

- (5) The patronage data for Transport Canberra bus route 30 during (a) peak times and (b) off-peak times during (i) 2015-16, (ii) 2016-17 and (iii) 2017-18 to date are displayed below:

	Fiscal Year		
	2015-16	2016-17	2017-18
Peak Times*	121,667	123,534	41,396
Off-Peak Times*	153,079	142,129	54,035

\*Off-peak periods apply between 9:00am and 4:30pm and after 6:00pm on weekdays, and all day weekends and public holidays. All other periods are peak.

- (6) The total number of patronage boardings at each Baldwin Drive stop for each Transport Canberra bus route servicing that area during (a) 2015-16, (b) 2016-17 and (c) 2017-18 to date (as at 2 November 2017) are displayed in the tables below (excluding school special and Christmas Day services):

Route 250:

Stop	Fiscal Year		
	2015-16	2016-17	2017-18
4009: Baldwin Dr after Ginninderra Dr	299	398	147
4010: Baldwin Dr before Ginninderra Dr	2,380	3,016	759
4012: Baldwin Dr after 2nd Maribyrnong Av	1,606	3,322	1,887
5004: Baldwin Dr after Maribyrnong Av	7,289	7,869	2,272
5005: Baldwin Dr before Maribyrnong Av North Entry	1,927	2,024	475
5007: Baldwin Dr Kaleen HS	5,377	5,316	1,401
5008: Baldwin Dr after Kaleen HS	994	561	135
5009: Baldwin Dr before Kaleen HS	318	123	100
5010: Baldwin Dr after Maribyrnong Av South Entry	393	530	168
5011: Baldwin Dr before Maribyrnong Av South Entry	1,511	1,375	350
5012: Baldwin Dr before Maribyrnong Av	433	592	240
5013: Baldwin Dr before William Slim Dr	197	217	30
5014: Baldwin Dr before Gum St	87	69	74
5015: Baldwin Dr after Gum St	1,653	1,503	355
5016: Baldwin Dr after William Slim Dr	918	1,098	112
5042: Baldwin Dr opp Kaleen HS	1,633	1,968	425
5096: Baldwin Dr after Chuculba Cr	482	524	154
5097: Baldwin Dr before Chuculba Cr	644	723	186
5177: Baldwin Dr 2nd after Gum St	309	375	124
5178: Baldwin Dr 2nd after Chuculba Cr	47	46	7

## Route 254:

Stop	Fiscal Year		
	2015-16	2016-17	2017-18
4009: Baldwin Dr after Ginninderra Dr	0	0	20
4010: Baldwin Dr before Ginninderra Dr	0	0	9
4012: Baldwin Dr after 2nd Maribyrnong Av	0	0	16
5004: Baldwin Dr after Maribyrnong Av	0	0	23
5005: Baldwin Dr before Maribyrnong Av North Entry	0	0	45
5007: Baldwin Dr Kaleen HS	0	0	11
5008: Baldwin Dr after Kaleen HS	0	0	0
5009: Baldwin Dr before Kaleen HS	0	0	20
5010: Baldwin Dr after Maribyrnong Av South Entry	0	0	7
5011: Baldwin Dr before Maribyrnong Av South Entry	0	0	1
5012: Baldwin Dr before Maribyrnong Av	0	0	16
5013: Baldwin Dr before William Slim Dr	0	0	3
5014: Baldwin Dr before Gum St	0	0	13
5015: Baldwin Dr after Gum St	0	0	6
5016: Baldwin Dr after William Slim Dr	0	0	0
5042: Baldwin Dr opp Kaleen HS	0	0	28
5096: Baldwin Dr after Chuculba Cr	0	0	14
5097: Baldwin Dr before Chuculba Cr	0	0	1
5177: Baldwin Dr 2nd after Gum St	0	0	0
5178: Baldwin Dr 2nd after Chuculba Cr	0	0	0

## Route 30:

Stop	Fiscal Year		
	2015-16	2016-17	2017-18
4009: Baldwin Dr after Ginninderra Dr	233	213	87
4010: Baldwin Dr before Ginninderra Dr	736	932	456
4012: Baldwin Dr after 2nd Maribyrnong Av	619	1,329	1,091
5004: Baldwin Dr after Maribyrnong Av	1,774	1,948	863
5005: Baldwin Dr before Maribyrnong Av North Entry	311	171	129
5007: Baldwin Dr Kaleen HS	279	294	577
5008: Baldwin Dr after Kaleen HS	233	201	59
5009: Baldwin Dr before Kaleen HS	93	80	16
5010: Baldwin Dr after Maribyrnong Av South Entry	144	136	91
5011: Baldwin Dr before Maribyrnong Av South Entry	351	617	192
5012: Baldwin Dr before Maribyrnong Av	131	562	411
5013: Baldwin Dr before William Slim Dr	0	0	0
5014: Baldwin Dr before Gum St	0	0	0
5015: Baldwin Dr after Gum St	0	0	0
5016: Baldwin Dr after William Slim Dr	0	0	0
5042: Baldwin Dr opp Kaleen HS	259	335	170
5096: Baldwin Dr after Chuculba Cr	0	0	0
5097: Baldwin Dr before Chuculba Cr	0	0	0
5177: Baldwin Dr 2nd after Gum St	0	0	0
5178: Baldwin Dr 2nd after Chuculba Cr	0	0	0

## Route 31:

Stop	Fiscal Year		
	2015-16	2016-17	2017-18
4009: Baldwin Dr after Ginninderra Dr	1,310	1,308	671
4010: Baldwin Dr before Ginninderra Dr	756	979	351

Stop	Fiscal Year		
	2015-16	2016-17	2017-18
4012: Baldwin Dr after 2nd Maribyrnong Av	476	1,107	1,083
5004: Baldwin Dr after Maribyrnong Av	0	0	0
5005: Baldwin Dr before Maribyrnong Av North Entry	0	0	0
5007: Baldwin Dr Kaleen HS	0	0	0
5008: Baldwin Dr after Kaleen HS	0	0	0
5009: Baldwin Dr before Kaleen HS	0	0	0
5010: Baldwin Dr after Maribyrnong Av South Entry	0	0	0
5011: Baldwin Dr before Maribyrnong Av South Entry	0	0	0
5012: Baldwin Dr before Maribyrnong Av	618	1,571	1,660
5013: Baldwin Dr before William Slim Dr	0	0	0
5014: Baldwin Dr before Gum St	0	0	0
5015: Baldwin Dr after Gum St	0	0	0
5016: Baldwin Dr after William Slim Dr	0	0	0
5042: Baldwin Dr opp Kaleen HS	0	0	0
5096: Baldwin Dr after Chuculba Cr	0	0	0
5097: Baldwin Dr before Chuculba Cr	0	0	0
5177: Baldwin Dr 2nd after Gum St	0	0	0
5178: Baldwin Dr 2nd after Chuculba Cr	0	0	0

## Route 54:

Stop	Fiscal Year		
	2015-16	2016-17	2017-18
4009: Baldwin Dr after Ginninderra Dr	0	0	12
4010: Baldwin Dr before Ginninderra Dr	0	0	122
4012: Baldwin Dr after 2nd Maribyrnong Av	0	0	402
5004: Baldwin Dr after Maribyrnong Av	0	0	284
5005: Baldwin Dr before Maribyrnong Av North Entry	0	0	64
5007: Baldwin Dr Kaleen HS	0	0	64
5008: Baldwin Dr after Kaleen HS	0	0	16
5009: Baldwin Dr before Kaleen HS	0	0	3
5010: Baldwin Dr after Maribyrnong Av South Entry	0	0	21
5011: Baldwin Dr before Maribyrnong Av South Entry	0	0	60
5012: Baldwin Dr before Maribyrnong Av	0	0	34
5013: Baldwin Dr before William Slim Dr	0	0	7
5014: Baldwin Dr before Gum St	0	0	7
5015: Baldwin Dr after Gum St	0	0	71
5016: Baldwin Dr after William Slim Dr	0	0	33
5042: Baldwin Dr opp Kaleen HS	0	0	81
5096: Baldwin Dr after Chuculba Cr	0	0	19
5097: Baldwin Dr before Chuculba Cr	0	0	21
5177: Baldwin Dr 2nd after Gum St	0	0	10
5178: Baldwin Dr 2nd after Chuculba Cr	0	0	1

## Route 930:

Stop	Fiscal Year		
	2015-16	2016-17	2017-18
4009: Baldwin Dr after Ginninderra Dr	0	0	7
4010: Baldwin Dr before Ginninderra Dr	0	0	40
4012: Baldwin Dr after 2nd Maribyrnong Av	0	0	148
5004: Baldwin Dr after Maribyrnong Av	0	0	72
5005: Baldwin Dr before Maribyrnong Av North Entry	0	0	8

Stop	Fiscal Year		
	2015-16	2016-17	2017-18
5007: Baldwin Dr Kaleen HS	0	0	9
5008: Baldwin Dr after Kaleen HS	0	0	3
5009: Baldwin Dr before Kaleen HS	0	0	0
5010: Baldwin Dr after Maribyrnong Av South Entry	0	0	9
5011: Baldwin Dr before Maribyrnong Av South Entry	0	0	24
5012: Baldwin Dr before Maribyrnong Av	0	0	12
5013: Baldwin Dr before William Slim Dr	0	0	0
5014: Baldwin Dr before Gum St	0	0	0
5015: Baldwin Dr after Gum St	0	0	0
5016: Baldwin Dr after William Slim Dr	0	0	0
5042: Baldwin Dr opp Kaleen HS	0	0	1
5096: Baldwin Dr after Chuculba Cr	0	0	0
5097: Baldwin Dr before Chuculba Cr	0	0	0
5177: Baldwin Dr 2nd after Gum St	0	0	0
5178: Baldwin Dr 2nd after Chuculba Cr	0	0	0

## Route 931:

Stop	Fiscal Year		
	2015-16	2016-17	2017-18
4009: Baldwin Dr after Ginninderra Dr	0	0	11
4010: Baldwin Dr before Ginninderra Dr	0	0	16
4012: Baldwin Dr after 2nd Maribyrnong Av	0	0	65
5004: Baldwin Dr after Maribyrnong Av	0	0	0
5005: Baldwin Dr before Maribyrnong Av North Entry	0	0	0
5007: Baldwin Dr Kaleen HS	0	0	0
5008: Baldwin Dr after Kaleen HS	0	0	0
5009: Baldwin Dr before Kaleen HS	0	0	0
5010: Baldwin Dr after Maribyrnong Av South Entry	0	0	0
5011: Baldwin Dr before Maribyrnong Av South Entry	0	0	0
5012: Baldwin Dr before Maribyrnong Av	0	0	8
5013: Baldwin Dr before William Slim Dr	0	0	0
5014: Baldwin Dr before Gum St	0	0	0
5015: Baldwin Dr after Gum St	0	0	0
5016: Baldwin Dr after William Slim Dr	0	0	0
5042: Baldwin Dr opp Kaleen HS	0	0	0
5096: Baldwin Dr after Chuculba Cr	0	0	0
5097: Baldwin Dr before Chuculba Cr	0	0	0
5177: Baldwin Dr 2nd after Gum St	0	0	0
5178: Baldwin Dr 2nd after Chuculba Cr	0	0	0

## Route 932:

Stop	Fiscal Year		
	2015-16	2016-17	2017-18
4009: Baldwin Dr after Ginninderra Dr	54	102	23
4010: Baldwin Dr before Ginninderra Dr	680	942	376
4012: Baldwin Dr after 2nd Maribyrnong Av	394	1,234	710
5004: Baldwin Dr after Maribyrnong Av	739	688	132
5005: Baldwin Dr before Maribyrnong Av North Entry	27	81	31
5007: Baldwin Dr Kaleen HS	86	69	38
5008: Baldwin Dr after Kaleen HS	72	131	53
5009: Baldwin Dr before Kaleen HS	1	9	9

Stop	Fiscal Year		
	2015-16	2016-17	2017-18
5010: Baldwin Dr after Maribyrnong Av South Entry	7	17	10
5011: Baldwin Dr before Maribyrnong Av South Entry	345	374	102
5012: Baldwin Dr before Maribyrnong Av	31	102	45
5013: Baldwin Dr before William Slim Dr	0	0	0
5014: Baldwin Dr before Gum St	0	0	0
5015: Baldwin Dr after Gum St	0	0	0
5016: Baldwin Dr after William Slim Dr	0	0	0
5042: Baldwin Dr opp Kaleen HS	8	9	9
5096: Baldwin Dr after Chuculba Cr	0	0	0
5097: Baldwin Dr before Chuculba Cr	0	0	0
5177: Baldwin Dr 2nd after Gum St	0	0	0
5178: Baldwin Dr 2nd after Chuculba Cr	0	0	0

Route 954:

Stop	Fiscal Year		
	2015-16	2016-17	2017-18
4009: Baldwin Dr after Ginninderra Dr	62	71	37
4010: Baldwin Dr before Ginninderra Dr	485	304	108
4012: Baldwin Dr after 2nd Maribyrnong Av	337	270	231
5004: Baldwin Dr after Maribyrnong Av	971	839	319
5005: Baldwin Dr before Maribyrnong Av North Entry	325	310	92
5007: Baldwin Dr Kaleen HS	110	158	62
5008: Baldwin Dr after Kaleen HS	144	59	17
5009: Baldwin Dr before Kaleen HS	39	28	22
5010: Baldwin Dr after Maribyrnong Av South Entry	75	54	25
5011: Baldwin Dr before Maribyrnong Av South Entry	146	123	62
5012: Baldwin Dr before Maribyrnong Av	63	102	61
5013: Baldwin Dr before William Slim Dr	39	84	8
5014: Baldwin Dr before Gum St	35	63	6
5015: Baldwin Dr after Gum St	193	142	50
5016: Baldwin Dr after William Slim Dr	113	167	21
5042: Baldwin Dr opp Kaleen HS	33	70	17
5096: Baldwin Dr after Chuculba Cr	62	66	24
5097: Baldwin Dr before Chuculba Cr	58	44	35
5177: Baldwin Dr 2nd after Gum St	14	66	7
5178: Baldwin Dr 2nd after Chuculba Cr	10	9	2

- (7) The Route 250 has been re-routed to provide the fastest and most direct service between the Gungahlin and Belconnen Town Centre. The alignment also provides a Rapid bus service to the new University of Canberra Public Hospital.
- (8) Regarding a) Bus route 30 – the route was increased from a 60 minute to 30 minute service during off peak periods to provide a better service along Baldwin Drive, Kaleen and Giralang. Regarding b) see response to Question 7.

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### **Access Canberra—parking (Question No 797)**

**Mr Coe** asked the Minister for Regulatory Services, upon notice, on 27 October 2017:

- (1) Can the Minister outline the customer parking arrangements at each Access Canberra shopfront and include (a) the number of disabled parking spaces, (b) the number of parking spaces, (c) parking fees and (d) any other relevant information.
- (2) What consideration is given to customer parking arrangements, when determining the location of Access Canberra shopfronts.
- (3) Are there minimum or maximum set distances customer parking must be within at Access Canberra shopfronts; if so, can the Minister provide the distance and whether each Access Canberra shopfront meets those conditions.
- (4) Are there a minimum number of customer parking spaces that each Access Canberra must provide; if so, please provide the minimum number and whether each Access Canberra meets the condition.
- (5) How many complaints regarding customer parking at Access Canberra shopfronts has the ACT Government received during (a) 2015-16, (b) 2016 17 and (c) 2017-18 to date.

**Mr Ramsay:** The answer to the member's question is as follows:

- (1) Each of the Access Canberra Service Centre and Shopfront locations are in close proximity to on street parking and/or public or privately owned car parks. There are no specific Access Canberra parking spaces but there is a mix of free and paid parking options located close to each location. The number of parking spaces available, parking fee rates and the number of accessible parking spaces vary from location to location.
  - (a) See response to Q1.
  - (b) See response to Q1.
  - (c) See response to Q1.
  - (d) See response to Q1.
- (2) Parking availability and public transport accessibility are considered when assessing potential sites. Care is taken to ensure that service centres and shopfronts are close to public transport and located in close proximity to frequently visited locations.
- (3) No.
- (4) No.
- (5) (a) 0  
(b) 1  
(c) 2

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**Government—hydrogen cars  
(Question No 798)**

**Mr Coe** asked the Minister for Climate Change and Sustainability, upon notice, on 27 October 2017:

- (1) Can the Minister provide an update on the status of the hydrogen cars purchased by the ACT Government in 2016.

- (2) Can the Minister provide an outline of the testing the hydrogen cars will undergo and any trial conditions that will be imposed.
- (3) Can the Minister outline what metrics will be used to determine whether the trial of the hydrogen cars is successful.
- (4) When is the trial expected to commence and conclude.
- (5) Will the results of the trial be publicly published; if so, how long after the trial concludes and where.
- (6) What is the budget for the trial of the hydrogen cars.
- (7) Will the trial be conducted by ACT Government public servants or external consultants.
- (8) Can the Minister provide the name of the successful contractor and the value of the contract, if external consultants will be used.

**Mr Rattenbury:** The answer to the member's question is as follows:

- (1) As an outcome of the ACT's fourth renewable electricity reverse auction, the French renewable energy company Neoen committed to procure a fleet of 20 Hyundai hydrogen cars for use in the government fleet or as otherwise directed by government. In co-operation with Hyundai and Siemens, Neoen also undertook to provide infrastructure and expertise to support the necessary hydrogen production, refuelling and servicing facilities.

The estimated timing for the delivery of the cars is in the first half of 2019. However, as the cars have not yet entered mass production, this date is subject to change.

- (2) As with any new car, the hydrogen cars will be required to demonstrate compliance with the Australian Design Rules under the *Motor Vehicle Standards Act 1989* (Cwlth).
- (3) EPSDD is currently working with industry to develop specific metrics for the hydrogen car trial. However, it is anticipated these will include performance, range, fuel economy, and maintenance and servicing costs.
- (4) The trial is currently expected to commence in the first half of 2019 and run for four years, but this is subject to change.
- (5) The ACT Government's intention is that an initial report will be publically available after the first twelve months of the trial.
- (6) The current estimated value of the 20 hydrogen cars and refuelling infrastructure is \$1.6 million, which is being funded by Neoen.
- (7) The trial will be led by industry; however, the ACT Government will facilitate the trial including in relation to ensuring effective integration of the vehicles into the government's fleet.



(8) The trial is being led by industry firms outlined above.

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**Roads—speed and red light cameras  
(Question No 799)**

**Mr Coe** asked the Minister for Justice, Consumer Affairs and Road Safety, upon notice, on 27 October 2017 (*redirected to the Minister for Regulatory Services*):

- (1) Has the red light camera at the intersection of Northbourne Avenue, Antill Street, and Mouat Street with camera location code 1006 been removed; if so, can the Minister outline (a) which agency made the decision to remove the camera, (b) how and why the decision was made, (c) when the red light camera was removed and (d) whether the construction of the Light Rail network influenced the decision, or necessitated the removal of the camera.
- (2) Have any red light or speed cameras been removed due to the construction of the Light Rail network; if so, can the Minister outline (a) the location of the removed camera, (b) which agency made the decision to remove the camera, (c) how and why that decision was made and (d) when the red light camera was removed.
- (3) Can the Minister provide the total number and location of each red light and speed camera removed in (a) 2015-16, (b) 2016-17 and (c) 2017-18 to date.
- (4) Can the Minister provide the (a) total number of infringements and (b) total value of the infringements, for each camera identified in part (3) during (i) 2015-16, (ii) 2016-17 and (iii) 2017-18 to date.
- (5) Can the Minister provide the (a) total number of infringements and (b) total value of the infringements captured by red light and speed cameras in (i) 2015-16, (ii) 2016-17 and (iii) 2017-18 to date.

**Mr Ramsay:** The answer to the member's question is as follows:

- (1) Yes.
  - (a) The re-alignment of the intersection for light rail meant that the device would be inside the operating envelope. Access Canberra and JACSD determined that, as the intersection ranked highly in the Martin Small report, the intersection should continue to have a detection device installed. Accordingly, the decision was made to move the device to the verge.
  - (b) See response above.
  - (c) The camera was turned off at 09:16 hrs and removed on 5 October 2017 and it is not yet known when the camera will be reinstalled on the verge in the new location.
  - (d) Yes.
- (2) Yes. See response to Q1. None in addition to this.
  - (a) Intersection of Northbourne Avenue, Antill Street, and Mouat Street.
  - (b) See response to Q1 part (a).
  - (c) See response to Q1 part (a).
  - (d) See response to Q1 part (c).

- (3)
- (a) None
  - (b) 1 – Intersection of Gungahlin Drive and Gundaroo Drive.
  - (c) 1 – Intersection of Northbourne Avenue, Antill Street, and Mouat Street.
- (4)
- Red light and speed camera at the intersection of Gungahlin Drive and Gundaroo Drive.
- (i) 2015-16;
    - (a) 523
    - (b) \$210,742
  - (ii) 2016-17;
    - (a) 446
    - (b) \$200,202
  - (iii) 2017-18, as at 1 November 2017;
    - (a) N/A
    - (b) N/A
- Red light and speed camera at the intersection of Northbourne Avenue, Antill Street, and Mouat Street.
- (i) 2015-16;
    - (c) 5488
    - (d) \$1,581,676
  - (ii) 2016-17;
    - (c) 4357
    - (d) \$1,365,433
  - (iii) 2017-18, as at 1 November 2017;
    - (c) 937
    - (d) \$335,704
- (5)
- (i) 2015-16;
    - (a) 58,807
    - (b) \$16,286,685
  - (ii) 2016-17;
    - (a) 61,629
    - (b) \$18,979,768
  - (iii) 2017-18, as at 1 November 2017;
    - (a) 19,039
    - (b) \$7,039,956

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**National disability insurance scheme—transition  
(Question No 800)**

**Ms Lee** asked the Minister for Disability, Children and Youth, upon notice, on 27 October 2017:

- (1) Given that a recent Productivity Commission report has found that the National Disability Insurance Scheme (NDIS) will miss its rollout deadline by at least a year, what implications will this have on progress to transition for the ACT.
- (2) What financial implications would a delay to the national roll out of the NDIS have on the ACT.

**Ms Stephen-Smith:** The answer to the member's question is as follows:

- (1) The ACT has fully transitioned all eligible participants to the NDIS and the NDIA is now responsible for funding specialist disability support for people with disability in the ACT. Any delay in the national roll out of the scheme would therefore have no implications for the ACT.
- (2) There will be no financial implications for the ACT if there is a delay in the national roll out of the NDIS. It should also be noted that Federal and State Disability Ministers have expressed no appetite for delaying the national rollout.

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**ACTION bus service—route alterations  
(Question No 801)**

**Ms Lee** asked the Minister for Transport and City Services, upon notice, on 27 October 2017:

- (1) In relation to the No 5 bus route that was discontinued on 9 October, what consultations did the Minister undertake with community groups or commuters prior to making this change and other changes, to determine whether the new route plans would meet the needs of patrons.
- (2) Has the Minister agreed to a meeting request from the Old Narrabundah Community Council to discuss the cancellation of the No 5 bus route.
- (3) Has the Minister or her Directorate received feedback about the cancellation of the No 5 bus route from affected patrons; if so, what was the nature of that feedback.

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1) The ACT Government committed to the commencement of the Green Rapid through South Canberra in 2017 at the 2016 election.
  - (2) Transport Canberra officials have spoken with members of the Old Narrabundah Community Council as well as other stakeholders in the area regarding transport options for the area.
  - (3) Since the announcement of the new timetable on 31 August 2017 and the timetable commencing on 7 October 2017 Transport Canberra has received feedback. This feedback was both positive and negative on different aspects of the updated network.
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**Government—land development policies  
(Question No 802)**

**Ms Lee** asked the Minister for Housing and Suburban Development, upon notice, on 27 October 2017:

- (1) Following advice from the Minister that Integrated Green Energy (formerly FOY Group) completed the purchase of their block of land (Block 11 Section 21 Hume) on 20 October 2017, what was the breakdown of monies paid in (a) balance of land purchase, (b) penalties and (c) other costs.
- (2) Has any amendment or restriction been placed on activities that may be conducted on that block given the negative panel report in April 2017 about the intended activities on that land;
- (3) Has the ACT Government received any response from IGE/FOY Group to criticisms outlined in the panel report.
- (4) Has a revised development application been lodged for that block.
- (5) Does the IGE/FOY Group have any financial interest in any other block in the ACT.

**Ms Berry:** The answer to the member's question is as follows:

- (1) At Settlement on 19 October 2017 the breakdown of monies paid was:
  - (a) \$2,953,075 (plus \$310,805 GST) balance of land purchase;
  - (b) \$97,938.60 in penalties; and
  - (c) \$1,100 in legal fees.
- (2) There has been no Territory Plan variation that changes the zoning of the block.
- (3) The Planning and Land Authority has not received any such response.
- (4) No development application has been lodged for that block.
- (5) The Suburban Land Agency is not aware of the IGE/FOY Group having any financial interest in any other block in the ACT.

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**Housing ACT—tenancy agreements  
(Question No 803)**

**Ms Le Couteur** asked the Minister for Housing and Suburban Development, upon notice, on 27 October 2017:

- (1) Does the ACT Government keep a record of the number of occasions that endorsed terms are included in a Residential Tenancy Agreement with Housing ACT tenants; if so, how many agreements with endorsed terms have been negotiated during (a) 2015-16 and (b) 2016-17.

- (2) What types of terms were endorsed
- (3) Are Housing ACT tenants provided with any advice about the endorsed terms prior to signing the agreement.
- (4) Does Housing ACT have to apply to the ACT Civil and Administrative Tribunal each time endorsed terms are included in a Residential Tenancy Agreement.

**Ms Berry:** The answer to the member's question is as follows:

- (1) Housing ACT has commenced recording the number of endorsements sought since January 2017. However, The ACT Civil and Administrative Tribunal (ACAT) keeps records of the number of endorsed terms included in the Residential Tenancy Agreements. In 2015-16, there were 36 tenancy agreements with endorsed terms for Housing ACT and in 2016-17 there were 67 tenancy agreements with endorsed terms for Housing ACT.
- (2) The types of terms endorsed include:
  - debts owed by public housing tenants
  - the ending of fixed term tenancies
  - house rules for tenants in multi-unit complexes
  - property inspection
- (3) The endorsed terms are explained and discussed with the tenant prior to, or at, the time of signing of their Residential Tenancy Agreements.
- (4) Yes.

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### **Housing ACT—tenancy agreements (Question No 804)**

**Ms Le Couteur** asked the Minister for Housing and Suburban Development, upon notice, on 27 October 2017:

- (1) How many Housing ACT tenants have restrictions on pets and what are those restrictions.
- (2) How many Housing ACT tenants have restrictions on subleasing and what are those restrictions.
- (3) What is the breakdown of evictions over the last three years, by reason/cause, for Housing ACT tenants.
- (4) Are there additional restrictions on minor modifications imposed on Housing ACT tenants, above what is imposed on tenants in the private market.
- (5) What complaints have been made over the past three years arising from minor modifications in rental properties managed by Housing ACT.

**Ms Berry:** The answer to the member's question is as follows:

- (1) No Housing ACT tenant currently has pet restrictions. Housing ACT has in the past obtained orders from the ACT Civil and Administrative Tribunal restricting pets where ownership has caused a breach of the *Residential Tenancies Act 1998*.
- (2) Housing ACT tenants are not bound by any other restrictions on subleasing apart from those contained in the *Residential Tenancies Act 1998*.
- (3) The following is a breakdown of evictions over the last three years, by reason/cause, for Housing ACT tenants:

Reason/Cause	2015-16	2016-17	1-7-2017 to 7-11-2017
Failure to pay rent	17	16	4
Property condition	1	2	1
Anti-social behaviour	1	1	
No cause provisions		2	
Removal of unauthorised occupant		1	
Total	19	22	5

- (4) Housing ACT tenants are not bound by any other restrictions on modifications apart from those contained in the *Residential Tenancies Act 1998*.
- (5) Housing ACT captures and sorts complaints under the Complaints Handling and Management Platform categories of anti-social behaviour, fraud, property condition and maintenance. The complaints process does not specify if a complaint is the result of a tenant's modification to the property.

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### **Government—better suburbs statement (Question No 805)**

**Ms Le Couteur** asked the Minister for Transport and City Services, upon notice, on 27 October 2017:

- (1) What types of community engagement will be used in the creation of the Better Suburbs Statement.
- (2) What groups are being targeted for the consultation.
- (3) What measures are being used to ensure that disengaged or marginalised groups are included in the consultation.
- (4) How will the Better Suburbs Statement and consultation process intersect with the upcoming Participatory Budgeting Project for City Services.
- (5) Will these two processes run concurrently.
- (6) What is the longevity of the Better Suburbs Statement.
- (7) How often will the Better Suburbs Statement be reviewed.

- (8) What systems are in place to ensure that community feedback and recommendations are implemented by the Government in a timely manner.
- (9) What accountability measures are in place to allow community members to hold the Government to account for failing to implement elements of the Better Suburbs Statement.

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1) The Better Suburbs Program has an extensive community consultation and engagement process including:
  - opportunities to provide comments on city services online via [Yoursay.act.gov.au](http://Yoursay.act.gov.au) (survey and online discussion page), by completing a hard copy survey (available in ACT Libraries), by email and on Facebook;
  - community workshops;
  - presentations at various community forums (for example Community Council meetings);
  - drop-in sessions at various locations across Canberra; and
  - distribution of promotional postcards.
- (2) Targeted stakeholder groups include:
  - Community Councils and Resident's Associations;
  - ANU and Canberra University student representatives;
  - Youth Coalition of the ACT and ACT Youth Advisory Council;
  - Neighbourhood Watch;
  - Office for Aboriginal and Torres Strait Islander Affairs Aboriginal and Torres Strait Islander Elected Body;
  - Office for Women; and
  - Other representative groups (e.g. RSPCA; YWCA; COTA; People with a Disability; ACT Disability Reference Group; Aged and Carer Advocacy Service; ACT Inclusion Council).
- (3) A concerted effort is being made to engage across a broad spectrum of the community including sectors of the community that are or are at risk of becoming disengaged or marginalised. In addition to directly targeting representative groups, numerous participation options are available, including locating hard copies of surveys in libraries, targeted 'drop-in' sessions and community workshops, to ensure that people of all ages and abilities have the opportunity to participate.
- (4) A motion was passed in the Assembly on 23 August 2017 noting the intention of the Government to conduct a participatory budgeting pilot within City Services no later than the 2019-2020 Budget cycle.

The consultation phase of the Better Suburbs Program commenced on 19 September 2017. It includes deliberative democracy activities to develop the intended City Services vision and priorities to be included in the Better Suburbs Statement. Outcomes of these activities could then be used to inform the participatory budgeting process when it commences.

- (5) No.

- (6) The Better Suburbs Statement will provide a shared vision and identify objectives and priorities over a four year period.
- (7) The Better Suburbs Statement will be reviewed annually.
- (8) No special measures are proposed in this regard. The Statement will be freely available to the community.
- (9) TCCS undertakes an annual Customer Satisfaction Survey and the results should reflect improvements in the delivery of city services. It is anticipated that the Better Suburbs “Your Say” page will remain active throughout the program delivery to provide updates on the progress of the priorities identified in the Statement and to ensure the conversation continues.

### **Government—rental bonds scheme (Question No 807)**

**Ms Le Couteur** asked the Minister for Regulatory Services, upon notice, on 27 October 2017 (*redirected to the Attorney-General*):

- (1) What is the level of interest accrued by the Rental Bonds Scheme.
- (2) What proportion is distributed to the (a) Tenants Union, (b) Office of Rental Bonds and (c) ACT Civil and Administrative Tribunal.
- (3) How has this fund changed over time.
- (4) What was the level of funds for each financial year from 2010-11 to the present.

**Mr Ramsay:** The answer to the member’s question is as follows:

- (1) Total Interest of Rental Bond Accounts:

	2010-11 \$'000	2011-12 \$'000	2012-13 \$'000	2013-14 \$'000	2014-15 \$'000	2015-16 \$'000	2016-17 \$'000	2017-18 <sup>2</sup> \$'000
Total Interest <sup>1</sup>	2,679	2,941	2,602	2,188	2,083	1,864	1,804	599

Note:

1. Total Interest includes interest earned from the Access Canberra operating bank account (Rental Bond Trust Account) and the Public Trustee and Guardian investment account (Rental Bond Trust Account).
2. 2017-18 interest relates to the period from July to October 2017.

- (2) The Territory pays all bond money received into a trust account. The interest from the Rental Bonds Trust accounts is transferred into the ACT Civil and Administrative Tribunal (ACAT) Trust fund.

The ACAT Trust also includes receipts and interest relating to other authorising laws and provides funding for ACAT related services as prescribed under the *ACT Civil and Administrative Tribunal Act 2008*. It also funds a range of services under the *Residential Tenancy Act 1997*. These include:

- Office of Rental Bond functions and related services;
- provision of dispute resolution services; and
- provision of Tenants Advice Services.



In 2016-17, the ACAT Trust fund provided the following funding to:

- Tenants Union ACT of \$0.434m;
- Office of Rental Bonds of \$1.191m; and
- ACAT of \$6.447m.

(3) & (4) The following table summarises the balance of Rental Bond funds for each financial year and related change from 2010-11 to end of October 2017:

	30/6/11 \$'000	30/6/12 \$'000	30/6/13 \$'000	30/6/14 \$'000	30/6/15 \$'000	30/6/16 \$'000	30/6/17 \$'000	31/10/17 \$'000
Rental Bond Trust Account - Level of fund <sup>1</sup>	<b>48,966</b>	<b>54,218</b>	<b>58,160</b>	<b>60,285</b>	<b>62,916</b>	<b>65,943</b>	<b>69,201</b>	<b>69,913</b>
Change from prior year		10.73%	7.27%	3.65%	4.36%	4.81%	4.94%	1.03%

Note:

1. The level of fund each financial year include balances from the Access Canberra operating bank account (Rental Bond Trust account) and the Public Trustee and Guardian investment account (Rental Bond Trust Account).

## Housing—rental (Question No 808)

**Ms Le Couteur** asked the Minister for Regulatory Services, upon notice, on 27 October 2017 (*redirected to the Attorney-General*):

- (1) Does the ACT Government collect data on the use of certain terms (including endorsed and special terms) in Residential Tenancy Agreements.
- (2) How many Residential Tenancy Agreements in the ACT have “no pet” clauses.
- (3) Does the ACT Government collect data on what grounds are used for the eviction of tenants in the ACT.
- (4) What is the breakdown of evictions over the last three years, by reason/cause.
- (5) What restrictions currently exist in the ACT for minor modifications in rental properties.
- (6) What complaints have been made over the past three years arising from minor modifications in rental properties in the private rental market.
- (7) What complaints have been made over the past three years arising from minor modifications in rental properties in community/social housing.
- (8) What limitations are in place in the ACT for the duration of fixed-term residential leases.
- (9) What is the breakdown of the duration of fixed-term residential leases in the ACT (for example, six month, 12 month, 24 month, recurring, etc).
- (10) What is the frequency of lease renewals in fixed-term residential leases.

- (11) Are there any legislative or procedural limitations on housing providers offering unlimited or indefinite-term leases.
- (12) What is the take-up of long-term leases in the ACT (for example, how many Residential Tenancy Agreements currently exist for five, 10, year terms etc).
- (13) Do tenants in long-term leases have additional rights, obligations or restrictions not imposed on shorter fixed-term residential leases.
- (14) How many individuals in the ACT have been evicted over the past three years because the owner wished to sell the property.
- (15) Are there restrictions on how much rent can increase between the termination of one fixed-term lease and the signing of another, either to another person or to the current tenant.
- (16) Are there restrictions on how much rent can increase during a fixed-term lease.
- (17) Are there restrictions on how much rent can increase upon the resigning or recurrence of a fixed-term lease.
- (18) How many complaints have been received over the past three years of owners failing to undertake reasonable repairs or improvements to a rental property in a timely fashion.
- (19) What obligations are imposed on owners of rental properties to bring properties to a particular rental standard.
- (20) What enforcement of these standards have taken place over the past three years.

**Mr Ramsay:** The answer to the member's question is as follows:

- (1) Housing ACT has commenced recording the number of endorsements sought since January 2017. However, the ACT Civil and Administrative Tribunal (ACAT) keeps records of the number of endorsed terms included in the residential tenancy agreements. In 2015-16, there were 36 tenancy agreements with endorsed terms for Housing ACT and in 2016-17 there were 67 tenancy agreements with endorsed terms for Housing ACT.

- (2) This information is not readily available for private tenancies.

No Housing ACT tenant currently has pet restrictions. Housing ACT has in the past obtained orders from the ACT Civil and Administrative Tribunal restricting pets where ownership has caused a breach of the *Residential Tenancies Act 1997* (the RT Act).

- (3) Not on a centralised basis and this information is not readily available.

Housing ACT keeps data on grounds used for the eviction of Housing ACT tenants. Further detail is at question 4 of this QON.

- (4) This information is not readily available for private tenants.

The following is a breakdown of evictions over the last three years, by reason/cause, for Housing ACT tenants:

Reason/Cause	2015-16	2016-17	1 July 2017 to 7 November 2017
Failure to pay rent	17	16	4
Property condition	1	2	1
Anti-social behaviour	1	1	
No cause provisions		2	
Removal of unauthorised occupant		1	
Total	19	22	5

- (5) The Standard Residential Tenancy Terms (the Standard Terms) at schedule 1 of the RT Act impose some restrictions on modifications of rental properties by tenants. Clause 67 of the Standard Terms provides that the tenant must not make any additions or alterations to the premises without the written consent of the lessor. Clause 68 of the Standard Terms provides that the tenant must not add any fixtures or fittings to the premises without the consent of the lessor. However, the lessor's consent must not be unreasonably withheld. The tenant must make good any damage to the premises on removal of any fixtures and fittings. Any fixtures or fittings not removed by the tenant before the tenant leaves the premises become the property of the lessor.
- (6) The RT Act does not have a formal complaints mechanism, however the lessor or tenant may apply to the ACT Civil and Administrative Tribunal (ACAT) for dispute resolution. Not all decisions are reported, however minor modifications by a tenant were discussed in *Maroney v Bullard* [2010] ACAT 20. In this case, the tenants had made some minor modifications with the consent of the lessor, including painting, installing picture hooks and installing curtain tracks. The lessor provided consent on the condition that the tenants remove the curtain fittings on leaving the premises. The tenants did not do so, and were liable to compensate the lessor for the cost of rectification work.
- (7) The RT Act does not have a formal complaints mechanism for private tenancies. Instead parties to residential tenancy agreements are able to seek a number of remedies via ACAT.
- Housing ACT captures and sorts complaints under the Complaints Handling and Management Platform categories of anti-social behaviour, fraud, property condition and maintenance. The complaints process does not specify if a complaint is the result of a tenant's modification to the property.
- (8) The RT Act does not place any limitations on the duration of a fixed term residential tenancy agreement.
- (9) There is no requirement to register or lodge residential tenancy agreements in a central location. Therefore, this information is not readily available, particularly as a private residential tenancy of this nature would not necessarily come to the attention of anyone other than the parties.
- (10) There is no requirement to register or lodge residential tenancy agreements in a central location. Therefore, this information is not readily available, particularly as a private residential tenancy of this nature would not necessarily come to the attention of anyone other than the parties.

- (11) The RT Act does not place any limitations on providers offering unlimited or indefinite long-term leases.
- (12) There is no requirement to register or lodge residential tenancy agreements in a central location. Therefore, this information is not readily available, particularly as a private residential tenancy of this nature would not necessarily come to the attention of anyone other than the parties.
- (13) The RT Act generally does not provide additional rights for tenants in longer term leases. The only section of the RT Act that distinguishes between the lengths of fixed term agreements is the new optional 'break lease' clause (RT Act, s8(1)). This clause is not part of the Standard Terms. It is an additional clause that the parties may include in the residential tenancy agreement if they wish.

The 'break lease' clause allows a tenant to end a fixed term agreement early for a fee. If the fixed term of the residential tenancy agreement is three years or less, if less than half of the fixed term has expired, the break lease fee is 6 weeks rent. In any other case, the break lease fee is 4 weeks rent. If the fixed term is more than 3 years, the break lease fee is the amount agreed between the lessor and tenant.

- (14) This information is not readily available.
- (15) No, however a tenant may apply to ACAT for a review of an excessive increase in rent (Standard Terms clause 39(1), Act, part 5). The lessor cannot accept a second bond where there are successive residential tenancy agreements and one or more of the tenants under the first agreement continue to occupy the premises under a second successive residential tenancy agreement (Act, s22).
- (16) Rent cannot be increased during a fixed term unless the amount of the increase, or a method for working it out, is set out in the residential tenancy agreement (s64A). A tenant may apply to the ACAT for a review of an excessive increase in rent (Standard Terms clause 39(1), Act, part 5).
- (17) No, however a tenant may apply to ACAT for a review of an excessive increase in rent (Standard Terms clause 39(1), Act, part 5).
- (18) The Act does not have a formal complaints mechanism, however the lessor or tenant may apply to the ACAT. Information is not readily available on disputes of this nature made and or lodged with the ACAT.
- (19) The lessor is required under the Standard Terms to provide premises in a reasonable state at the start of the tenancy (Standard Terms clause 54(1)). The premises must be fit for habitation, reasonably clean, in a reasonable state of repair and reasonably secure.

The lessor is required to maintain the premises in a reasonable state of repair, and the tenant must notify the lessor of any need for repairs (Standard Terms clause 55).

If the premises are not fit for habitation, the lessor or the tenant may terminate the tenancy (Standard Terms, clause 86). The rent abates from the date that the premises are uninhabitable (Standard Terms, clause 87(1)). The lessor must give no less than one week's notice of termination of the tenancy, and the tenant may give two days notice of termination of the tenancy (Standard Terms, clause 87(1) and (2)).

- (20) These requirements are not ‘enforced’ by an independent body. Instead, a party to the agreement could choose to bring the matter to the ACAT for resolution.

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### **Housing—rental (Question No 809)**

**Ms Le Couteur** asked the Minister for Regulatory Services, upon notice, on 27 October 2017 (*redirected to the Attorney-General*):

- (1) In relation to endorsed terms under the Residential Tenancies Act, are Endorsed Terms publicly accessible.
- (2) What deliberations are made on each set of endorsed terms by the ACT Civil and Administrative Tribunal (ACAT).
- (3) Who are parties to or have standing to be parties to those deliberations.
- (4) Do ACAT members undertake their own inquiries into the legality or suitability of each set of endorsed terms.
- (5) Are there any fees associated with having a set of terms endorsed by ACAT.
- (6) Has ACAT provided blanket endorsement of no pets terms, no smoking terms or professional carpet cleaning terms.

**Mr Ramsay:** The answer to the member’s question is as follows:

- (1) The endorsed terms are not publicly accessible.
- (2) The process for seeking endorsement of additional terms for a residential tenancy agreement is set out in section 10 of the *Residential Tenancies Act 1997*. The parties to a residential tenancy agreement apply in writing to the ACAT for endorsement of a term of the agreement that is inconsistent with a standard residential tenancy term.

When making a decision on endorsement, the ACAT must consider whether the inclusion of the inconsistent term was obtained by fraud or undue influence (s10(3)(b)). ACAT must not endorse a term that is inconsistent with the *Residential Tenancies Act 1997* (other than a standard residential tenancy term). The Minister has power under the Act to determine criteria for the ACAT to consider when making a decision on endorsement, but no criteria has been made to date.

- (3) The parties to the endorsement application are the parties to the residential tenancy agreement (i.e. the tenant/s and lessor/lessor’s agent).
- (4) See (2) above. The ACAT uses the process in section 10 of the Act when considering each individual endorsement application.
- (5) There are no fees for an application for endorsement. More information about the endorsement process is available on the ACAT website  
[http://acat.act.gov.au/application\\_type/residential\\_tenancy/residential\\_tenancies\\_endorsements](http://acat.act.gov.au/application_type/residential_tenancy/residential_tenancies_endorsements).

- (6) The ACAT issued a practice direction on 29 April 2009 stating that there was no need to seek endorsement for a number of clauses that ‘clearly are covered by the Act and the standard clauses in the schedule and at any rate, have been endorsed before and therefore need no repeat endorsement’. These include clauses restricting keeping pets, on the grounds that clause 53 of the standard residential tenancy terms in schedule 1 of the Residential Tenancies Act (Tenant’s use of the premises without interference) implies the right of tenants to have pets unless otherwise stipulated and no smoking clauses.

On the issue of professional carpet cleaning, the ACAT stated that while endorsements are not required ‘we will only accept carpets having to be professionally cleaned at the end of a tenancy, if the carpet was delivered in that condition at the beginning of the tenancy’.

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### **Housing—rental (Question No 810)**

**Ms Le Couteur** asked the Minister for Regulatory Services, upon notice, on 27 October 2017 (*redirected to the Attorney-General*):

- (1) What restrictions are there on the subleasing of residences or parts of residences by residential tenants to third parties.
- (2) Is the use of short-term subleasing services like AirBNB permissible in the ACT.
- (3) What restrictions exist on short-term subleasing services in the ACT.
- (4) Is the use of long-term private subleasing permissible in the ACT (for example, where a tenant on a 10 year lease needs to relocate for work for two years but wants to keep their home when they return).
- (5) What restrictions exist on private subleasing in the ACT.

**Mr Ramsay:** The answer to the member’s question is as follows:

- (1) The Standard Residential Tenancy Terms (Standard Terms) at schedule 1 of the *Residential Tenancies Act 1997* provide that the tenant must not assign or sublet the premises (or any part of the premises) without the written consent of the lessor (Standard Terms, clause 23). The lessor and tenant may wish to apply for ACAT endorsement of an additional term for the lease that allows subletting.

Subletting without lessor permission is grounds for termination by the ACAT (Act, s 54).

- (2) Yes
- (3) The Residential Tenancies Act does not place any restrictions on short-term subleasing services in the ACT. However, services such as AirBNB would be bound by the Australian Consumer Law (ACL). The Government has not seen any immediate ACL concerns arising in the Canberra market.

- (4) There is nothing in the Residential Tenancies Act to prevent a long-term private subleasing arrangement. However, the tenant would need to have the written consent of the lessor (Standard Terms, clause 23).
- (5) See (1) above.

### **Roads—Kuringa Drive (Question No 811)**

**Mr Milligan** asked the Minister for Transport and City Services, upon notice, on 3 November 2017:

- (1) Has the Minister's directorate conducted an analysis of road usage, numbers of vehicles or volume of traffic for Kuringa Drive.
- (2) What was the most recent analysis conducted.
- (3) Was the speed of traffic recorded during this analysis.
- (4) During which periods of the year was this analysis conducted.
- (5) During which periods of the day were the analysis conducted.
- (6) What is the volume of traffic that enters and exits from (a) Owen Dixon Drive, (b) Kingsford Smith Drive and (c) the Barton Highway.
- (7) What is the volume and speed of traffic that was recorded on Kuringa Drive, for each of the locations referred to in part (6) for the different (a) periods of the year, (b) times of the day and (c) sections of Kuringa Drive.
- (8) What are the number of accidents recorded along Kuringa Drive including (a) along the entire length of the road and (b) as it approaches each of the intersections.
- (9) What are the nature of those accidents referred to in part (8).

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1) Yes, surveys have been undertaken on Kuringa Drive between Owen Dixon Drive and the Barton Highway and between Kingsford Smith Drive and Tillyard Drive.
- (2) Traffic volume, vehicle classification and traffic speed.
- (3) The following traffic speeds were recorded:

2017 - between Owen Dixon Drive and Barton Highway:

- Towards Owen Dixon Drive                      Mean Speed = 72.2 km/h
- Towards Barton Highway                      Mean Speed = 73.6 km/h

2016 - between Kingsford Smith Drive and Tillyard Drive:

- Towards Kingsford Smith Drive                      Mean Speed = 68.9 km/h
- Towards Tillyard Drive                      Mean Speed = 71.9 km/h

- (4) Surveys between Owen Dixon Drive and the Barton Highway were last conducted in February 2017. Surveys between Kingsford Smith Drive and Tillyard Drive were last conducted in May 2016.
- (5) Data was collected over 24 hours each day.
- (6) (a) Data not available for this intersection.  
 (b) Data not available for this intersection.  
 (c) In the morning peak hour approximately 1700 vehicles travel through the Barton Highway/Clarrie Hermes Drive/ Kuringa Drive intersection towards Kuringa Drive.
- (7) 2017 – between Owen Dixon Drive and the Barton Highway:
- Towards Owen Dixon Drive;
  - Weekday Volume = 9187 vpd;
  - Mean Speed = 72.2 km/h;
  - Towards Barton Highway;
  - Weekday Volume = 8297 vpd; and
  - Mean Speed = 73.6 km/h.
- 2016 – between Kingsford Smith Drive and Tillyard Drive
- Towards Kingsford Smith Drive
  - Weekday Volume = 3055 vpd
  - Mean Speed = 68.9 km/h
  - Towards Tillyard Drive
  - Weekday Volume = 3103 vpd
  - Mean Speed = 71.9 km/h
- (8) Based on the 7 years (January 2010 – December 2016) of reported crash data on Kuringa Drive:
- (a) There were 128 reported crashes along the entire length of the road. This does not include the crashes at the Kuringa Drive and Barton Highway/ Clarrie Hermes Drive intersection.
- (b) There were 41 reported crashes on the Kuringa Drive and Owen Dixon Drive intersection, 11 reported crashes on the Kuringa Drive and Kingsford Smith Drive intersection and 4 reported crashes on the Kuringa Drive and Tillyard Drive intersection.
- (9) The nature of reported crashes were:

<b>Crash Type</b>	<b>Total</b>
Rear end crash	34
Single vehicle off carriageway, Struck object e.g. tree, light pole	28
Single vehicle off carriageway	20
Right angle crash	16
Right turn into oncoming vehicle	9
Head on	6
Single vehicle - Struck animal	5
Other	10



**Roads—William Slim Drive  
(Question No 812)**

**Mr Milligan** asked the Minister for Transport and City Services, upon notice, on 3 November 2017:

- (1) Has the Minister's directorate conducted an analysis of road usage, numbers of vehicles or volume of traffic for William Slim Drive.
- (2) What was the most recent analysis conducted.
- (3) Was the speed of traffic recorded during this analysis.
- (4) During which periods of the year was this analysis conducted.
- (5) During which periods of the day was the analysis conducted.
- (6) What is the volume of traffic that enters from Owen Dixon Drive.
- (7) Is there a significant volume of traffic entering or exiting at Baldwin Drive; if so, what is that volume of that traffic.
- (8) What has been the impact of the Barton Highway roundabout construction on (a) the volume of traffic, (b) the speed of traffic and (c) traffic jams along William Slim as it passes by Giralang.
- (9) What is the volume and speed of traffic that was recorded on William Slim Drive, for each of the categories referred to in part (8) for different (a) periods of the year, (b) times of the day and (c) sections of William Slim drive.
- (10) What are the number of accidents recorded along William Slim Drive including (a) along the entire length of the road, (b) as it approaches each of the roundabouts and (c) on the Barton highway roundabout.
- (11) What are the nature of those accidents referred to in part (10).

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1) Yes, a survey was undertaken between Ginninderra Drive and Dumas Street.
- (2) Traffic volume, vehicle classification and traffic speed.
- (3) The traffic speeds recorded between Ginninderra Drive and Dumas Street:

Towards Ginninderra Drive	Average Speed = 74.0 km/h
Towards Dumas Street	Average Speed = 72.9 km/h
- (4) The counter was installed on 23 February 2016 and removed on 5 March 2016.
- (5) Data was collected over 24 hours each day.
- (6) No data is currently available for this intersection.

- (7) No data is currently available for this intersection.
- (8) No data is currently available.
- (9) From the survey undertaken in February/March 2016 between Ginninderra Drive and Dumas Street.
- Towards Ginninderra Drive
    - Weekday Volume = 9157 vehicles per day
    - Average Speed = 74.0 km/h
  - Towards Dumas Street
    - Weekday Volume = 9136 vehicles per day
    - Average Speed = 72.9 km/h
- (10) Based on the seven years (January 2010 – December 2016) reported crash data on William Slim Drive:
- (a) There were 195 reported crashes along the entire length of the road. This does not include the crashes at the William Slim intersections with Ginninderra Drive and Barton Highway / Gundaroo Drive.
  - (b) There were 28 reported crashes at the Chuculba Crescent roundabout, 61 reported crashes at the Owen Dixon Drive roundabout and 34 reported crashes at the Baldwin Drive roundabout.
  - (c) The total of 680 reported crashes occurred on the Barton Highway/Gundaroo Drive roundabout.

(11)

Crash Type	Total
Rear end crash	402
Right angle crash	213
Side swipe – same direction	115
Right turn into oncoming vehicle	62
Single vehicle - struck object	51
Other	60

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### **Aboriginals and Torres Strait Islanders—Ngunnawal Bush Healing Farm (Question No 813)**

**Mr Milligan** asked the Minister for Health and Wellbeing, upon notice, on 3 November 2017:

- (1) How much was the complete cost of the Ngunnawal Bush Healing Farm egress road including design and build.
- (2) What public consultations were held with the design of the road.
- (3) What public and private land does the road go through.
- (4) What terrain does the road travel through and where does it exit onto a main road.
- (5) What are the restrictions for using the road.

- (6) Can the road be used in the event of flooding of the main entrance road.
- (7) Is the road subject to flooding.
- (8) Can the road be used during (a) the event of fire, (b) high fire danger season and (c) days of a total fire ban.
- (9) What are the tare and passenger number restrictions for use of the road?
- (10) What gates are on the road and (a) are they locked gates, (b) who has keys to the gates and (c) how many gates are there.
- (11) Is there mobile reception along the entire route of the egress road; if so, has this been confirmed.
- (12) Is the egress road one way or is it wide enough to allow for passing traffic such as emergency vehicles.
- (13) Do emergency vehicles have ready access to the egress road.

**Ms Fitzharris:** The answer to the member's question is as follows:

- 1. The Secondary Egress Track Works Expenditure was \$34,528.54 (ex GST).
- 2. There was no public consultation held. Approval was sought and received from ACT Forestry.
- 3. The secondary egress track is on ACT Government land only.
- 4. The secondary egress track was constructed on a mixed terrain. It exits onto Tidbinbilla Road approximately three km east of the main access track.
- 5. The track is for use of four wheel drive vehicles only.
- 6. Yes, for use of four wheel drive vehicles only.
- 7. No.
- 8. a. No. The Bushfire Action Plan denotes all actions to be taken at different Fire Danger Index's that defines how response to various emergency situations should be handled. This document defines the use of the emergency egress track in the event of a bushfire impinging on the 10km zone as the track passes through the neighbouring pine plantation.  
b. Yes the road can be used during bushfire season (as defined by the *Emergency Act 2004*).  
c. Yes.
- 9. The track is constructed to allow fire fighting vehicles to be able to traverse (28 tonne). No passenger restrictions exist.

10. There are manually operated farm gates on the road.
  - a. Five of the gates are locked.
  - b. The Facility Manager, Farm Manager, neighbours and Park and Conservation Services have keys to the gates.
  - c. 13 Gates.
11. Mobile reception is not available along the entire route of the track.
12. The Secondary Egress Track is wide enough to allow for passing traffic in certain locations.
13. Yes. All emergency vehicles have keys to the forestry and park and the locks that are on the gates, and bolt cutters to gain access to any property.

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**Aboriginals and Torres Strait Islanders—Ngunnawal Bush Healing Farm  
(Question No 814)**

**Mr Milligan** asked the Minister for Health and Wellbeing, upon notice, on 3 November 2017:

- (1) How much was the complete cost of the Ngunnawal Bush Healing Farm bridge across Paddy's River on the access road to the Ngunnawal Bush Healing Farm across Paddy's River, including design and build.
- (2) What materials were used to construct the bridge.
- (3) What is the gross mass limit of the bridge.
- (4) What is the General Condition Rating of the bridge.
- (5) What is the flood tolerance of the bridge.
- (6) What force/volume of water is the bridge rated to.
- (7) What is the span tolerance of the bridge.
- (8) What happens to the build-up of debris during flood events and who is responsible for ensuring its ongoing removal at all times.
- (9) What is the height above water during (a) summer and (b) winter.
- (10) Is there an adequate waterway opening and clearance for the bridge above flood levels.
- (11) What is the condition of using the bridge during (a) flood and (b) fire events.
- (12) What are the contingencies in the event of the bridge being damaged during flood or fire.
- (13) Is there appropriate lighting and signage on the approaches to the bridge for night and day time access.

- (14) Is the bridge two way or one way and is this appropriately signed.
- (15) What would happen in the event of an emergency, including who has right of way and is this appropriately signed.

**Ms Fitzharris:** The answer to the member's question is as follows:

1. The total cost of the Bridge is \$206,147.00 (ex GST).
  2. The main materials used to construct the abutments were concrete and steel.
  3. The bridge is certified to support a 28 tonne vehicle.
  4. Bridge strengthening works were part of the Development Conditions required by ACT Planning. All development conditions were certified to have been met and a Certificate of Occupancy and Use was issued in December 2016.
  5. As part of the Development Application a detailed flood model was conducted to determine the 1 in 100 year flood level of Paddy's River. The bridge level is under the 1 in 100 year flood level.
  6. The existing bridge is capable of withstanding a flow velocity of 1.5m/s in the event of flooding.
  7. The bridge is certified to support a 28 tonne vehicle.
  8. When normal conditions return after a flood, the build-up of materials will be reviewed and debris against the bridge removed.
  9. a and b - The bridge deck is approximately two metres above the natural water flow level.
  10. The bridge is not designed to clear 1 in 100 year flood height levels.
  11. a) The bridge should not be used in flood events.  
b) The bridge is safe to use during a fire event as evacuation occurs as soon as an active fire enters a 15km radius of the facility. This is called the pre-emptive trigger.
  12. Should the bridge be damaged during fire or flood, work will commence to re-instate the bridge as soon as possible. Access is able to be maintained via the emergency egress track once a risk assessment has been undertaken and after consultation with the Fire, Forestry and Roads Section of Parks and City Services.
  13. There is no lighting or signage on approach to the bridge. The facility received Certificate of Occupancy and Use in December 2016.
  14. The bridge is one way.
  15. There is clear visibility on both approaches to the bridge and normal road rules apply.
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**Aboriginals and Torres Strait Islanders—Ngunnawal Bush Healing Farm  
(Question No 815)**

**Mr Milligan** asked the Minister for Health and Wellbeing, upon notice, on 3 November 2017:

- (1) What are the policies and procedures for use and access to the Ngunnawal Bush Healing Farm property during (a) extreme weather events, (b) hot weather and (c) inclement weather, such as incessant rain.
- (2) What are the policies and procedures for use and access to the property during flooding of (a) Paddy's River, (b) Point Hutt Crossing and (c) Cotter River.
- (3) What are the policies and procedures for use and access to the property during (a) snow fall, (b) very high fire danger periods, (c) severe fire danger, (d) extreme fire danger and (e) catastrophic fire danger.
- (4) Who will remain on the property during each of the events listed in part (3) and what is the emergency evacuation procedure for the person/persons.

**Ms Fitzharris:** The answer to the member's question is as follows:

1. a, b & c - The NBHF has a system in place where every gate is numbered along with the name of the paddock and whether access to that paddock is permitted. All persons accessing the wider property are required to take a Territory Radio Network (TRN) radio with them and advise facility staff of where they are going and approximately what time they will be back. If the person gets lost, fatigued or injured, they can call the facility for someone to come and get them, quoting the gate number or paddock that they are in. All persons are encouraged to access the wider property with a buddy. These procedures do not alter regardless of weather, however, staff would actively dissuade persons from entering the wider property during extreme and inclement weather events.

The water levels would be monitored during heavy rain events to be able to decant the facility if it became likely that the bridge would be flooded.

2. Access to the facility is maintained by the emergency egress track. This track will remain passable by 4WD vehicles even when there is flooding of these rivers. Access to Canberra will be via Tharwa Bridge.
3. There is a Bushfire Action Plan that denotes actions to be taken at each Fire Danger Index (FDI) and other triggers. This plan has been reviewed and approved by the ACT Rural Fire Service (RFS). The prescribed actions form part of the Facility Emergency Management Plan required under Australian Standard 3745:2010.
  - a) Snow fall – A risk assessment would be undertaken and determine the best course of action, depending on snow depths, road conditions, vehicle and staff capabilities.
  - b) Very High FDI – The plan includes remaining within the centre and monitor the fire progress. Prepare for possible evacuation. Evacuate if an uncontrolled fire enters the pre-emptive trigger range after consultation with the RFS. If unsafe to evacuate, Shelter-in-Place provisions to be enacted, including notifying the RFS. (NBHF is a designated Shelter in Place Facility).

- c) Severe FDI – Carry out Very High FDI precautions, plus; All wardens and staff members to carry TRN radios or remain in the main facility.
  - d) Extreme FDI – Shall be the same as Severe (Where applicable). Centre will be closed. FDI is announced at 4pm the day before coming into effect. Warning and closure signs will be posted at the entrance to the facility. Notify police if anyone refuses to evacuate the facility.
  - e) Catastrophic FDI – The same as Extreme (Where applicable).
4. For snow, as per (2). For extreme and catastrophic FDI, a full evacuation is undertaken, as Per 3. No one is to remain on site. However, the facility has been built to Bushfire Attack Level 12.5 and is designed as a Shelter in Place facility. On closure of the facility due to FDI or flooding, a sign is at the front gate stating that the facility is closed.

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**Government—office of LGBTIQ affairs  
(Question No 816)**

**Mr Coe** asked the Chief Minister, upon notice, on 3 November 2017:

- (1) Further to the answer to question on notice No 532, can the Chief Minister advise whether each of the payments referenced were paid for using the budget allocation of the Office for LGBTIQ Affairs; if not, which Territory directorate or entity paid for the items.
- (2) Have any further rainbow or transgender promotional items been purchased since question on notice No 532 was answered; if so, can the Chief Minister provide for each item (a) the number of items purchased, (b) the total cost of the items, (c) which Territory directorate or entity paid for the items, (d) how the supplier was selected, (e) the date the items were ordered and supplied, (f) where the items were manufactured and (g) the proposed distribution of the items.
- (3) Has the Office for LGBTIQ Affairs contributed to or promoted the “Yes” vote in the Australian Marriage Law Postal Survey; if so, can the Chief Minister detail how the Office for LGBTIQ Affairs has contributed to or promoted the “Yes” vote in the Australian Marriage Law Postal Survey, including a breakdown of any financial expenditure.

**Mr Barr:** The answer to the member’s question is as follows:

- (1) All payments referred to in the answer to Question on Notice No. 532 were made from the Office for LGBTIQ Affairs budget, with the exception of the Rainbow CBR bus wraps, which were funded by the Transport Canberra and City Services Directorate.
- (2) Yes, at Attachment A.
- (3) No.

**Attachment A**

Item	Number	Total Cost (incl GST)	Directorate	Selection Process	Order/Supply dates	Place of Manufacture	Distribution
City hanging banners	50	\$3,228	CMTEDD	Request for Quote	18 October/ 10 November	Sydney, Australia	Installation on Barton Highway and Morsehead Drive
Paddle signs	50	\$621	CMTEDD	Request for Quote	26 October/ 10 November	Canberra, Australia	Canberra Fair Day and SpringOUT Pride Festival
A3 Corflute posters	50	\$542	CMTEDD	Request for Quote	17 October/ 27 October	Canberra, Australia	Canberra Fair Day and SpringOUT Pride Festival
12 ounce recyclable coffee cups	20,000	\$10,816	CMTEDD	Request for Quote	13 October/ 27 October	Sydney, Australia	Coffee shops throughout Canberra city during SpringOUT Pride Festival
CBR Pride T-shirts	200	\$3,421	CMTEDD	Request for Quote	13 October/ 27 October	Canberra, Australia	Canberra Fair Day and SpringOUT Pride Festival
LGBTIQ Council postcards	2,000	\$970	CMTEDD	Request for Quote	12 October/ 27 October	Canberra, Australia	Canberra Fair Day and SpringOUT Pride Festival
Bookmarks	1,000	\$330	CMTEDD	Request for Quote	16 October/ 27 October	Canberra, Australia	Canberra Fair Day and SpringOUT Pride Festival
Waterbottles	200	\$1709	CMTEDD	Request for Quote	12 October/ 27 October	Queensland, Australia	Canberra Fair Day and SpringOUT Pride Festival
Calico tote bags	100	\$943	CMTEDD	Request for Quote	12 October/ 27 October	Melbourne, Australia	Canberra Fair Day and SpringOUT Pride Festival
Mousepads	100	\$1,213	CMTEDD	Request for Quote	12 October/ 27 October	Canberra, Australia	Canberra Fair Day and SpringOUT Pride Festival
Drink coasters	1,000	\$601	CMTEDD	Request for Quote	12 October/ 27 October	Canberra, Australia	Canberra Fair Day and SpringOUT Pride Festival
Pull-up banners in Intersex colours	2	\$782	CMTEDD	Request for Quote	12 October/ 26 October	Canberra, Australia	Canberra Fair Day, SpringOUT Pride Festival and Intersex Awareness Day
Stickers in Intersex colours	1,500	\$579	CMTEDD	Request for Quote	12 October/ 26 October	Canberra, Australia	Canberra Fair Day and SpringOUT Pride Festival and Intersex Awareness Day

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**Government—land acquisition arrangements  
(Question No 817)**

**Mr Coe** asked the Treasurer, upon notice, on 3 November 2017 (*redirected to the Minister for Housing and Suburban Development*):

Can the Treasurer provide a consolidated list of all land acquired by the ACT Government, except purchases made by Housing ACT, and the price paid for each acquisition during each financial year from 2011-12 to 2017-18 to date.



**Ms Berry:** The answer to the member's question is as follows:

See Attachment A.

*(A copy of the attachment is available at the Chamber Support Office).*

### **Access Canberra—rental bonds (Question No 818)**

**Mr Coe** asked the Minister for Regulatory Services, upon notice, on 3 November 2017 *(redirected to the Treasurer)*:

- (1) What was the total value and total number of rental bonds held by the ACT Government during (a) 2015-16, (b) 2016-17 and (c) 2017-18 to date.
- (2) What was the average value of a rental bond held by the ACT Government during (a) 2015-16, (b) 2016-17 and (c) 2017-18 to date.
- (3) What is the current total (a) value and (b) number of rental bonds that have been outstanding for longer than one year and have not been refunded.
- (4) Does the ACT Government earn interest on the held rental bonds; if so, can the Treasurer provide the (a) rate at which the bonds accrue interest and (b) total value of the interest earned during (i) 2015-16, (ii) 2016-17 and (iii) 2017-18 to date.

**Mr Barr:** The answer to the member's question is as follows:

- (1) Total bonds held as at 14 November 2017 was 38,487, with a total value of \$69,353,160.

The current Rental Bonds information system does not retain records of total bonds held for historic dates. However, the total number of bonds lodged for each financial year are as per the table below.

	2015/2016	2016/2017	YTD 2017/2018
Total number of bonds lodged	18,346	16,636	5,699
Total value of bonds lodged	\$31,959,916	\$30,716,894	\$10,715,239
Average value of bonds lodged	\$1,742	\$1,846	\$1,880

- (2) See above.
- (3) As at 10 November 2017, there were 23,944 bonds older than 12 months with a value of approximately \$39,218,792.98.
- (4) The ACT Government earns interest on rental bonds held as follows:

**Rental Bonds - Rates at Interest Earned and Total Value of Interest Earned**

	2015-16		2016-17		2017-18	
	Rates	Interest Accrued	Rates	Interest Accrued	Rates	Interest Accrued
(a) Rates of Interest Earned <sup>1</sup>	2.81% - 2.91%		2.37% - 2.7%		2.33% <sup>2</sup> - 2.56%	
(b) Total Interest Earned		\$1,863,634		\$1,803,928		\$598,835

Note:

- (1) The Rate of Interest Earned is calculated based on the average of twelve months' interest rates at which the rental bonds accrued interest in the Access Canberra operating bank account and the Public Trustee and Guardian investment account.
- (2) The Rate of Interest Earned for 2017-18 from the Access Canberra Rental Bond operating account is indicative estimate for the period July - October 2017.

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**Municipal services—maintenance of public land  
(Question No 819)**

**Mr Milligan** asked the Minister for Transport and City Services, upon notice, on 3 November 2017:

- (1) Given that residents of Gungahlin have expressed concerns about the lack of maintenance of entry areas into suburbs and fringe or reserve areas in the region, who has responsibility for maintenance of public land comprising entry into a suburb including the featured area of Springbank Rise Casey comprising (a) each side of Yeend Avenue from Horse Park Drive, (b) Minty Grove, (c) Springbank Rise Park and (d) Springbank Rise Dog Park.
- (2) Give that the Minty Grove area includes former Springbank Rise Sales and Information Centre, which was sold in October 2014 and a development application lodged almost two years ago for community facility, additions and alterations (Lease Variation, Proposed additions and alterations to existing building and change of use to a childcare centre ACTPLA reference 201528245), (a) what was the outcome, (b) has any progress been made on the additions and alterations, (c) who monitors maintenance on private areas pending development, (d) who is responsible for maintaining landscaping around private areas and (e) are there any parameters relating to this maintenance requirement, including boundary maps.
- (3) Is maintenance of public areas adjoining the suburb entrance and private community developments included in the schedules for the nearby park and dog park.
- (4) Given that the featured area comprises Alan Watt Crescent and Bidgood Way, Casey where the walled area is overgrown with weeds and the landscaped area between the junctions of the two roads is overgrown with weeds, who has responsibility for maintenance of public land approaching and comprising the outer boundary of a suburb.
- (5) Who is responsible for the maintenance of landscaped and unimproved areas on the fringes of suburbs.

- (6) Do these areas warrant a more frequent schedule of maintenance due to their proximity to undeveloped land.

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1) (a) Transport Canberra and City Services (TCCS) is responsible for the maintenance of the majority of verges along Yeend Avenue, Casey where they adjoin public land. Where the verge adjoins a residential or commercial property (including single unit dwellings and body corporates) it is accepted practice that maintenance of the nature strip, with the exception of street trees, is carried out by the adjacent lessee.
- (b) TCCS is responsible for the maintenance of the public land on the western side of Minty Grove, Casey. The verge on the eastern side of Minty Grove is the responsibility of the adjacent private lessee. This is in accordance with the accepted practice that the maintenance of nature strips is carried out by the adjoining lessee.
- (c) TCCS maintains the park.
- (d) TCCS has responsibility for the maintenance of the dog park.
- (2) (a) The application for the purpose of additions and alterations of the existing building to use as a child care, outdoor play area for children, removal of regulated trees and associated landscaping works was refused on 20 March 2017. The applicant submitted an application for reconsideration which was subsequently approved on 10 August 2017.
- (b) This is a matter for the lessee. The lessee has two years from the date the approval takes effect to commence the development. From the day that development is commenced, the lessee has two years to complete the development. However, they can apply for an extension prior to the approval expiring.
- (c) As the block is privately leased, the lessee is responsible for all maintenance within the block boundaries.
- (d) The lessee is responsible for maintaining the leased land and it is accepted practice that the lessee is also responsible for maintaining the verge adjoining the lease. The public realm, which includes the playground and local park, are maintained by TCCS.
- (e) The lessee is responsible for maintenance within block boundaries.
- (3) No. The maintenance program for arterial roads, which includes the start of Yeend Street, varies from the suburban maintenance program, which includes the local park and dog park.
- (4) TCCS has responsibility for public land approaching and including the outer boundary of a suburb.
- (5) TCCS is responsible for the maintenance of landscaped and unimproved areas on the fringes of suburbs.
- (6) Suburbs are litter picked and mown on a monthly program and arterial roads on a five weekly program when grass is actively growing. Higher levels of maintenance are

provided to high public use areas such as town, district and community parks and shopping centres. Additional maintenance on the urban edge may be undertaken where required to manage fire fuels.

### **Roads—accident black spots (Question No 820)**

**Mrs Kikkert** asked the Minister for Transport and City Services, upon notice, on 3 November 2017:

- (1) What is the total number of road accidents located at and near the Tillyard Drive and Ginninderra Drive intersection this year and each year for the past five years.
- (2) What is the total number of road accidents resulting in injuries located at and near this intersection this year and each year for the past five years.
- (3) What is the total number of fatalities located at and near this intersection this year and each year for the past five years.
- (4) How many road accidents located at, and near this intersection this year and each year for the past five year (a) occurred between two motor vehicles, (b) occurred between more than two motor vehicles, (c) involved at least one pedestrian and (d) involved at least one cyclist.

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1-4) The analysis of the 2012-2017 crash data for the intersection of Ginninderra Drive and Tillyard Drive is presented below:

Year	Fatal Crashes	Injury Crashes	Property Damage Only Crashes	Single vehicle crashes	Crashes between two motor vehicles	Crashes between three motor vehicles	Pedestrian	Cyclist	Total Crashes
2012	0	4	4	1	7				8
2013	0	0	3		3				3
2014	0	4	4		8				8
2015	0	6	10	1	12	2		1	16
2016	0	3	8		10	1			11
*2017	0	2	7		9				9
<b>Total</b>	<b>0</b>	<b>19</b>	<b>36</b>						<b>55</b>

\*2017 crash data is to date.

### **Health—nurse-led walk-in centres (Question No 821)**

**Mrs Jones** asked the Minister for Health and Wellbeing, upon notice, on 3 November 2017:

- (1) How are the (a) Tuggeranong and (b) Belconnen ACT Health walk-in centres performing.

- (2) What is the average number of presentations to the Belconnen Walk-in Centre service each week.
- (3) What is the average number of presentations to the Belconnen Walk-in Centre service on (a) Mondays, (b) Tuesdays, (c) Wednesdays, (d) Thursdays, Fridays, (e) Saturdays and (f) Sundays.
- (4) What is the average number of presentations at the Belconnen Walk-in Centre during the (a) day and (b) night sessions.
- (5) What is the average number of presentations to the Tuggeranong Walk-in Centre service each week.
- (6) What is the average number of presentations to the Tuggeranong Walk-in Centre service on (a) Mondays, (b) Tuesdays, (c) Wednesdays, (d) Thursdays, Fridays, (e) Saturdays and (f) Sundays.
- (7) What is the average number of presentations at the Tuggeranong Walk-in Centre during the (a) day and (b) night sessions.
- (8) What percentage of presentations to the (a) Belconnen and (b) Tuggeranong walk-in centres live outside of the ACT.
- (9) What are the walk-in centres' (a) strategic objectives and (b) key performance indicators and what are the outcomes against them.

**Ms Fitzharris:** The answer to the member's question is as follows:

The following responses are representing a period of 12 months ending on 31 October 2017 (1 November 2016 to 31 October 2017).

1.
  - (a) Presentations to the Belconnen Walk-in Centre continue to increase year on year. The median wait time continues to be low and median consult times are less than 30 minutes. Consumer feedback for both Walk-in Centres (2016/17 financial year) continues to be overwhelmingly positive.
  - (b) Presentations to the Tuggeranong Walk-in Centre also continue to increase year on year. The median wait time continues to be low and median consult times are less than 30 minutes. Written feedback from consumers of the service continues to be positive as per the points above at 1(a).
2. The average number of presentations for this period to the Belconnen Walk-in Centre each week was 373.2.
3. The average number of presentations for this period to the Belconnen Walk-in Centre on the following days were;

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
67	57	54	53	51	43	48

4. The average number of daily presentations for this period to the Belconnen Walk-in Centre during the

- (a) day between 7:30 am and 6:00 pm was 43; and
- (b) night sessions after 6:00 pm until 10:00 pm was 10.

5. The average number of presentations for this period to the Tuggeranong Walk-in Centre each week was 360.

6. The average number of presentations for this period to the Tuggeranong Walk-in Centre on the following days were;

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
65	55	54	51	48	42	46

7. The average number of daily presentations at the Tuggeranong Walk-in Centre during the

- (a) day between 7:30 am and 6:00 pm was 42; and
- (b) night sessions after 6:00 pm until 10:00 pm was 10.

8. The percentage of presentations for this period who live outside of the ACT for

- (a) Belconnen Walk-in Centre was five per cent; and
- (b) Tuggeranong Walk-in Centre was five per cent.

9.

(a) The strategic objectives for the Walk-in Centres' are to:

- Fulfil an unmet health care need in the community;
- Better meet projected demand for health care services;
- Relieve pressure on the public hospital system; and
- Develop innovative strategies to recruit and retain a professional workforce.

(b) Key performance indicators are measured through monthly reports on:

- number of presentations;
- waiting times for clients;
- consultation times;
- top 10 presentations, and
- redirections to other services.

(c) Outcomes against key performance indicators:

- Presentations to the Walk-in Centres' continue to increase year on year. Total presentations for 2016-17 is 36,105;
- The median waiting time for clients for both Walk-in Centres' for the 2016-17 financial year was 11 minutes;
- The median consulting room time for both Walk-in Centres' for the 2016-17 financial year was 29 minutes;
- The top presentations for the Walk-in Centres' for 2016-17 have been:
  1. Upper Respiratory Tract Infections – common cold
  2. wound dressings
  3. wounds and lacerations
  4. musculoskeletal conditions
  5. sore throat
  6. skin conditions
  7. ear conditions/ear wax
  8. gastro diarrhoea
  9. gastro vomiting and
  10. ear nose and throat conditions

- The total number of redirections to other services for 2016-17 have been 10,893. Redirections are made to medical imaging, CALMS/GP, Outpatient Clinics and the Emergency Department.
  - Many of these redirections are to ensure continuity of care for ongoing management with GPs or for other specialty services such as physiotherapy and/or for those clients who required treatment that is outside of the nurses' scope of practice.
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### **Education—mental health training (Question No 822)**

**Mrs Dunne** asked the Minister for Education and Early Childhood Development, upon notice, on 1 December 2017:

- (1) Does the directorate offer mental health first aid training to teachers and staff in ACT public schools and colleges.
- (2) What was the take-up in (a) 2016-17 and (b) 2017-18.
- (3) What has been the feedback from staff undertaking the training.
- (4) What have been the benefits for (a) staff and (b) school communities.
- (5) How much did the directorate spend on staff training in mental health first aid during 2016-17.
- (6) What is the directorate's budget for staff training in mental health first aid training during 2017-18.

**Ms Berry:** The answer to the member's question is as follows:

- (1) Mental health first aid training is a specific program designed to provide first aid skills to support people with mental health problems. The Education Directorate does not centrally coordinate or provide this training to schools. However, individual schools may access mental health first aid training if they feel it will be of benefit to their school and this is funded via individual school budgets.

In order to provide mental health support to schools the Education Directorate provides trauma training in schools when requested and after critical incidents the support of its School Psychologist Team. In addition to this training, the Directorate provides mental health support to teachers and staff in ACT public schools through an Employee Assistance Program (EAP). The EAP is a work based intervention program designed to enhance the emotional, mental and general psychological wellbeing of all employees and includes services for immediate families. EAP assistance is provided to all teachers and staff within schools post any critical event.

- (2) Mental Health First aid is not centrally coordinated but is accessed at school level. Therefore accurate numbers on take-up of this program are unknown.
- (3) No information is available on feedback relating to mental health first aid training.

With regard to EAP, the confidential nature of the program means that no feedback information is sought or available.

- (4) No information is available on the benefits of mental health first aid training for staff or school communities. Given the confidential nature of EAP this information is also unavailable.
- (5) As it is not centrally budgeted the cost of Mental Health First Aid Training is not known.
- (6) The Directorate is unable to disaggregate school budgets for staff training in mental health first aid training.

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### **ACT Health—mental health training (Question No 823)**

**Mrs Dunne** asked the Minister for Mental Health, upon notice, on 1 December 2017:

- (1) What mental health first aid training programs are offered in the ACT by (a) ACT Health and (b) the private sector.
- (2) For mental health first aid training programs offered by ACT Health (a) is there a dedicated training team, (b) what is the program curriculum, (c) how often is the program offered, (d) to what government agencies is it offered and (e) what was the take-up in (i) 2015-16 and (ii) 2016-17.
- (3) For mental health first aid training programs offered by the private sector (a) how much did the directorate spend on staff training in mental health first aid during 2016-17, (b) what is the directorate's budget for 2017-18, (c) what does ACT Health do to encourage directorate staff to undergo the program and (d) what was the take-up in (i) 2016-17 and (ii) 2017-18.
- (4) What does ACT Health do to encourage other government agencies to offer staff training in mental health first aid.
- (5) What has been the response.
- (6) What have been the benefits to (a) staff and (b) the community.

**Mr Rattenbury:** The answer to the member's question is as follows:

1. The definition of mental health first aid is "the help provided to a person who is developing a mental health problem, experiencing a worsening of an existing mental health problem or in a mental health crisis - the first aid is given until appropriate professional help is received or the crisis resolves" (Mental Health First Aid Australia). Training programs offered by ACT Health broadly aim to increase awareness of mental health conditions, the risk and protective factors, and promote self-care, as well as to build the confidence and skills of staff to support someone who may be experiencing mental health difficulties.



Note that the training programs which ACT Health offers are primarily for ACT Health staff and not for other directorates (who may offer their own programs to their staff utilising for example the Shared Services Training Calendar and its panel of providers). All programs are coordinated through the *MyHealth* staff health and wellbeing program:

- a. Mental Health Toolbox Talks (an initiative of Beyond Blue), Self Care and Resilience workshops are delivered by Organisational Development, a specialist team within People and Culture, ACT Health.
  - b. ACT Health utilises the following private sector organisations to provide programs:
    - Accidental Counsellor delivered by CORE Solutions, Lifeline;
    - Adapting to Change delivered by Optum EAP;
    - Awareness and Links Enable Resilient Teams delivered by OzHelp Foundation;
    - Compassion Fatigue, delivered by Lisa Oxman, University of Canberra.
    - Conversations for Life, delivered by OzHelp Foundation;
    - How to beat fatigue delivered by Optum EAP;
    - Managing Psychological Illness in the Workplace, delivered by Dr Peter Cotton;
    - Pillars of Resilience delivered by Optum Employee Assistance Program (EAP);
    - Resilience in the Workplace delivered by CORE Solutions, Lifeline;
    - Work Life Balance delivered by OzHelp Foundation.
- \*There may be other providers in the ACT, so the above is not an exhaustive list.

2.

- a. The Organisational Development Unit within ACT Health has a range of responsibilities and delivers training on leadership and management, respect at work, performance feedback, crucial conversations as well as staff health and wellbeing. Specific mental health first aid training is offered in the form of Mental Health Toolbox Talks (MHTT) and Self Care and Resilience Workshops.
- b. The MHTT is a 2 hour face to face workshop. The program is aimed at managers, team leaders and supervisors to help equip them with the skills and confidence to encourage conversations about mental health in the workplace, reduce workplace stigma and support staff at risk. Managers and team leaders can then deliver three, five-minute toolbox talks to their staff about:
  - Anxiety and depression;
  - The relationship between the workplace and mental health;
  - Taking action to support someone at work.

The Self Care and Resilience workshop is a 1 hour face to face session. The program is aimed at all staff to:

- Discuss strategies to support their physical and mental wellbeing;
  - Identify four domains of self care and activities associated with each;
  - Identify tools to increase self-awareness;
  - Develop a personalised self-care plan.
- c. The number varies and is dependent on demand.

- d. The MHTT is a free training package available to all workplaces through Beyond Blue. Additional to this, in July 2017 the MHTT workshop was provided as a one-off exercise to staff at the Human Rights Commission. ACT Health is not resourced to offer the training more broadly.

The Self Care & Resilience workshop is for ACT Health staff only.

- e. The take up for MHTT in:

- i. 2015-16 = 1 workshop, 12 staff
- ii. 2016-17 = 9 workshops, 99 staff

The take up for the Self Care workshop in:

- i. 2015-16 = 9 workshops, 235 staff
- ii. 2016/17 = 28 workshops, 604 staff

3. a. ACT Health spending on staff training in mental health first aid during 2016-17 totalled \$35 670.

Accidental Counsellor	CORE Solutions, Lifeline	\$5500
Adapting to Change	Optum EAP	\$1980
Awareness and Links Enable Resilient Teams	OzHelp Foundation	\$1430
Compassion Fatigue	Lisa Oxman, University of Canberra	\$6600
Conversations for Life	OzHelp Foundation	\$2860
How to beat fatigue	Optum EAP	\$1980
Managing Psychological Illness in the Workplace	Dr Peter Cotton	\$6550
Pillars of Resilience	Optum EAP	\$1980
Resilience in the Workplace	CORE Solutions, Lifeline	\$2500
Work Life Balance	OzHelp Foundation	\$4290
Total		\$35 670

- a. The directorate's budget for 2017-18 for staff health and wellbeing programs is \$100,000. Approximately \$53,000 will be spent on mental health first aid related programs.
- b. ACT Health encourages staff to attend programs by promoting them through:
- all staff bulletins (weekly emails);
  - the intranet;
  - *MyHealth* Champions monthly newsletters (Champions are group of staff who volunteer to promote staff health and wellbeing in their area);
  - the wider, ongoing communication of, and reporting against, the *MyHealth* staff health and wellbeing strategy.
- c. The take-up of the mental health first aid training programs offered by the private sector was:

Provider	Number of staff attended	
	2016-17	2017-18
Accidental Counsellor	14	*
Adapting to Change	35	11
Awareness and Links Enable Resilient Teams	22	*
Conversations for Life	23	9
Compassion Fatigue	118	69
How to beat fatigue	36	7
Managing Psychological Illness in the Workplace	74	*
Pillars of Resilience	12	33
Resilience in the Workplace	20	*
Work Life Balance	46	8

\*These programs will be scheduled in 2018.

4. ACT Health's representative (the *MyHealth* Manager) sits on the Whole of Government Health and Wellbeing Coordinators Network, and shares information and ideas on current staff health and wellbeing programs and the benefits to staff. This includes a focus on mental health first aid.
5. ACT Health is not in a position to comment on what other directorates are doing in this space. The response from ACT Health staff to the training programs has been very positive. Evaluations are conducted on each program with the scores of all programs sitting between very good and excellent.
6. a. The direct benefits to staff are as follows. Research also shows that these types of programs contribute to higher levels of wellbeing:

Program	Benefits
Accidental Counsellor:	<ul style="list-style-type: none"> <li>Identifying signs of individuals in need of crisis support</li> <li>Active listening skills</li> <li>Crisis support skills</li> <li>Setting boundaries</li> <li>Self-care and self-reflection</li> </ul>
Adapting to Change	<ul style="list-style-type: none"> <li>Explore thoughts that hinder our ability to successfully adapt to change and cope with transitions</li> <li>Learn to change or modify our thinking in a more productive way</li> </ul>
Awareness and Links Enable Resilient Teams	<ul style="list-style-type: none"> <li>Be informed of risk and protective factors for anxiety and depression</li> <li>Be aware of factors that may contribute to someone having thoughts of suicide in their community</li> </ul>
Conversations for Life	<ul style="list-style-type: none"> <li>Understand suicide risk factors</li> <li>Have skills in planning and initiating conversations on difficult mental health topics</li> <li>Have knowledge of body language and appropriate language</li> <li>Be able to identify the steps needed to respond when crisis is identified</li> <li>Be ready, willing and able to have the conversation</li> </ul>

Compassion Fatigue	<ul style="list-style-type: none"> <li>• Articulate the personal rewards of working within the helping profession</li> <li>• Differentiate between compassion fatigue, burnout, vicarious trauma, moral distress</li> <li>• Identify the warning signs of vicarious trauma, reflect and discuss the impact</li> <li>• Identify factors related to compassion satisfaction</li> <li>• Know the principles of Low Impact Debriefing</li> <li>• Identify strategies and resources for immediate self and longer term resiliency</li> <li>• Begin a personal self-care plan based on your own personal and professional balance</li> </ul>
How to beat fatigue	<ul style="list-style-type: none"> <li>• The causes and risks of fatigue,</li> <li>• How fatigue affects mental and physical wellbeing</li> <li>• Practical strategies to reduce fatigue to enhance our day-to-day functioning</li> </ul>
Managing Psychological Illness in the Workplace	<ul style="list-style-type: none"> <li>• Be able to identify behaviours and symptoms which suggest a worker may be experiencing psychological injury or ill health</li> <li>• Be aware of strategies for communicating with staff they are concerned may have a psychological illness or may be developing a psychological illness</li> <li>• Have increased confidence in managing staff who may be experiencing mental health issues</li> <li>• Understand the importance of the support of a line manager in successfully managing the durable return to work of an employee with psychological illness or injury</li> <li>• Be aware of early intervention strategies available to all employees, such as the Employee Assistance Program (EAP)</li> <li>• Understand 'reasonable adjustment' and how this can be implemented in their work area</li> <li>• Understand how a non-compensable psychological injury is managed within the ACTPS and how this may differ from the management of a compensable injury</li> <li>• Understand privacy provisions and what is appropriate to discuss with co-workers of an employee with mental health issues</li> <li>• Be aware of the ACTPS work health and safety policy and how this relates to workers with a psychological illness or injury</li> <li>• Be aware of supports available for them in managing staff with psychological injury or illness</li> </ul>
Pillars of Resilience	<ul style="list-style-type: none"> <li>• Understand the importance of building resilience</li> <li>• Help build a working knowledge on the four pillars of resilience</li> <li>• Recognise our own stresses and how to contain stress more effectively</li> <li>• Understand how EAP can assist</li> </ul>

Resilience in the Workplace	<ul style="list-style-type: none"> <li>• Understanding the importance of resilience and stress management</li> <li>• Awareness of barriers that impact resilience</li> <li>• Awareness of current stress levels and resilience</li> <li>• Defining and applying resilience strengthening techniques</li> </ul>
Work Life Balance	<ul style="list-style-type: none"> <li>• The importance placed personally on work and leisure</li> <li>• That work/life balance is a choice</li> <li>• Their own preferred time management strategies, and</li> <li>• Different theories regarding needs and wants and the connection with behaviours</li> </ul>

- a. Supporting staff through these programs means that staff are better able to do their jobs and this in turn means a higher quality of care can be provided to the patients and consumers of ACT Health's services. Given the international research which correlates higher levels of staff health and wellbeing to lower levels of absenteeism, there is also likely to be a positive financial impact to the ACT budget and community.

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### **Public housing—Chapman and Wright (Question No 824)**

**Mrs Jones** asked the Minister for Housing and Suburban Development, upon notice, on 1 December 2017:

- (1) How much money has been spent by the ACT Government on the Chapman public housing development located in block 1 section 45, as of 23 November 2017, including but not exclusive to (a) land purchase, (b) land holding costs, (c) design consulting, (d) bushfire risk management consulting, (e) contractor costs, (f) machinery, (g) marketing and advertising and (h) other relevant categories of costs.
- (2) What contracts had been signed by Housing ACT, as of 23 November 2017, in relation to the Chapman public housing development.
- (3) Were any construction or building contracts signed by 23 November 2017 by Housing ACT in relation to the Chapman public housing development.
- (4) How much money has been spent by the ACT Government, as of 23 November 2017, on the Wright public housing development located in block 2 section 29, including but not exclusive to (a) land purchase, (b) land holding costs, (c) design consulting, (d) bushfire risk management consulting, (e) contractor costs, (f) machinery, (g) marketing and advertising and (h) other relevant categories of costs.
- (5) What contracts had been signed by Housing ACT, as of 23 November 2017, in relation to the Wright public housing development.
- (6) Were any construction or building contracts signed by 23 November 2017 in relation to the Wright public housing development.

**Ms Berry:** The answer to the member's question is as follows:

- (1) As part of the public housing renewal program, the ACT Government has spent the following money on site investigation and preparation of the Development Application for the public housing proposal at part Block 1 Section 45 in Chapman as at 23 November 2017:
  - (a) Land purchase: Block 1 Section 45 in Chapman is Territory-owned land and as such there are no purchase costs incurred for the public housing proposal.
  - (b) Land holding costs: Block 1 Section 45 is Territory-owned land and is managed as per any other unleased Territory land in the ACT. As such no land holding costs have been incurred for the public housing proposal.
  - (c) Design consulting: Design costs for the public housing proposal are typical of the design work required to prepare a Development Application. The costs include site studies (including tree and noise assessments), detailed engineering studies (including traffic studies and structural, hydraulic, mechanical, electrical and civil engineering advice), architectural work, accessibility advice, energy assessments, landscape architectural work, and Building Code of Australia certification. The cost incurred as at 23 November 2017 is \$145,753.64 (excluding GST).
  - (d) Bushfire risk management consulting – The Public Housing Renewal Taskforce has not directly engaged a consultant for bushfire risk management, this was completed as a subcomponent of the site investigation studies which are included in the contractor costs at part (e).
  - (e) Contractor costs: The contractor costs include site investigation work (including the preparation of Site Investigation Reports and other due diligence studies such as tree assessments, traffic assessments and geotechnical studies), bushfire risk assessments, ecological studies and survey work to identify levels and boundaries of the site (including survey work required to support subdivision). The costs incurred as at 23 November 2017 is \$49,705.40 (excluding GST).
  - (f) Machinery: The ACT Government has not incurred any machinery costs directly. Any machinery costs will be incorporated into contract costs at part (e).
  - (g) Marketing and advertising: The Public Housing Renewal Taskforce has not engaged in marketing or advertising of the public housing proposal. Some minor costs have been incurred for community engagement.
  - (h) Other relevant categories of costs: There are no other relevant categories of costs for the public housing proposal.
- (2) The following contracts had been signed by the ACT Government, including the Public Housing Renewal Taskforce, as at 23 November 2017, for the public housing proposal at part Block 1 Section 45 in Chapman:
  - (a) Heyward Lance Architecture Pty Ltd (noting that this is a contract from the ACT Government's panel of architects and includes range of sub-consultants such as engineers and landscape architects as outlined under part (1)(c)).
  - (b) Cardno (NSW/ACT) Pty Ltd for site investigation (including preparation of Site Investigation Reports and a range of sub-consultants such as traffic assessors, ecological consultants, bushfire consultants and surveyors as outlined under part (1)(e)).

- (c) Cardno (NSW/ACT) Pty Ltd for minor works (including preparation of a Development Application for site servicing such as providing sewer, water, electricity and gas connections and planting of street trees).
  - (d) Canberra Surveys Pty Ltd for survey work (including boundary surveys for subdivision).
- (3) As at 23 November 2017, the ACT Government has not entered into any construction or building contracts for the public housing proposal at part Block 1 Section 45 in Chapman.
- (4) As part of the public housing renewal program, the ACT Government has spent the following money on site investigation and preparation of the Development Application for the public housing proposal at Block 2 Section 29 in Wright as at 23 November 2017:
- (a) Land purchase: Block 2 Section 29 in Wright is Territory-owned land and as such there are no purchase costs incurred for the public housing proposal.
  - (b) Land holding costs: Block 2 Section 29 in Wright is Territory-owned land and is managed as per any other unleased Territory land in the ACT. As such no land holding costs have been incurred for the public housing proposal. Fencing on site was installed by the Suburban Land Agency as part of their business-as-usual approach for managing vacant sites in new estates.
  - (c) Design consulting: Design costs for the public housing proposal are typical of the design work required to prepare a Development Application. The costs include site studies (including noise assessments), detailed engineering studies (including traffic studies and structural, hydraulic, mechanical, electrical and civil engineering advice), architectural work, accessibility advice, energy assessments, landscape architectural work, and Building Code of Australia certification. The cost incurred as at 23 November 2017 is \$201,361.82 (excluding GST).
  - (d) Bushfire risk management consulting – The Public Housing Renewal Taskforce has not received bushfire risk management advice for Block 2 Section 29 in Wright as it is not located in or near a Bushfire Prone Area.
  - (e) Contractor costs: The contractor costs include site investigation work (including the preparation of Site Investigation Reports and other due diligence studies such as tree assessments, traffic assessments and geotechnical studies) and survey work to identify levels and boundaries of the site (including survey work required to support subdivision). The costs incurred as at 23 November 2017 is \$54,000.00 (excluding GST).
  - (f) Machinery: The ACT Government has not incurred any machinery costs directly. Any machinery costs will be incorporated into contract costs at part (e).
  - (g) Marketing and advertising: The Public Housing Renewal Taskforce has not engaged in marketing or advertising of the public housing proposal. Some minor costs have been incurred for community engagement.
  - (h) Other relevant categories of costs: There are no other relevant categories of costs for the public housing proposal.
- (5) The following contracts had been signed by the ACT Government, including the Public Housing Renewal Taskforce, as at 23 November 2017, for the public housing proposal at Block 2 Section 29 in Wright:

- (a) Melinda Dodson Architects Pty Ltd and Stewart Architecture Pty Ltd (noting that these are contracts from the ACT Government's panel of architects and includes a range of sub-consultants such as engineers and landscape architects as outlined under part (4)(c).
  - (b) Cardno (NSW/ACT) Pty Ltd for site investigation (including preparation of Site Investigation Reports and a range of sub-consultants such as traffic assessors as outlined under part (4)(e).
  - (c) Cardno (NSW/ACT) Pty Ltd for minor works (including preparation of a Development Application for site servicing such as providing sewer, water, electricity and gas connections and planting of street trees).
  - (d) Canberra Surveys Pty Ltd for survey work (including boundary surveys for subdivision).
- (6) As at 23 November 2017, the ACT Government has not entered into any construction or building contracts for the public housing proposal at Block 2 Section 29 in Wright.
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### **Roads—Gartside Street (Question No 825)**

**Ms Lawder** asked the Minister for Transport and City Services, upon notice, on 1 December 2017:

- (1) Is the Gartside Street upgrade running on time and when is the completion expected by.
- (2) Is the project running on budget; if not, why not and what has been the variance in the value of this work.
- (3) Which company received the tender for this work.
- (4) How many companies tendered for this work.
- (5) Why were there delays with this tender process.

**Ms Fitzharris:** The answer to the member's question is as follows:

- 1. Completion is expected in February 2018. The original planned completion date of late 2017 has not been met due to delays experienced in the consultation phase in 2016, and the tender process in early 2017 which has meant the project is approximately two months behind schedule.
- 2. During the construction tender phase it was identified that there was a cost pressure of approximately \$170,000 to deliver the project. Additional funding was allocated to the project at this point in time. The project will be completed within the revised budget.
- 3. CB Excavations Pty Ltd.
- 4. Five companies tendered for this work through a Public tender process.



5. The tender process was delayed due to the identification of a shortfall of funds at that point in time.

**Environment—green waste bin service  
(Question No 826)**

**Ms Lawder** asked the Minister for Transport and City Services, upon notice, on 1 December 2017:

- (1) Given that on 17 November Tuggeranong residents who signed up for the green bin service received an update emailed titled “Green waste bins are coming to Tuggeranong” and that the email publicly listed all recipient email addresses, what will the Government do to ensure that best practices of privacy are met in the future.
- (2) Is the Government planning on making a published public apology to recipients of the email notwithstanding the fact that an apology email was sent from Transport and City Services (TCCS) staff to recipients on 17 November.
- (3) Did the apology email state that TCCS had self-reported the incident to the Office of Australian Information Commissioner (OAIC); if so, will the recipients of the email be notified of the outcome of the incident report; if so, how; if not, why not.
- (4) How will the Government use the incident report to adopt better privacy practices.
- (5) Will there be an investigation; if so, how will the recipients of the email be notified of the outcome of the investigation; if not, why not.

**Ms Fitzharris:** The answer to the member’s question is as follows:

- (1) The inadvertent breach was the result of human error. To facilitate effective governance and avoid recurrence, ACT NoWaste, the business area responsible for the delivery of the garden organic green bin service, other government initiatives and operational waste management services have implemented the following controls:
  - Bulk emails to residents and or industry will be distributed via a generic email inbox
  - All applicable addresses will be entered into the blind copy address bar
  - Bulk emails will be edited and approved by a more senior staff member prior to release
  - Include standard text in the footer of the email as outlined below:

*This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient:*

- *Please notify the sender and delete all copies of this transmission along with any attachments immediately.*
  - *You should not copy or use it for any purpose, nor disclose its contents to any other person.*
- (2) Given that TCCS issued a written apology immediately after the incident, a further apology is not required.

- (3) Yes, the apology email stated that TCCS had self-reported the incident to the Office of Australian Information Commissioner (OAIC). ACT NoWaste has and will continue to respond to enquiries from those affected by the breach.

One recipient requested notification of the outcome upon conclusion of the investigation. Recipients have been contacted via email and or phone where requested.

- (4) As identified within question 1 above, improved governance arrangements have since been implemented. Additionally, all staff have been reminded of their obligations and responsibilities in this regard.
- (5) TCCS immediately self-reported the incident to the OAIC. TCCS conducted an internal investigation into the incident and a copy of the TCCS Internal Privacy Breach Investigation report was provided to the OAIC. The OAIC have advised they do not intend to take any action with respect to this notification at this time.

ACT NoWaste will continue to respond to those affected should further requests for information be received.

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### **Planning—Gungahlin (Question No 831)**

**Mr Milligan** asked the Minister for Planning and Land Management, upon notice, on 1 December 2017:

- (1) In relation to the outcomes from the Gungahlin Town Centre Planning Refresh Report and the announcement of a schedule for reporting, when will details of the Engagement Outcome Report (scheduled for release in October), including an updated Precinct Code, be available.
- (2) When will the ensuing Planning Report (scheduled for December) be made available.
- (3) Why are residential developments permitted to proceed to full construction in Precinct 2a or Section 209 Gungahlin prior to any draft Territory Plan variation (including an updated Precinct Code) when the Gungahlin Precinct Code specifies the area as a Business Park.

**Mr Gentleman:** The answer to the member's question is as follows:

- (1) The community engagement report is expected to be released in early 2018.
  - (2) The planning report and draft precinct code is expected to be released in the first quarter of 2018. The preparation of the planning report has been delayed due to the need to undertake further technical analysis, including transport modelling, to respond to community feedback.
  - (3) Section 209 Gungahlin, Precinct 2(a) and 2(b) are zoned CZ2 Business under the Territory Plan. The CZ2 Business zone permits both commercial and residential uses. Development applications are being assessed in accordance with the current Territory Plan which permits residential development.
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**ACT Corrective Services—staff survey results  
(Question No 832)**

**Mrs Jones** asked the Minister for Corrections, upon notice, on 1 December 2017:

What are the results and reports of the Justice and Community Safety Directorate Staff Survey(s) of (a) 2008, (b) 2010, (c) 2012, (d) 2015 and (e) 2017, pertaining to ACT Corrective Services.

**Mr Rattenbury:** The answer to the member's question is as follows:

The detailed results from the Justice and Community Safety Directorate (JACS) staff surveys including those of the ACT Corrective Services are not made public for a number of reasons: assurances made to staff about the confidentiality of their responses and the risk of undermining staff confidence and participation in future surveys (which is voluntary); the commercial value and intellectual property of Best Practice Australia as the survey provider would be compromised; and the nature of the reports which are designed as working documents by executives and managers within the organisation.

The staff survey is a key tool used to inform the development and implementation of JACS workforce strategy. A copy of the JACS Workforce Strategy is attached for Committee information.

*(A copy of the attachment is available at the Chamber Support Office).*

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**Emergency services—staff survey results  
(Question No 833)**

**Mrs Jones** asked the Minister for Police and Emergency Services, upon notice, on 1 December 2017:

What are the results and reports of the Justice and Community Safety Directorate Staff Survey(s) of (a) 2008, (b) 2010, (c) 2012, (d) 2015 and (e) 2017, pertaining to the (i) Emergency Services Agency as a whole, (ii) ACT Ambulance Service, (iii) ACT Fire and Rescue, (iv) ACT Rural Fire Service and (v) ACT State Emergency Service.

**Mr Gentleman:** The answer to the member's question is as follows:

The detailed results from the Justice and Community Safety Directorate (JACS) staff surveys including those of the Emergency Services Agency are not made public for a number of reasons: assurances made to staff about the confidentiality of their responses and the risk of undermining staff confidence and participation in future surveys (which is voluntary); the commercial value and intellectual property of Best Practice Australia as the survey provider would be compromised; and the nature of the reports which are designed as working documents by executives and managers within the organisation.

The staff survey is a key tool used to inform the development and implementation of JACS workforce strategy.

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**Centenary Hospital for Women and Children—aluminium cladding  
(Question No 835)**

**Ms Lawder** asked the Minister for Health and Wellbeing, upon notice, on 1 December 2017:

Given that question on notice No 669 asked for a copy of the advice that the Minister received which stated that it would be irresponsible to remove the cladding from the Centenary Hospital for Women and Children, could the Minister provide a copy of this expert advice, not just a summary, as originally requested.

**Ms Fitzharris:** The answer to the member's question is as follows:

Expert advice on early removal of Polyethylene Aluminum Composite Panel (PE-ACP) Cladding was provided by Arcadis, a structural engineering consultant, engaged by Infrastructure Finance and Capital Works (IFCW) on behalf of ACT Health as part of the development of a Statement of Requirements for the PE-ACP replacement tender process.

A summary of the advice was provided verbally by Arcadis in advance of the Statement of Requirement completion, supported by ACT Fire and Rescue and confirmed by IFCW by email correspondence. A copy of the expert advice as provided to the Minister is at Attachment A.

Attachment A

**PE ACP Early Removal Advice**

Early removal of PE ACP cladding and replacement with a temporary interim measure e.g. plastic sheeting or other type/form of temporary cladding is not advisable for the following reasons.

1. The current façade cladding system in place is part of a complete stable system that demonstrates no performance issues e.g. weatherproof, vermin control etc.
2. Given that the building facades were completed in 2012 ( Stage 1) and 2013 ( stage 2) all facade elements have stabilised with the rest of the building systems e.g. Heating Ventilation and Cooling (HVAC) and so the management of the current building dynamics is well understood. Introduction of temporary cladding measures will change the current building dynamics, increasing the pressure on the building management systems leading to an increased risk of unintended consequences.
3. Introduction of interim measures will introduce specific additional risks that will have an increased likelihood of eventuating compared with the risk associated with the ACP cladding. Given that permanent replacement materials will take six months to procure and install this extended period of possible interim solution represents an unacceptable risk

Plastic Sheeting

- Building facade dynamics will change leading to unintended consequences.
- Weather proofing cannot be guaranteed.
- Vermin protection cannot be guaranteed.
- Plastic sheeting is a combustible material.
- Plastic sheeting will likely be not structurally sufficient to take wind loads.
- Wind noise will increase.

- Wind load on building façade will change impacting on overall façade system integrity.
- Sheeting will require regular maintenance and replacement due to weather damage thus requiring scaffolding to be installed during the complete period of interim cladding solution.
- Majority of plastic sheets (building foils/sarking materials) are not UV stable especially for prolonged term (several months).
- Labour and double handling of materials will increase the cost and the operational impact of the works rather than limiting the works to a short period of replacement based on the permanent availability of replacement materials which is aligned to the WHOg working group endorsement of the CHWC ACP cladding replacement Statement of Requirements (SOR). (SOR is being developed by Arcadis in conjunction with the WHOg working group such that any precedence on CHWC can be applied across all applicable ACT public buildings.

#### Alternative interim cladding type

- Building facade dynamics will change leading to unintended consequences.
- Installation of interim cladding panels will undermine the fixing areas for permanent replacement panels. The CHWC façade system is not designed for easy removal of panels and damage to secondary support and air seal is likely to happen.
- Acceptable (non-combustible) interim cladding materials in large quantities may change structural support requirements.
- Labour and double handling of materials will increase the cost and the operational impact of the works rather than limiting the works to a short period of replacement based on the permanent availability of replacement materials which is aligned to the WHOg working group endorsement of the CHWC ACP cladding replacement Statement of Requirements (SOR). (SOR is being developed by Arcadis in conjunction with the WHOg working group such that any precedence on CHWC can be applied across all applicable ACT public buildings.

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### **Centenary Hospital for Women and Children—aluminium cladding (Question No 837)**

**Ms Lawder** asked the Minister for Planning and Land Management, upon notice, on 1 December 2017 (*redirected to the Minister for Health and Wellbeing*):

- (1) In relation to aluminium composite panels used in the construction of the Centenary Hospital for Women and Children, who or what company certified the use of aluminium composite panels.
- (2) What advice was provided to the Minister's office to inform sign off.

**Ms Fitzharris:** The answer to the member's question is as follows:

1. Confirmation of compliance with the National Construction Code at time of completion of Centenary Hospital for Women and Children (CHWC) for works was provided by licensed building surveyors BCA Certifiers (AUST) PTY Limited.

2. No advice was provided to the Minister's office to inform sign off of building materials used on the CHWC building project or indeed any building projects within the Territory. Specific ministerial advice to inform material selection details on construction projects is unnecessary and impractical.

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### **Construction industry—building approvals (Question No 838)**

**Ms Lawder** asked the Minister for Planning and Land Management, upon notice, on 1 December 2017 (*redirected to the Minister for Regulatory Services*):

- (1) What course of action is available for people who have purchased a unit that differs significantly to the plan.
- (2) Are builders required to inform the ACT Environment, Planning and Sustainable Development Directorate (EPSDD) of any changes to building plans; if so, how soon after the changes and how many of these changes has the EPSDD received in the last 12 months.
- (3) Are builders required to inform the constituent of any changes to the building plans where a constituent has purchased a unit off the plan; if so, how soon after the changes.
- (4) What recourse do constituents have in circumstances where they have not been advised of the changes.
- (5) Are builders required to inform owners of any changes to building plans; if so, how soon after the changes and what recourse do owners have in circumstances where they have not been advised of the changes.
- (6) Is there a standard that common walls in units and townhouse buildings are required to meet; if so, what are these standards or applicable legislation.
- (7) Does the EPSDD have the power to prosecute builders that do not comply with building codes; if so, how many prosecutions has the EPSDD undertaken in the last five years.
- (8) Does EPSDD have the power to prosecute builders that do not comply with the approved building plans; if so, how many prosecutions has EPSDD undertaken in the last five years.
- (9) Is there a requirement for builders to rectify any changes to building plans; if so, how would a constituent go about achieving this.
- (10) What recourse is available to constituents who have purchased a property where the plans are significantly different to the final build.

**Mr Ramsay:** The answer to the member's question is as follows:

- (1) The ability of the developer/builder to alter a building is dependent on the contract that a prospective purchaser enters into. In some cases the contract between the

prospective purchaser and the developer might allow broad variations. Where a purchaser believes that the building is significantly different from the plan they will need to follow the dispute settlement procedures set out in the contract, which may involve civil proceedings.

- (2) No, but builders are required to inform EPSDD of changes to Development Approvals (DA).
- (3) There is no requirement under building or planning legislation to inform a prospective purchaser of a variation. There may be a requirement within the provisions of the relevant purchase contract.
- (4) Any rights the prospective purchaser has in this situation are set out in their contract. The terms of the contract are subject to Australian Consumer Law, and where relevant the applicable common law.
- (5) Building Approval (BA) amendments can only be made with the consent of the owner. The owner is defined as the Lessee who is named of the certificate of title for the land. While the apartments are being constructed it is the Lessee who approves amendments and variations to the BA, in most cases the lessee and the developer are the same entity.

A prospective purchaser (as in someone contracting for an off the plan purchase) does not become an owner until the building is completed, strata titled, and settlement is finalised.

- (6) Common walls between units/townhouses must meet the requirements of the Building Code of Australia (BCA), also referred to as the National Construction Code. This includes structural sufficiency, fire resistance, and acoustic insulation.
- (7) No, EPSDD does not have the power to prosecute a builder for failure to comply with the Building Act 2004 as this power sits with the Construction Occupations Registrar (the Registrar), whose functions were transferred into Access Canberra three years ago.

During 2012 and 2014 when the Registrar was located in EPSDD there was one prosecution (occupational discipline in ACAT) of a builder for non-compliance with the National Construction Code. Between 2015 and to date, Access Canberra has not prosecuted a builder for non-compliance with the National Construction Code. The Registrar has a wide range of other powers with respect to licence holders including the ability to condition licences to control the behaviour of licensees. Prosecutions have limited effect in resolving defects in buildings and are generally used only in cases of persistent non-compliance on the part of the licence holder.

- (8) No, EPSDD does not have the power, however EPSDD did have the power prior to creation of Access Canberra. Between 2012 and 2014, occupational discipline was undertaken successfully by the Registrar against one builder, which related to a number of issues including “not building in accordance with approved plans”. Between 2015 and to date, Access Canberra has not prosecuted any builders for “not building in accordance with approved plans”. The Registrar has a wide range of other powers with respect to licence holders including the ability to condition licences to control the behaviour of licensees. Prosecutions have limited effect in resolving defects in buildings and are generally used only in cases of persistent non-compliance on the part of the licence holder.

- (9) A complaint can be made to Access Canberra if a building does not comply with its approved plans. If the building work is still underway, this would normally be corrected by the lessee/owner with an amending BA, depending on existing contractual obligations in an off the plan scenario (if applicable).

If a Certificate of Occupancy and Use is already issued and the property exchanged, amendments can be settled by consent between the new owners and the builder. Where the builder does not agree to return the building to the approved plans the builder may be compelled by the Construction Occupations Registrar to remedy the situation by reinstating works back to the most recent set of approved plans.

- (10) Where the owner is not the original lessee the recourse available to them will be set out in the terms of the contract entered into by them as the purchaser.

In cases where the owner is the lessee who contracted the builder they can make a complaint to the Registrar.

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### **Government—land acquisition arrangements (Question No 840)**

**Ms Le Couteur** asked the Treasurer, upon notice, on 1 December 2017 (*redirected to the Minister for Housing and Suburban Development*):

- (1) For each purchase of rural land completed by the Land Development Agency (LDA) after 1 June 2015, was the first contact between the Government and the landowner about the possible purchase made by (a) the LDA, (b) an agent on behalf of the LDA, (c) the landowner or (d) an agent on behalf of the landowner.
- (2) For each purchase, who (a) was the seller of the land, (b) were the agent/s for the seller and (c) were the agent/s for the LDA.

**Ms Berry:** The answer to the member's question is as follows:

- (1)

<b>Land Development Agency Acquisitions</b>	<b>Q1 (a), (b), (c) or (d)</b>
Belconnen Blocks 1605 and 1606 (Corkhill Brothers)	(c) landowner
Belconnen Blocks 1491, 1492 and 1587 (Wintergarden)	(a) LDA
Jerrabomberra Blocks 2060, 2061, 2250 and Block 12 Section 110 Symonston (Bonshaw)	(c) landowner
Lot 2 Wallaroo Road, Wallaroo NSW	(c) landowner
Stromlo Block 19 (Milapuru)	(a) agent for LDA
Stromlo Blocks 412, 413 and 489 (Huntly)	(c) landowner
Stromlo Block 518 (Was 491) (Fairvale)	(b) agent for LDA
Stromlo Blocks 435, 439, 440, 441, 456 and 476 (Winslade)	(c) landowner
Belconnen Blocks 1591, 1592, 1593, 1594, 1595, 1596 and 1597 (Lands End)	(c) landowner



(2)

Land Development Agency Acquisitions	Q2 (a)	Q2 (b)	Q2 (c)
Belconnen Blocks 1605, 1606 (Corkhill Brothers)	Corkhill Bros Pty Limited	No agent	No agent
Belconnen Blocks 1491, 1492, 1587 (Wintergarden)	Mr Tully	Harcourts	No agent
Jerrabomberra Blocks 2060, 2061, 2250 and Block 12 Section 110 Symonston (Bonshaw)	Commonwealth of Australia	No agent	No agent
Lot 2 Wallaroo Road, Wallaroo NSW	Commonwealth of Australia	No agent	No agent
Stromlo Block 19 (Milapuru)	Mr Katz	No agent	No agent
Stromlo Blocks 412, 413 and 489 (Huntly)	Consolo Ltd	No agent	No agent
Stromlo Block 518 (Was 491) (Fairvale)	Ms Howieson	Landmark Harcourts Capital	No agent
Stromlo Blocks 435, 439, 440, 441, 456 and 476 (Winslade)	Mr Blake	No agent	No agent
Belconnen Blocks 1591, 1592, 1593, 1594, 1595, 1596 and 1597 (Lands End)	Mr Wallace	No agent	No agent

### Land—Stromlo Forest Park development (Question No 841)

**Ms Le Couteur** asked the Treasurer, upon notice, on 1 December 2017 (*redirected to the Minister for Housing and Suburban Development*):

Did the Land Development Agency, at any time after 1 January 2015, conduct investigations into the possible suburban development of parts of, or the whole of, Stromlo Forest Park; if so, (a) what did those investigations cover, (b) when were they undertaken, (c) which parts of Stromlo Forest Park were included and (d) was any consultation conducted with the (i) National Capital Authority, (ii) Environment and Planning Directorate and the (iii) agency responsible for the management of Stromlo Forest Park.

**Ms Berry:** The answer to the member's question is as follows:

- (1) No, the Land Development Agency did not conduct investigations into the possible suburban development of parts of, or the whole of, Stromlo Forest Park at any time after 1 January 2015.

### Land—central Molonglo development (Question No 844)

**Ms Le Couteur** asked the Minister for Housing and Suburban Development, upon notice, on 1 December 2017:

In relation to the actions of the Land Development Agency (LDA) and the Suburban Land Agency (SLA) in regard to the area known as Central Molonglo for the purposes of Territory Plan Variation No 281, did the LDA or SLA, at any time after 1 January 2012, conduct investigations into the possible suburban development of parts of, or the whole of, Central Molonglo; if so, (a) what did those investigations cover, (b) when were they undertaken, (c) which parts of Central Molonglo were included and (d) was any consultation conducted with the (i) National Capital Authority, (ii) Conservator of Flora and Fauna and (iii) Planning Directorate as constituted at the time.

**Ms Berry:** The answer to the member's question is as follows:

The Land Development Agency (LDA) had undertaken desktop assessments to inform the acquisition of land in the Central Molonglo area. These included assessment of topography, ecological values, heritage, possibility of contamination, site condition and infrastructure. The assessments relate to Belconnen Blocks 1582, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1600, 1601 and were undertaken at the time the LDA was considering the acquisitions. Consultation occurred with the Planning Directorate. The National Capital Authority and Conservator of Flora and Fauna had not been consulted.

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### **Sport—advertising (Question No 845)**

**Ms Le Couteur** asked the Minister for Sport and Recreation, upon notice, on 1 December 2017 (*redirected to the Treasurer*):

- (1) Is advertising for alcohol allowed at ACT Government sports venues.
- (2) Is advertising for (a) gambling businesses, (b) junk food and (c) tobacco allowed at ACT Government sports venues; if not, when was this policy put in place.
- (3) What is the policy for types of advertising at ACT Government sports venues.

**Mr Barr:** The answer to the member's question is as follows:

- (1) Yes in certain circumstances (see below). The ACT Government does not directly enter into contractual arrangements with advertisers of this nature.
- (2) Advertising related to (a) gambling businesses and (b) junk food is permitted at ACT Government sports venues if required by the conditions of the agreement with the venue hirer. The ACT Government does not directly enter into contractual arrangements with advertisers of this nature.

Advertising for (c) tobacco is prohibited at ACT Government sports venues. This has been the case since the introduction of the Commonwealth's *Tobacco Advertising Prohibition Act 1992*.

- (3) See above.
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**ACT Health—intersex guidelines  
(Question No 846)**

**Ms Le Couteur** asked the Minister for Health and Wellbeing, upon notice, on 1 December 2017:

- (1) Does ACT Health have specific policies, procedures and guidelines for responding to the birth of a child born with variations of sex characteristics (sometimes called intersex or disorders of sex development); if so, what are the policies, procedures and/or guidelines.
- (2) How many children have been born with such variations over the last ten years.
- (3) What were the diagnosis of these children.
- (4) What medical procedures did these children undergo.
- (5) What was the age at which these children underwent these procedures.
- (6) How many times has surgery occurred on these children (a) in the ACT and (b) interstate, after the referral of a child to interstate practitioners.
- (7) What information was given to parents to inform their choices.
- (8) What measure have been taken by ACT Health to ensure that the treatment of children born with variations of sex characteristics ensures their bodily autonomy in line with recommendations from intersex advocacy groups.

**Ms Fitzharris:** The answer to the member's question is as follows:

1. ACT Health does not have a specific policy to guide the medical approach to the treatment of infants with intersex variations. In these situations, ACT Health clinicians are guided by clinical need and judgement within their clinical fields of expertise. For example, the Royal Australasian College of Physicians' position statement for sexual and reproductive health care for young people outlines that medical interventions for cosmetic or psychosocial reasons should not take place until the person concerned can provide free and fully informed consent.
2. To protect patient privacy and confidentiality, ACT Health is unable to provide the specific number of cases when the numbers are sufficiently small.
3. To protect patient privacy and confidentiality, ACT Health is unable to provide the diagnosis definition of these cases as this is identifiable information. However, a highly common condition of babies born with intersex variation is Congenital Adrenal Hyperplasia (CAH) which if untreated, causes life-threatening adrenal failure.
4. To protect patient privacy and confidentiality, ACT Health is unable to provide information about individuals. Regarding CAH, treatment involves replacement hormone medication, and for girls, reconstructive surgery is an option.
5. Variable depending on condition.

6. To protect patient privacy and confidentiality, ACT Health is unable to provide the specific number of cases when the numbers are sufficiently small.
7. Parents are provided with information as the diagnosis becomes available, including details of local and national support groups relevant to their child's condition, and ongoing support and literature relevant to their child's condition for common conditions, or for less common conditions, access to reliable sites where information can be obtained, and up to date information based on current knowledge.
8. Management of babies born with intersex or disorders of sex development is guided by best practice, on a case by case basis. There have been no non-consensual 'normalising' surgical interventions performed by the ACT public health care system on intersex children over the past year.

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**Government—heritage policy  
(Question No 848)**

**Ms Le Couteur** asked the Minister for the Environment and Heritage, upon notice, on 1 December 2017:

In relation to the ACT Heritage Strategy and the February 2016 release of the "Five Year ACT Heritage Strategy 2016-2021 Discussion Paper", is a new Heritage Strategy still being developed; if so, what are the next steps and when will they occur.

**Mr Gentleman:** The answer to the member's question is as follows:

During 2016-17 work commenced on developing an ACT Heritage Strategy to set a clear direction and framework for the recognition, protection, conservation and promotion of our heritage places and objects for a five year period.

This work will continue in 2017-18 with an expectation that a draft will be produced in 2018. The draft strategy will be launched for a further period of public consultation.

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**Transport—passenger information system  
(Question No 849)**

**Ms Le Couteur** asked the Minister for Transport and City Services, upon notice, on 1 December 2017:

- (1) How does the Government monitor the accuracy and availability of the NXTBus information service.
- (2) What service standards are in place for the accuracy of the NXTBus service.
- (3) What service standards are in place for the availability of, or outages to, the NXTBus service.
- (4) How frequently does the NXTBus service (a) not include and (b) include details of a service that is operating.

- (5) How many outages has the NXTBUS service suffered in the 2016-17 financial year.

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1) The NXTBUS service is monitored for availability by the vendor in real time. System outages are reported by the ACT Government ICT provider and NXTBUS vendor.
- (2) The supply agreements states the Real Time Passenger Information System (RTPIS) shall have a total calculated availability of 99.95%. The agreement includes 98% of the RTPIS equipped vehicles in the ACTION fleet shall have all Contractor-provided vehicle equipment fully operational. Ninety percent (90%) of the fleet's Automatic Vehicle Location for tracking and reporting of the locations of buses must have a positional accuracy of ten metres or less.
- (3) The supply agreement states the production RTPIS shall have a total calculated availability of 99.95%. Also 98% of the RTPIS-equipped vehicles in the ACTION fleet shall have all Contractor-provided vehicle equipment fully operational.
- (4) NXTBUS details of service operating:
  - a. NXTBUS does not provide details of services not operating. If the service is not operating NXTBUS will not provide a stop departure time.
  - b. NXTBUS updates service information at a frequency of every 30 seconds. Bus stop departure times are adjusted every 30 seconds to reflect Automated Vehicle Location detail.
- (5) There were 12 scheduled outages and three unscheduled NXTBUS outages for 2016-17 financial year. NXTBUS experienced one server outage that did not affect the customer facing service. Two network communications provider (Optus) outages were also experienced.

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### **Aboriginals and Torres Strait Islanders—heritage (Question No 850)**

**Ms Le Couteur** asked the Minister for the Environment and Heritage, upon notice, on 1 December 2017:

- (1) What protections are available for Aboriginal heritage under the Heritage Act.
- (2) What inspection and enforcement mechanisms does the ACT Government have in place for Aboriginal heritage.
- (3) How many complaints or notifications were received in regard to breaches of protection of Aboriginal heritage in the (a) 2014-15, (b) 2015-16, (c) 2016-17 financial years.
- (4) For each financial year referred to in part (3), how many (a) of these complaints or notifications were investigated and (b) enforcement actions were undertaken.
- (5) What education and information processes does the ACT Government have in place to ensure that (a) Government agencies and Government contractors, (b) private landowners and (c) construction companies are aware of their obligations.

**Mr Gentleman:** The answer to the member's question is as follows:

- (1) The *Heritage Act 2004* (the Act) affords statutory protection to all Aboriginal places and objects located within the ACT Government's jurisdiction; as it is an offence under Section 75 of the Act to damage an Aboriginal place or object without prior approval. The Act does not apply to the actions of Commonwealth entities on National Land or within Designated Areas, however those actions are subject to the provisions of the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act), which includes Aboriginal heritage.
- (2) Enforcement mechanisms for Aboriginal places set out in the Act include 'Heritage Directions', which can be issued by the ACT Heritage Council (the Council) under Part 11 of the Act when an Aboriginal place or object is under serious and imminent threat.

The Council also commonly requires the inspection of Aboriginal places, and reporting on the conservation of Aboriginal places, as conditions of approvals issued under the Act. The ACT Government also provides support to the Council in the investigation of reported damage to Aboriginal places as required, with ACT Heritage personnel and a number of Inspectors and Investigators appointed as authorised officers under Part 14 of the Act (refer to NI2014-483). Under that section of the Act, authorised officers have a range of powers, including the power to enter premises, the power to seize things and the power to apply for search warrants.

- (3) ACT Heritage received five notifications of potential Aboriginal heritage offences in the 2014-15 financial year; four notifications in the 2015-16 financial year; and two notifications in the 2016-17 financial year. Of these, six notifications were identified as involving no heritage offence.
- (4) ACT Heritage reviewed all 11 notifications of potential Aboriginal heritage offences received over the past three financial years, to determine whether Aboriginal places or objects had been damaged. As set out above, in six instances, it was determined that no heritage offence had occurred. In the remaining five instances: one matter was referred to the Access Canberra Investigations Team and is currently under investigation; two matters are still under review by ACT Heritage; and two matters involved correspondence between ACT Heritage and relevant parties.
- (5) It is the responsibility of any land owner or developer to work within the legislative framework of the land and planning system in the ACT. This includes the *Planning and Development Act 2007*, the *Heritage Act 2004*, the *Nature Conservation Act 2014* and the *Tree Protection Act 2005*.

The ACT Heritage website contains a wide range of forms for Heritage Council approvals and fact sheets and information on obligations and processes in relation to Historic and Aboriginal heritage in the ACT. Owners and managers can also contact the Council directly for detailed information on Aboriginal places, and requirements for the conservation of those places.

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### **Aboriginals and Torres Strait Islanders—heritage (Question No 851)**

**Ms Le Couteur** asked the Minister for the Environment and Heritage, upon notice, on 1 December 2017:

- (1) In relation to the recording of Aboriginal heritage under the Heritage Act, what process is followed once a person reports the discovery of an Aboriginal place or object to the Heritage Council.
- (2) How many such reports were received in the (a) 2014-15, (b) 2015-16 and (c) 2016-17 financial years.
- (3) What is the average time taken from report to the recording of the place or object in ACT Heritage's database.
- (4) Is there currently a backlog in entering places and objects into ACT Heritage's database; if so, what is the current size of the backlog.
- (5) How is the database made available to private land owners, managers and the construction and development industry.

**Mr Gentleman:** The answer to the member's question is as follows:

- (1) ACT Heritage, as secretariat to the ACT Heritage Council (the Council), maintains records on all Aboriginal places and objects reported to the ACT Heritage Council under Section 51 of the *Heritage Act 2004* (the Act). Once reported, Aboriginal places and objects are afforded statutory protection under Section 75 of the Act; and on this basis, records of reported sites are reviewed to inform Council advice on a range of conservation and development matters. Additionally, the information received on Aboriginal places and objects is stored within a library located onsite with ACT Heritage, block and section property files and the ACT Heritage database. All data sources are reviewed to inform Council advice and approvals on conservation and development matters.
- (2) ACT Heritage does not maintain statistics on the number of reports received annually. Reports of Aboriginal places and objects discovered are presented to ACT Heritage in varying forms, including in hard copy reports, electronic reports, spreadsheets and email correspondence. This information is stored within a library located onsite with ACT Heritage, block and section property files and the ACT Heritage database. All data sources are reviewed to inform Council advice and approvals on conservation and development matters.
- (3) The ACT Heritage database does not capture information on the timeframe between the date a place is reported and the date a place is entered to the database.
- (4) There is a list of Aboriginal places and objects to be entered into the ACT Heritage database; however, for the reasons set out above, ACT Heritage is unable to easily provide information on the current size of that list. ACT Heritage maintains records of all Aboriginal places and objects reported, and these records are regularly accessed to inform Council advice and approvals on conservation and development matters.
- (5) The database managed by ACT Heritage is not publicly available, as information on many Aboriginal places and objects in that database are declared as restricted under Part 9 of the Act; and as information on Aboriginal places and objects is generally considered by Representative Aboriginal Organisations and the Council to be sensitive. However, information on Aboriginal places and objects can be provided to

owners, managers and development proponents by applying for approval to publish or access restricted information, under Sections 56 and 57 of the Act.

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**Planning—development applications  
(Question No 852)**

**Ms Le Couteur** asked the Minister for Planning and Land Management, upon notice, on 1 December 2017:

- (1) In relation to DA201731673, a residential development application (DA) in Narrabundah, which track was this DA assessed under.
- (2) What were the initial and final decisions on this DA.
- (3) What factors led to ACT Planning and Land Authority (ACTPLA) reconsidering its initial decision.
- (4) On what grounds was ACTPLA able to reverse its initial decision.
- (5) Was the error one of ACTPLA's assessment, or in the plans submitted to ACTPLA.

**Mr Gentleman:** The answer to the member's question is as follows:

- (1) DA201731673 on Block 24 Section 43 Narrabundah sought approval for additions to an existing residence, a new alfresco area, construction of a new carport and a new garage, and associated landscaping, paving and other site works. The DA was assessed in the Merit track.
- (2) DA201731673 was approved with conditions on 6 September 2017. Subsequently, a formal correction letter was issued on 3 October 2017 including an additional condition. The decision on DA201731673 remained a conditional approval.
- (3) The neighbouring resident, who had submitted a representation on DA201731673, raised the issue that the proposed development did not comply with the solar envelope provision of the Territory Plan. A Planning Consultant, acting on behalf of the neighbouring resident, provided shadow diagrams to demonstrate the non-compliance. In response to this, the planning and land authority reviewed the decision and as an error was identified, issued a formal correction to the original decision of 6 September 2017.
- (4) Upon review of the development application, an error was identified in relation to the proposed development's compliance with the solar building envelope requirement, i.e. Rule/Criterion 7 of the Single Dwelling Housing Development Code, which requires the principal private open space of an adjoining dwelling not to be overshadowed to a greater extent than a 2.4m fence on the boundary at noon on the winter solstice. Consequently, in accordance with section 196 of the *Planning and Development Act 2007*, the Notice of Decision dated 6 September 2017 was formally corrected to include an additional condition.
- (5) The error was primarily due to the plans submitted to the planning and land authority not appropriately identifying the principal private open space of the adjoining



dwelling, which in turn caused the incorrect application of Criterion 7(d) of the Single Dwelling Housing Development Code. In his initial assessment, the assessing officer applied the criterion in a way that concluded the proposed development to be compliant with the solar building envelope requirement. This was corrected as soon as it became evident to the assessing officer.

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**ACTION bus service—route alterations  
(Question No 855)**

**Ms Lee** asked the Minister for Transport and City Services, upon notice, on 1 December 2017:

- (1) Since cancellation of the No 5 bus route on 9 October and alteration of the No 4 route, how many calls, emails or other forms of correspondence has the Minister's office or Directorate received that were critical of these changes.
- (2) Can the Minister list the reasons for complaint, for example, (a) increased distance for patrons to access bus, (b) infrequency of service and (c) other.
- (3) Is a review of this decision likely in the immediate future.

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1) Following the changes to bus services in South Canberra on October 9 2017, Transport Canberra received 120 pieces of feedback regarding the Route 4 and 5 through the Customer Experience team and 57 pieces of feedback through the ministerial process.
  - (2) Feedback included complaints about the overall changes and the need to make connections to travel to some destinations.
  - (3) Transport Canberra is currently undertaking community consultation on the public transport network for 2018. This feedback will be used to review the local bus services throughout Canberra, including South Canberra, that complement the Rapid Bus Network.
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**Transport—anti-smoking measures  
(Question No 860)**

**Mr Coe** asked the Minister for Health and Wellbeing, upon notice, on 1 December 2017 (*redirected to the Minister for Regulatory Services*):

- (1) Who is responsible for the enforcement of the smoke-free public transport waiting areas policy and where does that power derive from.
- (2) How many people have been issued (a) cautions or warnings or (b) fines for smoking in public transport waiting areas.
- (3) How many complaints has the Government received from members of the public regarding individuals smoking or vaping within banned areas.

- (4) What is the process for handling or following up on a complaint from a member of the public that an individual has breached the smoke-free public transport waiting areas policy.

**Mr Ramsay:** The answer to the member's question is as follows:

- (1) Access Canberra is responsible for the enforcement of the smoke-free public waiting areas. Part 3 of the *Smoke-Free Public Places Act 2003* (the Act) identifies who is an inspector for the purpose of enforcing the Act. Inspectors have a range of enforcement powers to encourage compliance with the Act.
- (2) To date Access Canberra has not issued any cautions, warnings or fines under the *Smoke-Free Public Places Act 2003* pursuant to the Public Transport Stations Declaration 2017.
- (3) Access Canberra has received 2 formal complaints about smoking at the Belconnen Bus interchange. Both complaints are ongoing enquires.
- (4) The process for handling a complaint is the same as for all complaints made to Access Canberra. The case officer will make contact with the complainant and seek details of the incident to allow for the incident to be further investigated. Where an investigation finds sufficient evidence to proceed, Access Canberra has a range of options available to resolve the matter consistent with the Accountability Commitment Compliance Framework.

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### **Environment—hydrogen car trial (Question No 867)**

**Mr Coe** asked the Minister for Climate Change and Sustainability, upon notice, on 1 December 2017:

- (1) Has the Government provided or committed to providing any funding for the development of refuelling and maintenance infrastructure for the 20 hydrogen cars due in 2019; if so, can the Minister provide a breakdown of what funding was provided, and what for.
- (2) How many refuelling stations will be built.
- (3) Who will build the refuelling stations.
- (4) Who will operate the refuelling stations.
- (5) Is the Government providing any funding to Neoen or other participating companies for the trial of hydrogen cars in the Government fleet; if so, can the Minister provide a breakdown of (a) the funding that was or will be provided, (b) to which company it was or will be provided and (c) for what reason it was or will be provided.
- (6) Is the Government considering the purchase of further hydrogen vehicles from Neoen should the trial be successful.

- (7) Can the Minister provide an outline of the maintenance and insurance arrangements for the hydrogen cars integrated into the Government fleet, and whether private entities will be involved or part of any arrangements.
- (8) What are the expected maintenance costs of the hydrogen cars that will be incurred after the integration of the cars into the Government fleet.
- (9) What will happen to the hydrogen cars once the trial has concluded.

**Mr Rattenbury:** The answer to the member's question is as follows:

- (1) No. As an outcome of the ACT's fourth renewable electricity reverse auction, Hornsdale Windfarm 3 committed to procure a fleet of 20 Hyundai hydrogen cars for use in the government fleet or as otherwise directed by government. In co-operation with Hyundai and Siemens, Hornsdale Windfarm 3 also undertook to provide infrastructure and expertise to support the necessary hydrogen production, refuelling and servicing facilities.
- (2) The precise number of refuelling stations is subject to detailed project planning, which is currently underway.
- (3) The construction of refuelling stations will be managed by Hornsdale Windfarm.
- (4) Operating arrangements for the refuelling stations are subject to detailed project planning.
- (5) No. Hornsdale Windfarm 3, in co-operation with Hyundai, is providing the fleet of 20 hydrogen cars to the Territory.
- (6) The Government has not committed to the purchase of further hydrogen vehicles.
- (7) All aspects of vehicle maintenance and servicing will be provided by Hyundai. It is anticipated that insurance arrangements for the vehicles would be managed by SGFleet, as with other ACT Government fleet vehicles.
- (8) Hyundai will provide maintenance and services at no cost to the ACT over the lifetime of the vehicles.
- (9) Subject to the outcomes of the trial, the cars may continue to form part of the government fleet.

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**Roads—accident black spots  
(Question No 872)**

**Mrs Kikkert** asked the Minister for Police and Emergency Services, upon notice, on 1 December 2017 (*redirected to the Minister for Transport and City Services*):

- (1) What is the total number of road accidents located at, and near the Tillyard and Ginninderra Drives intersection each year for the years 2003–2011.
- (2) What is the total number of road accidents resulting in injuries located at, and near this intersection each year for the years 2003–2011.

- (3) What is the total number of fatalities located at, and near this intersection each year for the years 2003–2011.

**Ms Fitzharris:** The answer to the member's question is as follows:

- 1-3) The table below represents data for the intersection of Ginninderra Drive and Tillyard Drive between 2003-2011:

	<b>Fatal Crashes</b>	<b>Injury Crashes</b>	<b>Property Damage Only</b>	<b>Total</b>
2003	0	1	8	9
2004	0	0	2	2
2005	0	0	9	9
2006	0	0	7	7
2007	0	2	5	7
2008	0	0	3	3
2009	0	3	6	9
2010	0	2	6	8
2011	0	1	9	10
<b>Total</b>	<b>0</b>	<b>9</b>	<b>55</b>	<b>64</b>

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**Multicultural affairs—Theo Notaras Multicultural Centre  
(Question No 873)**

**Mrs Kikkert** asked the Minister for Multicultural Affairs, upon notice, on 1 December 2017:

- (1) Is there a committee for the management of tenants at the Theo Notaras Multicultural Centre; if so, what are the roles and responsibilities of the committee; if not, who is responsible for the management of tenants.
- (2) Are there any plans to reassess office space allocation at the Centre for organisations within the ACT that currently have need of office space, as well as those whom have outgrown their current office space allocation; if not, why not; if so, (a) when will the reassessment be made and results announced, (b) how will consultation with stakeholders be undertaken and (c) what criteria will be considered as part of the reassessment.
- (3) What contact means are available for organisations to receive prompt assistance outside of business hours relating to event management and use of the Centre.
- (4) How many hours per week, on average over the past year, has the meeting space (as opposed to the Function Room) at the Centre been booked for use by the ACT community.
- (5) How many booking requests for the Centre meeting space over the past year were (a) denied due to room unavailability, (b) rescheduled due to room unavailability and (c) approved.

- (6) Are there any plans to provide additional meeting space for small gatherings; if not, why not; if so, where will the space/s be located and when will it be available for use.
- (7) Are there plans to provide a hot desking office space for use by local organisations that have need of office facilities; if not, what other measures are being, or will be undertaken to support local organisations that are financially struggling and require office space and facilities; if so, when will this space be available for use.
- (8) Is a refundable cleaning deposit of \$200 a mandatory charge for all room bookings; if not, by what criteria will Centre management request a cleaning deposit.
- (9) What other guidelines and procedures are in place to ensure that rooms (including kitchen) in the Centre for hire are kept clean and tidy.

**Ms Stephen-Smith:** The answer to the member's question is as follows:

- (1) The ACT Office for Multicultural Affairs within the Community Services Directorate has responsibility for daily management of the Theo Notaras Multicultural Centre. The tenants rent office space in the Theo Notaras Multicultural Centre and each of their roles and responsibilities are clearly documented in individually signed Licence Agreements. There is no tenant management committee as each Licence Agreement is signed by an individual tenants.
- (2) The ACT Office for Multicultural Affairs is currently assessing the use of office space in the Centre following the relocation of a number of Directorate teams to the Moore St office. A tenant and multicultural community survey has recently been conducted to determine need for office, event and meeting space. Results of the survey are now being analysed to help inform future use of the Theo Notaras Multicultural Centre. The next step is to conduct a community session on survey findings and receive final community feedback.
- (3) The Community Services Directorate provides support on week days to ensure the Centre runs smoothly. Briefings for event organisers are held prior to events on weekends. The Directorate is currently preparing updated Tenant Licence Agreements to ensure after hours contact details for tenant assistance are clearly documented as well as during business hours. After hours assistance is limited to emergencies as documented in the License Agreement. The Community Services Directorate does not provided staff during weekends or after hours to assist community organisations in event management.
- (4) A total of 38 hours per week on average over the past 12 months.
- (5) A total of 466 bookings was made last financial year.
  - (a) 12 bookings were denied due to room unavailability.
  - (b) 8 bookings were rescheduled.
  - (c) 454 bookings were approved.
- (6) This is currently the subject of community consultation. Please refer to the response to (2) above.
- (7) Support for local organisations has been considered in the community and tenant survey recently undertaken by the ACT Office for Multicultural Affairs.

- (8) On a case-by-case basis a refundable cleaning deposit of \$200 is imposed. If the hirer is unable to return the facility they are utilising in a good clean condition, centre management will utilise the cleaning deposit to pay a contractor to clean the space for use by other organisations.
- (9) All hirers of the facility sign an agreement to abide by the *Hire Condition and Agreements* for use of the facilities (at Attachment A).

*(A copy of the attachment is available at the Chamber Support Office).*

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### **Sport—ground maintenance (Question No 875)**

**Mr Milligan** asked the Minister for Transport and City Services, upon notice, on 1 December 2017 (*redirected to the Minister for Sport and Recreation*):

- (1) Can the Gungahlin Little Athletics Centre and Gungahlin Jets Football Club be provided with secure and readily accessible storage facilities for their equipment at Amaroo Playing Fields.
- (2) Will the ACT Government commit to an allocation of funds in the next ACT Budget for this purpose.
- (3) Will the ACT Government provide shading for spectators and families attending summertime sporting events at Amaroo Playing Fields.
- (4) Will the ACT Government urgently address the lack of safe parking at Amaroo Playing Fields particularly in proximity to the lower oval areas.
- (5) Given that an off-oval area at the north western end of the second oval has several shot/ discus circles but the surrounding grass area, where the thrown implements land, is often unmown and can present safety problems, do the off-oval areas warrant a more frequent schedule of maintenance due to their proximity to undeveloped land.

**Ms Berry:** The answer to the member's question is as follows:

- (1) The Gungahlin Jets Football Club currently have a large storage shed at Amaroo Playing Fields. Transport Canberra and City Services (TCCS) have supported the placement of five shipping containers for equipment storage for Gungahlin Little Athletics and Gungahlin Jets Football Club.
- (2) The above-mentioned storage facilities are anticipated to be sufficient to meet the needs of the sporting organisations.
- (3) Perimeter tree canopies provide shade for spectators. TCCS enables the use of temporary shade structures by clubs and spectators at all ACT Government sportsgrounds.
- (4) There are currently no plans to increase the parking capacity at Amaroo Playing Fields. There are 167 car parking spaces associated with the ovals, with ample opportunity to park at the Amaroo School at peak times.

- (5) The area containing the shot put/discus circles at the north-west end of the second oval is currently mown at least once per week which is considered sufficient to maintain safety and amenity.
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## Questions without notice taken on notice

### Gaming—conflict of interest

**Mr Ramsay** (*in reply to a supplementary question by Mr Coe on Thursday, 8 June 2017*):

The Government takes transparency and the management of real or perceived conflicts of interest seriously. Every person who has a role in the Government has strict reporting requirements and rules of conduct to ensure sound, independent decision-making.

The ACT Government has robust rules for declaring and resolving conflicts of interest. Ministers abide by the *Ministerial Code of Conduct 2012*, which is available on the Chief Minister, Treasury, and Economic Development Directorate website.

As Members of the Assembly, all Ministers also declare their interests and those declarations are published on the ACT Legislative Assembly website.

These measures are more than adequate to assess any perceived conflicts of interests and ensure transparent decision making in Government. There are equivalent transparency frameworks in place for Ministerial staff and members of the public service.

### Access Canberra—mediation providers

**Ms Stephen-Smith** (*in reply to a question and a supplementary question by Mrs Kikkert and Mrs Dunne on Thursday, 21 September 2017*):

1. A list of service providers in the ACT that offer free or low-cost mediation or alternative dispute resolution are available at [Attachment A](#). Please note that while best endeavours have been made, this document may not be an exhaustive list of services available in the ACT.

*(A copy of the attachment is available at the Chamber Support Office).*

### Animals—dog attacks

**Ms Fitzharris** (*in reply to a supplementary question by Mr Coe on Thursday, 21 September 2017*):

DAS may not be informed of all circumstances where a person has either been attacked by a dog, or consequentially if a person has been presented to hospital as a result of that attack. DAS take every incident of an attack very seriously and while 389 attacks were reported, the data collected by DAS is only applicable where a report has actually been made.

ACT Health is unable to match emergency department data to dog incident data reported by Transport Canberra and City Services.

### **Centenary Hospital for Women and Children—capacity**

**Ms Fitzharris** (*in reply to a question and supplementary questions by Mrs Dunne and Mrs Jones on Tuesday, 24 October 2017*):

1. There were short periods of time during September 2017 when the delivery suite and maternity wards at the Centenary Hospital for Women and Children (CHWC) were over capacity. The flow and treatment of patients was managed appropriately and there were no compromises to patient care.
2. Yes, there were short periods of time during September 2017 when the delivery suite and maternity ward at Calvary Public Hospital was at but not over capacity.
3. CHWC have devised strategies to address the escalating demands for maternity services. These include:
  - Using beds in the Birth Centre in addition to the Birth Suite.
  - Additional medical and Midwifery staff rostered and the introduction of Assistants in Midwifery to maternity services.
  - The hours of the Maternity Assessment Unit have been extended. This assessment service is for pregnant women with concerns (e.g. reduced fetal movements) or requiring assessment of early labour.
  - Active encouragement by CPH and CHWC of the community and General Practitioners to use the services on offer at Calvary and Queanbeyan Hospitals where appropriate.
  - Appropriate facilitate early discharge with midwifery follow up at home through Midcall program.

### **ACT Policing—gun ownership**

**Mr Gentleman** (*in reply to a question by Ms Le Couteur on Thursday, 26 October 2017*):

Under the *Firearms Act 1996*, two approvals from the Firearms Registrar are required before a person can acquire a firearm: a firearms licence and a permit to acquire.

The Firearms Registrar must consider certain statutory criteria before issuing a person with a firearms licence, including that the Registrar is satisfied about the applicant's identity and that they are a suitable person to hold a firearms licence. Applicants must also show that they have a genuine reason to possess or use a firearm. Firearms licences are issued naming the relevant category of firearm to which they pertain.

The Firearms Registrar must be satisfied on reasonable grounds that a person has a good reason to acquire a firearm before issuing the person with a permit to acquire a firearm. Permits to acquire may only be issued where the acquirer already holds a licence authorising the acquirer to possess firearms.



The same reason may be used for possession of more than one firearm. There is no legislated limit on the number of firearms an individual may possess; however, a 'genuine reason' must be established for each category of firearm for which a person wishes to be licensed and a 'good reason' must be established for each permit to acquire.

Shooting clubs, as composite entity licence holders, sometimes possess firearms for the use of members who may not possess firearms themselves.

### **Disability services—social inclusion**

**Ms Stephen-Smith** (*in reply to a supplementary question by Ms Lee on Thursday, 26 October 2017*):

- The provision of services to NDIS participants is a Commonwealth responsibility. The NDIS provide information about their services in a range of languages to meet the needs of people from non-English speaking backgrounds.
- The NDIA has released details of a new 'pathway' designed to significantly improve the experience people and organisations have with the NDIS. The pathway refers to the experience participants have from their first interaction to their ongoing engagement with the NDIS. Work is also underway to develop tailored pathways to ensure the NDIA has the right response for all participants, including people with psychosocial disability, children, people from Aboriginal and Torres Strait Islander communities, those from culturally and linguistically diverse backgrounds and people with more complex needs.
- In 2015-16, the ACT Government funded Wellways Australia, Community Connections and Imagine More to deliver the Your Voice, Your Choice Program. The aim of the program was to raise awareness about the NDIS among people who have traditionally not engaged with the disability or mental health service systems. The Your Voice, Your Choice program directly engaged with 44 people who identified as coming from a CALD background in the ACT.
- In 2016-17 the ACT Government Participation (Multicultural) Grants round, provided \$2,091 to People with Disabilities ACT to facilitate community engagement with people from culturally and linguistically diverse backgrounds with disability.

### **ACT Health—aluminium cladding**

**Ms Fitzharris** (*in reply to a supplementary question by Ms Lawder on Wednesday, 1 November 2017*):

I was first made aware of the five additional ACT Health buildings containing Polyethylene Aluminium Composite Panels on 20 October 2017.

**Greyhound racing—inspections**

**Mr Ramsay** (*in reply to a supplementary question by Ms Lee on Wednesday, 1 November 2017*):

Access Canberra, undertakes a broad range of compliance related activities on behalf of the ACT Gambling and Racing Commission this includes inspections associated with racing venues in the ACT.

Since the establishment of Access Canberra, these inspections have incorporated a range of regulated activities such as liquor supply, security licensing and smoking restrictions, as well as specific racing and gaming compliance obligations.

Specifically Access Canberra conducts the *Racing Events Compliance Program*. This is a scheduled program and aims to ensure that Access Canberra inspectors will be in attendance at each racing club for key events such as Melbourne Cup Day, Canberra Cup Day and other events where the level of interest may be increased due to higher levels of prizemoney associated with the event(s).

All inspection activity associated with the racing clubs is to ensure integrity of operations and to determine levels of compliance with the applicable legislative provisions.

Aside from general Inspection activity associated with the Greyhound Racing Club, Access Canberra on behalf of the Gaming and Racing Commission was tasked with ensuring that a recommendation of the Durkin Inquiry, namely that a Vet be in attendance at all race meetings and trials, was communicated to the Club and that this was adopted. As a result of this new obligation increased inspection activities at Trials did occur as it was incumbent on Access Canberra to ensure that the Canberra Greyhound Racing Club was aware of and understood this new obligation. There have been no concerns in relation to compliance with this requirement.

The level of engagement with Racing Clubs is necessary to ensure that Access Canberra is able to satisfy community expectations that all are operating in a manner consistent with established governing legislation, and to quickly identify and address any issues or concerns that may be identified or raised.

The ratio of Greyhound race event inspections in comparison to the total number of inspections whilst indicating an increase between 2015/2016 and 2016/2017 is not showing a significant spike in greyhound race inspections:

- 2015/16 – the percentage of Greyhound event inspections in comparison to overall inspections total was 14% (22 total inspections: 3 greyhound race events)
- 2016/17 – the percentage of Greyhound event inspections in comparison to overall inspections totals was 24% (84 total inspections : 20 greyhound race events)

2017/18 current data shows that inspections related to Greyhound events in comparison to overall inspection total is currently at 17%.

Access Canberra total inspection numbers increased in the 2016/17 period and current data is indicating that the overall inspection activities for 2017/18 will meet or even exceed the 2016/17 final numbers. On the basis of this information whilst inspection activities are trending upwards, they are trending at a consistent rate.

### **ACT public service—executive severance benefits**

**Mr Barr** *(in reply to a supplementary question by Mr Coe on Wednesday, 1 November 2017):*

There have been no recipients of the new termination severance package.

### **ACT Health—FOI requests**

**Ms Fitzharris** *(in reply to a question by Mrs Dunne on Tuesday, 28 November 2017):*

There were 19 Freedom of Information applicants who received the documents requested under the *Freedom of Information Act 1989* but the Directorate overlooked the final step of loading them onto the ACT Open Government website. This was rectified immediately after it was brought to the attention of the Directorate.

### **Environment, Planning and Sustainable Development Directorate—FOI requests**

**Mr Gentleman** *(in reply to a question and supplementary questions by Ms Lawder and Mr Coe on Tuesday, 28 November 2017):*

**Ms Lawder** - *Why is your directorate failing to meet the deadlines set by the FOI legislation?*

The Directorate is processing a large volume of requests under the *Freedom of Information Act 1989* (FOI Act) and endeavours to provide responses to requests as quickly as possible and within the prescribed timeframes.

**Ms Lawder** - *Minister, will you now intervene and instruct your directorate to supply the documents without further delay; and if the delay is due to understaffing, will you adequately resource this division within the directorate?*

No. I will not intervene in the independent decision-making process administered by the Directorate under the FOI Act.

Staffing of the Directorate is a matter for the Directorate and recruitment processes are undertaken as needs are identified.

**Mr Coe** - Minister, is your directorate deliberately delaying the FOI process and were you informed that an FOI was lodged and who the person was who submitted the FOI?

No, the Directorate does not deliberately delay the processing of FOI requests.

I am provided weekly reporting from the Directorate that includes a listing of applicant type, FOI request subject, due date, and comments. Ms Lawder's identity as the applicant of the FOI request relating to the Federal Golf Club's development proposal was not revealed to me.

### **Animals—dangerous dogs**

**Ms Fitzharris** (in reply to a supplementary question by Mrs Dunne on Wednesday, 29 November 2017):

I have received advice from ACT Policing that I am not in a position to provide any further information on this matter as it may relate to an ongoing coronial investigation. Accordingly, the release of any further information in response to the Opposition's question in the Legislative Assembly on 29 November 2017 would be inappropriate, as the question of relevance of any previous incidents is also being considered as part of the investigation.

ACT Policing has advised me that you can submit your questions directly in writing to the Coroner for their consideration.

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ACT Policing has advised me that you can submit your questions directly in writing to the Coroner for their consideration.

### **Environment—green waste bin service**

**Ms Fitzharris** (in reply to a supplementary question by Ms Lawder on Wednesday, 29 November 2017):

The inadvertent breach was the result of human error. To facilitate effective governance and avoid recurrence, ACT NoWaste, the business area responsible for

the delivery of the garden organic green bin service have implemented the following controls:

- Bulk emails to residents and or industry will be distributed via a generic email inbox;
- all applicable addresses will be entered into the blind copy address bar;
- bulk emails will be edited and approved by a more senior staff member prior to release; and
- standard text in the footer of the email will be included as outlined below:

*This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient:*

- *Please notify the sender and delete all copies of this transmission along with any attachments immediately.*
- *You should not copy or use it for any purpose, nor disclose its contents to any other person.*

### **Suburban Land Agency—valuations**

**Ms Berry** *(in reply to a question by Mr Parton on Wednesday, 29 November 2017):*

Formal valuations are procured through the Territory Valuation Services Scheme (RFA27791) and are undertaken at various times during a projects' lifespan including prior to sale or purchase of a property.

The Panel of Commercial and Residential Agents (28241) is used to provide services in relation to sales campaigns. This includes advice and services in relation to sales strategies, marketing strategies, campaign management, market and sales advice, and analysis and purchase of properties.

Most often, these services are engaged when a project is scheduled for release in the near future however formal valuations through the Territory Valuation Services Scheme, are always procured by the Suburban Land Agency to set a reserve or purchase price.

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

**Ms Fitzharris** *(in reply to a supplementary question by Mrs Jones on Wednesday, 29 November 2017):*

The median waiting time for ACT emergency departments for the past three months to the 30 November 2017 increased by 16 minutes.

### **ACTION buses—school service**

**Ms Fitzharris** *(in reply to a question and a supplementary question by Mr Wall on Wednesday, 29 November 2017):*

Changes to the timing of the school bus service at Alfred Deakin High were made in line with agreed policy for dedicated school services and was required to deliver the

transport network within available fleet and funding. Schools were notified six weeks prior to the change.

144 of the 246 dedicated school services were changed as part of the timetable implementation.

### **Municipal services—fix my street**

**Mr Ramsay** (*in reply to a supplementary question by Ms Lee on Thursday, 30 November 2017*):

The new fix my street portal was designed to reduce duplicate jobs from being reported by providing simple information to the relevant business unit responsible. Urgent active jobs are still visible and, although logged jobs are removed after 90 days from the displayed map, they are still active in the system until closed by the responsible business unit. This is done to ensure internet performance is optimal when using all devices, including mobile phones, when reporting municipal issues.

### **Bimberi Youth Justice Centre—health assessments**

**Mr Rattenbury** (*in reply to a supplementary question by Mrs Kikkert on Thursday, 30 November 2017*):

1. A flow chart has been developed that communicates the process Bimberi Youth Justice Centre staff undertake to notify Health staff of the newly inducted young people. The flowchart outlines separate notification pathways for business hours and after hours.

### **Housing—affordable housing scheme**

**Ms Berry** (*in reply to a question and a supplementary question by Mrs Jones on Thursday, 30 November 2017*):

ACT Government analysis of mortgage serviceability indicates that for households earning \$100,000, an affordable mortgage would enable the purchase of a home with a sale price of up to \$483,000.

In 2016-17, 892 detached houses were settled for \$483,000 or below in the ACT. This represents 19.7 per cent of all detached houses settled in 2016-17. In the first four months of 2017-18, 213 detached houses were settled for \$483,000 or below in the ACT. This represents 15.3 per cent of all detached houses settled in this time period.

### **ACTION bus service—NXTBUS information service**

**Ms Fitzharris** (*in reply to a question by Ms Le Couteur on Thursday, 30 November 2017*):

A bus service arriving at a stop when it is not displayed on NXTBUS, may have occurred due to a number of operational factors including driver sign on time, driver selection of next trip, on road diversions or other associated operational issues.

**ACT Health—insurance claim**

**Ms Fitzharris** (*in reply to a question and supplementary questions by Mr Coe and Mrs Dunne on Thursday, 30 November 2017*):

1. The date for finalisation is not known but our expectation is the latter half of 2018.
2. Approximately \$3.8 million however the cost is subject to change depending on the assessment of the insurers and final works. The exact effect on the premium is unknown however at this stage, based on a consolidation of current claims across the Territory, the ACT Insurance Agency has advised that this claim is unlikely to affect future Territory premiums.
3. Approximately \$3.36 million, however the cost is subject to change depending on the assessment of the insurers and final works.