



Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

NINTH ASSEMBLY

29 NOVEMBER 2018

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Thursday, 29 November 2018

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Thursday, 29 November 2018

MADAM SPEAKER (Ms J Burch) took the chair at 10 am, made a formal recognition that the Assembly was meeting on the lands of the traditional custodians, and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Petitions

The following petitions were lodged for presentation:

Drone delivery trial—petition 23-18

By Ms J Burch, from 1,043 residents:

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

The following residents of Bonython, ACT, draw to the attention of the assembly that:

- We are subject to the Project Wing drone trial in Bonython.
- We were not consulted in a genuine manner about the trial prior to its approval and start up.
- We have no specific and formally established avenue to submit complaint or feedback other than to Project Wing.
- We find that there is no due governance and transparency in overseeing the trial.
- We find this trial subjects us to unacceptable levels of noise, is a gross invasion of privacy and subjects us to unacceptable safety risks.
- We find this trial compromises our right to peace, privacy and a good quality of life (refer to United Nations' Universal Declaration of Human Rights, article 12).

Your petitioners, therefore, request the Assembly to:

- Commit to ceasing commercial drone delivery trials in Bonython and any future trials in the ACT forthwith.
- Acknowledge the impact on residents of commercial drones regularly and frequently flying over our homes and within the suburb.
- Acknowledge our right to peace, privacy and a good quality of life, to not fear for our safety and not feel anxious about the possibility of drone accidents.
- Acknowledge the detrimental impact of drones on pets and wildlife.

Pursuant to standing order 99A, the petition, having more than 500 signatories, was referred to the Standing Committee on Economic Development and Tourism.

Music H course funding—petition 18-18

By Ms Le Couteur, from 907 residents:

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

The following residents of the ACT draw to the attention of the Assembly that earlier this year, the ACT Government cut all funding to the 'H course' delivered for ACT year 11 and 12 music students by the ANU School of Music. The ANU will cease delivering this course once the current cohort has completed their studies.

The H course develops the skills of talented ACT music students (entry is by audition), and prepares them for tertiary level study, and if they wish, a professional career in the music industry. In the absence of this course, talented ACT music students will have very few options to continue developing their skills in year 11 and 12.

The H course is highly regarded, and many students have gone on to tertiary study, and professional careers. The H course combines individual tuition, ensemble and classroom based learning models, is delivered by professional musicians and music educators employed on an as-needs basis, and utilises ANU School of Music's state-of-the-art music education facilities.

The running costs of the course are very low - approximately \$270,000 per annum, for a cohort of approximately 40 students across years 11 and 12. This represents excellent value for money for the ACT.

Your petitioners, therefore, request the Assembly to call on the ACT Government to restore ACT Government funding to the 'H course' delivered for ACT year 11 and 12 music students by the ANU School of Music.

Pursuant to standing order 99A, the petition, having more than 500 signatories, was referred to the Standing Committee on Education, Employment and Youth Affairs.

Music H course funding—petition 24-18

By Ms Le Couteur, from 69 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 ACT government has cut all funding to the 'H course' delivered for ACT year 11 and 12 music students by the ANU School of Music, and the ANU will cease delivering this course once the current cohort has completed their studies.

The H course develops the skills of talented ACT music students, and prepares them for tertiary level study, and if they wish, a professional career in the music industry. In the absence of this course, talented ACT music students will have

very few options to continue developing their skills in year 11 and 12. The H course is highly regarded, and many students have gone on to tertiary study, and professional careers. The H course combines individual tuition, ensemble and classroom based learning models, is delivered by professional musicians and music educators employed on an as-needs basis, and utilises ANU School of Music's state-of-the-art music education facilities. The running costs of the course are very low - approximately \$270,000 per annum, for a cohort of approximately 40 students across years 11 and 12. This represents excellent value for money for the ACT.

Your petitioners therefore request the Assembly to demand the ACT government immediately restore funding to the 'H course' delivered by the ANU School of Music.

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.

Music H course funding—petitions 18-18 and 24-18

MS LE COUTEUR (Murrumbidgee) (10.02), by leave: First of all, I want to give you all the good news. There will be another H course rally outside the Assembly at lunchtime. That is probably the most important thing I have to say to fellow members here today, but I will talk a little bit about the substantive issue.

Clearly, it really is a significant issue. There are nearly 1,000 signatories, which is great. The last rally was two months ago, outside the Assembly, and unfortunately the questions have not yet been resolved. I understand that there are still discussions going on between the ANU and the ACT government. In fact, I will be having a briefing from the ANU next week. I wish it could have been done earlier, but that is the situation.

Both the education minister and the arts minister have told me that in fact the ACT has not decreased funding. I am not suggesting in any way that I doubt that—I am sure that is the case—so I am not quite sure why the ANU is no longer doing the H course. It is really beyond me as to why the ANU has decided not to do the H course. This petition has come to us, but I will make sure when I see the ANU next week, if not before that, that the ANU is aware that there are nearly 1,000 signatories to a petition by people in Canberra saying that this is a really important course and we would like to see it continue. The musicians and these 1,000 signatories deserve a clear answer from the ANU and from the government as to why the changes have been made.

I appreciate that the minister for the arts talked about some replacement programs, such as Girls Rock! Canberra, and they are great programs. I am not anti those, and I am sure the people who signed the petition are not anti those. They are saying, though, that if you are a talented musician in Canberra in your final years of college, previously you were able to have music, via the H course, as part of your formal education, counted towards your ATAR. Now it appears that this will not be the case. This is really disappointing. I look forward to the ANU, as well as the

ACT government, reflecting on the nearly 1,000 signatures and, hopefully, coming to a more harmonious outcome.

MS LEE (Kurrajong) (10.05), by leave: The petition that Ms Le Couteur has presented just now creates a bit of a dilemma for me. I cannot decide whether Ms Le Couteur has absolutely no understanding of the extent of her hypocrisy in presenting this, or whether she believes that those who signed the petition are not going to be able to work out that when I brought a motion to this Assembly in September specifically calling on the government to do exactly what this petition is calling for—that is, to restore funding for the H music course to ensure that it can continue beyond 2019—she voted against it.

The Labor Party voted against it; the Greens voted against it; and Ms Le Couteur was the spokeswoman who stood up in this very chamber and tried to justify why she was voting against exactly what she is now bringing to the Assembly. Either way, it shows absolute gall on her behalf that she appears to have no shame at all in bringing this petition to the Assembly.

The petition is one that has raised deep passion among our upcoming music students and their families because it has cut off a planned, high-level tuition opportunity—an opportunity that these students would not otherwise have. If equity is supposed to be the hallmark of the current education minister, nothing smacks less of equity than taking away this opportunity for students who otherwise could not afford it to have access to international-standard music tuition.

The decision, for whatever reason it was taken, is unfair, and it is not enough for this government to point fingers elsewhere. The Education Directorate could have picked it up. They could have looked for other lesson delivery pathways and explored options to work with other world-leading institutions, but they have done none of this, and the proud record of achievement that the H course in music has delivered for our music students and for our community over the last 35 years will no longer be available.

Shame on this government; shame on the Greens for allowing this to happen; and shame on Ms Le Couteur for talking the talk, and continuing to talk the talk, but failing to walk the walk when it really mattered, when it actually counted, when she is the one that could and should have made all the difference.

MRS DUNNE (Ginninderra) (10.08), by leave: In question on notice No 2024 I asked some questions of the Minister for the Arts and Cultural Events about the government's decision to defund the music engagement program run out of the ANU. I asked him whether he was aware of the aims of the program and to what extent the program failed to meet artsACT's and the government's aim "to recognise the integral part that arts and culture play in our community and to encourage creativity, celebration, thinking and exchange".

In his answer, the minister said that the government was aware of the program's aims but that they were done "through a focus on children in the school environment". In the next sentence the minister said "the ACT arts policy is a whole of government policy intended to be achieved across all ACT government agencies". Unless I am

seriously mistaken, the ACT government includes Education as one of its agencies, and it causes me to wonder to what extent Education falls outside a whole-of-government policy, as quoted by the minister for the arts.

The statements are nothing less than oxymoronic contradictions. The government is actually saying that the arts are not a part of education and that education has no place in the arts, much less in a whole-of-government policy. The bottom line is that the government is saying that the music engagement program has no place in government policy. The H course has fallen to exactly that fate: it has no place in government policy. The minister has, Pontius Pilate-like, washed his hands of a very successful, 30-plus-years program.

In doing so, he has created huge implications for the H course, which brings such benefits as providing students with a valuable, longstanding and highly respected music extension program, preparing the next generation of music performers—and, more importantly, teachers—for further study, offering students the opportunity to pursue advanced music study across a range of genres, and recognising the well-established benefits that music brings in terms of cognitive development and social skills. Those of us who have an interest in this have been closely following the ABC documentary program called *Don't Stop the Music*, which is a shining example of just how beneficial music education is, and not just in an educative sense. Music brings to participants a whole range of cognitive pluses.

Dare I suggest, Madam Speaker, and perhaps for Mr Ramsay's benefit, that music can be the foundation of wellbeing for the entire community, and that wellbeing should be the focus of the whole of government, including arts, and including education. But Mr Ramsay does not appreciate or understand that. He thinks the arts have no place in education and that education falls outside a whole-of-government policy. If this minister were to focus a little less on rhetoric and oxymoronic waffle and a little more on the community-wide benefits of music programs like the music engagement program and the H course, perhaps he and his government would understand a little better what whole-of-government policy actually means. Perhaps their neurones would be stimulated.

I congratulate the organisers of this petition, and I encourage them, along with the alumni and current students of the H course, to maintain the rage when it comes to making submissions to the committee that will conduct the inquiry. I also encourage them to look critically at the actions of the Greens in this place. As Ms Lee has eloquently said, they had the opportunity to stop this before it happened. The thing is that there will be a long battle to restore the H program, but once it has been closed it will be much more difficult to re-establish it than if it were to continue.

The fact is that we are here today, almost at the end of the school year, almost at the end of the academic year, and everyone on the government benches—and I can include the Greens in this—has been complacent. They have let Mr Ramsay make these changes without considering the implications and they have not taken the opportunity to review the decisions made. They have just shrugged their shoulders in an ineffectual way.

The Greens come in here, and post on Facebook, saying how gutted they are about losing the H course, when they could have stopped it if they wanted to. To have a posture on social media and in here, saying how important it is, but not to use your vote when it counts, is an act of utter hypocrisy, and you should be ashamed. The people of the ACT, the music students and the people who benefit from this will know and will understand how they have been betrayed by the Greens, and I will make it my particular passion to make sure that that happens.

Drone delivery trial—petition 23-18

MR PARTON (Brindabella) (10.14), by leave: I would like to applaud the Bonython Against Drones group for their ability to invigorate the community on this issue. This is serious community activism at work, and whatever you think about the issue of drone delivery, you cannot question the hard work and the passion of this group. I know it is something that you would agree with me on, Madam Speaker.

I want to thank you, Madam Speaker, for bringing this petition to the Assembly. However, I do note some irony in that your party very strongly indicated that they were opposed to establishing a committee inquiry into drone delivery. Although there was no division called, it was abundantly clear that every Labor member would have voted against an inquiry. I am pleased, Madam Speaker, that you can, in this instance, have a bob each way and at least pay some lip-service to the community concerned by going through the motions of tabling this petition.

It should be noted that the Canberra Liberals, through my colleague Mr Wall, have successfully moved a motion, with assistance from the Greens, to bring about a committee inquiry into this, with no help from Labor whatsoever.

Graduated licensing scheme reforms Ministerial statement

MR RATTENBURY (Kurrajong—Minister for Climate Change and Sustainability, Minister for Corrections and Justice Health, Minister for Justice, Consumer Affairs and Road Safety and Minister for Mental Health) (10.15): I am making a statement this morning to update members of the Assembly on the progress of the ACT graduated licensing scheme reforms, in response to the Assembly resolution of 22 August 2018. In particular, I wish to report back on the community feedback we have received and progress made on proposals for road safety reforms for young people. As members will be aware, the ACT is reviewing its GLS as an action item of the ACT road safety action plan for 2016-20 and is to introduce components of the national framework.

The ACT is lagging behind the rest of Australia when it comes to providing greater protections for young drivers and we must make changes in line with our commitment to vision zero: that no road death or injury is acceptable. Too many young drivers are being killed and injured on our roads, and there is strong evidence that shows that GLS measures can, and do, save young lives.

The current ACT GLS has fewer components than any other Australian jurisdiction and does not meet all of the components of the national framework standard model, with only limited staged restrictions on learner and provisional drivers such as zero blood alcohol and restrictions on towing capacity. The proposed reforms align with the top-level model within the Australian graduated licensing scheme policy framework, endorsed by the Transport and Infrastructure Council, and are designed to encourage and guide improvements in graduated licensing schemes for all states and territories. Extensive consultation has been undertaken on these proposals.

I released the original your plates discussion paper and opened community consultation in April this year, with a number of significant licensing conditions proposed for new drivers in the ACT. Feedback was received via an online survey and written submissions. Staff from the Justice and Community Safety Directorate met with young people during Youth Week, and with driving instructors. The online survey received over 4,300 responses. The largest proportion of survey respondents were young people, with almost 60 per cent of respondents aged 16 to 25. Forty-four written submissions were received from community members, industry stakeholders such as the Youth Advisory Council, driving instructors, and the NRMA.

I have taken on board the significant feedback from the community, which has been used to inform a revised GLS model which balances young people's independence with enhanced road safety outcomes. The original proposal included the introduction of a late-night driving restriction from midnight to 5 am, and peer aged passenger—that is, 16 to 24-year-olds—restrictions for P1 drivers. These components received the most community opposition, given the impact this may have on the work and social lives of young people. Suggestions were received for exemptions under specific circumstances; for example, for employment and education, for transporting family members and in emergencies.

Having regard to the views from the community heard to date, I will not be progressing a midnight to 5 am driving restriction. Instead, the proposed late-night driving restriction will be in line with New South Wales laws, which restrict P1 drivers to one peer aged passenger between the hours of 11 pm and 5 am. The proposed age bracket for peer passengers is 16 to 22 years. This addresses community concerns about employment and independence, and also allows a P1 licence holder to be the designated driver for one peer aged friend at a time.

The other significant change is to the proposal for a full mobile phone ban for learner and provisional drivers. I have listened to community feedback and have amended the model to provide that voice-guided GPS phone applications can be used if the phone is programmed before the trip starts so that it does not require any interaction during travel and the do not disturb mode is switched on.

The next phase of community consultation commenced with the annual ACT Road Safety Forum, which this year focused on the GLS reforms. I was joined by expert speakers in road safety to discuss the proposed model with key stakeholders. The forum was an opportunity for stakeholders to hear about the evidence and experiences of other jurisdictions when it comes to implementing strengthened GLS models. It

was also an opportunity for stakeholders to raise questions or concerns about the proposed GLS scheme and its practical implementation and to discuss possible options to mitigate these concerns. Associate Professor Teresa Senserrick from the University of New South Wales led an insightful discussion around the strong evidence that illustrates how GLS measures can, and do, save young lives.

As a result of the issues raised at the forum, the new discussion paper was finalised, and released on Wednesday, 17 October 2018 for a period of four weeks. Consultation on the new discussion paper has just closed. Work is now underway to collate the feedback and form an implementation plan. I would like to thank the community members who provided feedback during the consultation. It has helped shape a package of reforms that are not only evidence based but also a well-considered and well-tested response to the reality that young people are over-represented in fatal and serious injury accidents in the ACT, and equally an outcome that can meet the practical needs of our younger drivers. I present the following paper:

ACT Graduated Licensing Scheme Reforms—Update—Ministerial statement,
29 November 2018.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

Mental health services

Ministerial statement

MR RATTENBURY (Kurrajong—Minister for Climate Change and Sustainability, Minister for Corrections and Justice Health, Minister for Justice, Consumer Affairs and Road Safety and Minister for Mental Health) (10.21): I am pleased to speak to the motion passed in the last sitting to outline the progress that we are making in the mental health portfolio. Firstly, I would like to update the Assembly on the government's response to the independent external review of mental health inpatient services within ACT Health. The independent review was commissioned as part of the ACT government's response to the not met report during the ACT Health accreditation process.

In a public release in June, ACT Health accepted all 12 of the recommendations made by the review team. Today I am tabling the report, including all of its recommendations, and ACT Health's response to those recommendations with this statement. The reviewers found that the bed-based mental health and drug withdrawal programs of mental health, justice health and alcohol and drug services, MHJHADS, were very competently managed by a skilled and experienced senior management team. The reviewers also found that MHJHADS is using state-of-the art ligature-safe products to mitigate the risk of inpatient suicide.

While progress on each of the recommendations is provided in the documents I have tabled, I take this opportunity to speak specifically to a few of the recommendations.

In particular, the review team recommended increasing both the number and the percentage of nursing staff who have specialist mental health qualifications in our inpatient facilities. While we have very dedicated and professional staff working in our inpatient units, ensuring that our staff have the best training and specialist qualifications will improve care for our patients and improve the overall environment. I have directed Canberra Health Services to develop a timetable with targets so that we can set a clear and achievable pathway to meeting this recommendation.

The reviewers also made a recommendation about occupational violence to improve safety for both staff and consumers. This is an area that both I and the Canberra Health Services leadership team are committed to improving. I will speak more to the work being done on this issue shortly. The implementation of the recommendations is being actively progressed, with the oversight of the mental health advisory body. The advisory body met three times between July and October and will continue to work with our mental health staff to ensure progress is being made against all 12 recommendations. Four of the recommendations have been completed and closed, and the other eight recommendations will be implemented by December 2019.

I am also pleased to provide the Assembly with an update on a range of other issues pertaining to mental health. Firstly, I would like to highlight the work that the office for mental health and wellbeing has achieved since its establishment in June 2018. Since the launch, the change leaders of the office have commenced a broad range of stakeholder engagement activities, including over 50 individual stakeholder meetings with non-government organisations, mental health services, government and the community.

In addition, office staff have begun identifying and planning the co-design and engagement processes for members of the broader community to participate in. The coordinator-general for the office, Dr Elizabeth Moore, will commence on 3 December. She has expressed her eagerness to get started in this exciting space and to hit the ground running. Her first priority will be the development of a work plan within the first 100 days of her commencement. The office has already developed a detailed service map to help with navigation and coordination across funding streams and consumer interfaces that will help inform this work.

The agency stewardship group for the office has also been established with representatives from across ACT government. This group will be led by the coordinator-general and will be an important element for co-designing the vision and work plan of the office to address key systemic issues and the social determinants of mental health. I am delighted that in Dr Moore, an experienced psychiatrist, we have someone with outstanding clinical credentials and someone who has a deep commitment to addressing the social determinants. I believe that we have made the right appointment, and I look forward to Dr Moore commencing in her role as the coordinator-general for mental health and wellbeing in the ACT.

The ACT government recognises the importance of having a coordinated mental health system in the territory, rather than a fragmented sector. In Australia, the complexity and importance of integration is recognised by the fifth national mental health and suicide prevention plan, which outlines integrated regional planning and

service delivery as a key priority area. As part of our commitment to the fifth plan, ACT Health is currently developing an ACT regional mental health and suicide prevention plan, in partnership with the Capital Health Network. On 28 August 2018 I attended a consultation forum hosted by the Capital Health Network, which included a diverse range of stakeholders from across the ACT mental health sector, consumers and carers.

A first draft of the ACT plan is expected to be developed by the end of 2018. The regional plan is a great opportunity to shape a mental health service system that is simpler to navigate, and we are making great progress on this. In fact, the National Mental Health Commission's fifth plan 2018 progress report notes that the ACT is ahead of schedule in relation to this activity. In addition to this, the office, with its focus on increasing integration and linkage between primary, secondary and tertiary mental health services, represents one of the ACT government's key actions for simplifying navigation under the fifth plan.

Furthermore, the ACT government has already committed additional funding in this year's budget to increasing the linkages across the system through the provision of more supported mental health accommodation and the establishment of a new step up, step down facility on the south side of Canberra. These facilities will help to provide additional options in the stepped care continuum to ensure smoother journeys for people transitioning between hospital care and the community. Delivering wraparound services is an important part of the ACT government's commitment to mental health, from early intervention to acute care, providing care for people at the right place and at the right time. Canberra Health Services provides a range of mental health services, largely in the acute and clinical space. While there is no doubt that these are critical services, the reality is that acute services cannot respond to everyone's needs and are not the most appropriate place for many people to receive mental health care.

To complement the acute services, the ACT government has a strong history of partnering with community sector organisations to deliver community-based mental health services and supports. These have included programs focused on early intervention and providing alternatives to hospital admissions. According to the AIHW's *Mental health services in Australia 2018* report, 20 per cent of the ACT's total mental health budget is provided to community sector organisations, compared to the national average of 7.6 per cent. Additionally, the ACT government is investing in the LifeSpan integrated suicide prevention framework trial, which I launched on 5 November 2018.

The framework, developed by the Black Dog Institute, will receive \$1.5 million in funding over the next three years. The framework includes the simultaneous implementation of nine evidence-based strategies across the ACT, with the aim of reducing suicidal behaviours. These strategies include promoting help-seeking, equipping primary care to support people in distress, and improving emergency and follow-up care.

On the issue of staff training and resourcing, I want to reiterate my gratitude to all the healthcare professionals across our ACT mental health services who remain extremely

committed to providing the best care and services they can for people in our community. At the same time, I recognise that there remain a number of challenges that we are facing as a jurisdiction in relation to workforce management. A crucial part of this issue is that there is a nationwide shortage of consultant psychiatrists, which is projected to continue past 2030. This is not an ACT-specific problem, and it is one that I have asked the COAG Health Council to undertake some more detailed work on.

While this is not a problem we can solve on our own, the ACT government is committed to using the levers we have to attract high quality mental health professionals to the ACT. The mental health division have convened a workforce development committee to develop an action plan that will provide a sustainable workforce for the future. Key elements of this action plan include training, development, recruitment, upskilling and retention strategies for our mental health staff.

A group attraction and retention incentive has also recently been enacted to bring the ACT into line with the pay rates for mental health specialist medical officers in other jurisdictions. These incentives will make working in our territory a more attractive prospect for psychiatrists. Thanks to some of these strategies and active recruitment processes, there are currently 13 medical officers working full-time in the adult mental health unit. These include five consultant psychiatrists—three permanent and two locums—four psychiatric registrars and four junior medical officers. While there is more work to do in this space, there are clear signs of improvement. Recent recruitments have been a boost to morale and taken some pressure off our existing workforce.

The ACT government is committed to providing timely access to care, particularly in our acute mental health services. Canberra Health Services is currently actively implementing contemporary best practice models of care for our emergency department in relation to mental health presentations. For example, the mental health short stay unit and the mental health consultant liaison service have been implemented in the emergency department at the Canberra Hospital. Calvary hospital also embeds consultant liaison functions within its emergency department. These services help to ensure timely access for mental health treatment and help to reduce the impact on access for non-mental health emergency presentations.

The government is also working to shift our service response from one of emergency department presentation to a stepped model of care where the person receives the right care in the right place at the right time. Part of this shift includes the redesigned adult community mental health services model of care, which is being implemented across Canberra Health Services. This model of care is deliberately aimed at reducing hospital presentations and supporting early discharge processes. Over time it will reduce the pressure on our acute mental health services, while linking patients to a range of community services as an alternative to hospitalisation.

The first new service, the assertive community outreach service, officially commenced operations on 14 June this year with a graduated rollout of the remaining new teams to occur throughout 2018. The therapies team officially commenced in

mid-October and the access mental health team and the home assessment acute response team in November. These are exciting and significant milestones for the rollout of this the new model of care.

The access team will provide a centralised access point for mental health advice and new referrals across the ACT. This service will also provide a priority service to the general practitioners, including a dedicated phone line to enhance ACT mental health services' partnership with the primary health sector. HAART will focus on supporting early discharge from mental health inpatient units and providing intensive support to maintain people in the community, as well as providing an acute response to people experiencing mental health crises in the community. With the launches of these new services, the model of care allows timely access to inpatient services and helps to avoid people's conditions worsening to the extent that hospital-based care is the only option.

Finally, I want to further outline our response to workplace violence and aggression. Canberra Health Services is committed to providing a safe working environment for all staff. In particular, the ACT government is delivering on its election commitment to develop a nurse safety strategy. We have been working with staff unions such as the ANMF and other key stakeholders in the development of this strategy. Mental health environments, as particularly challenging areas of health services delivery, have been highlighted as a focus area of the strategy. The strategy is being developed by the chief nurse and is now close to being finalised.

In addition to the strategy, Canberra Health Services has commenced development of an occupational violence strategy that will help to define best practice in managing occupational violence across the whole organisation. The working group for this strategy is chaired by the chief executive officer and membership is being drawn from more than 300 workplace health and safety representatives from across Canberra Health Services.

ACT Health also has a range of policies and procedures to ensure the safety of its staff. Specifically in mental health, we have a framework for the management of aggression and violence across inpatient and community settings; strategies to ensure that all staff have access to ongoing training and professional development opportunities; specific training for casual and relief pool staff to ensure they are orientated to local policies and procedures; and mental health is starting a discussion with consumer, carer and staff groups on the recommendation from the external review to consider the implementation of CCTV and other aids in our inpatient units.

Aggression and violence are not okay. Everyone has the right to feel safe at work. As minister, I have made it clear that my expectation is that ACT Health and Canberra Health Services will continue to work with our staff in our mental health units, listen to their concerns and respond where we can. Some of the changes will take time, but we are committed to continuing the conversation and adapting as required.

I and the government have an ongoing commitment to improving mental health services for the Canberra community. We know that mental health issues are becoming increasingly common as we work to break down the stigma and encourage

people to come forward and ask for help. I recognise that we continue to face challenges and that we will need to continue to invest to enable our services to respond to growing demand. My commitment is to continue to work with mental health staff, consumers and carers so that we continue to provide a timely, high quality and evidence-based service for those who need it.

I table a copy of my statement and also the papers that I referenced in my remarks:

Mental health inpatient services—Ministerial statement, 29 November 2018.

Mental Health Inpatient Services within ACT Health—Independent External Review—22-23 May 2018—

Review, prepared by Dr David Fenn MBBS, FRANZCP (Interim Director Clinical Governance NWMH), Mr Peter Kelly RN (Director Operations NWMH) and Mr Cosimo Brisci (Facilities Manager NWMH).

ACT Health's response to the recommendations, dated 29 November 2018.

I move:

That the Assembly take note of the papers.

Question resolved in the affirmative.

Aboriginal and Torres Strait Islander Agreement 2015-2018 annual report 2018 Ministerial statement

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Disability, Minister for Children, Youth and Families, Minister for Employment and Workplace Safety, Minister for Government Services and Procurement, Minister for Urban Renewal) (10.35): I am pleased to present the Legislative Assembly with the final annual report for the ACT Aboriginal and Torres Strait Islander agreement 2015-18, hereafter known as “the agreement”. As members know, the current agreement is coming to a close. The agreement is a high level agreement based on seven key focus areas with the aim to achieve equitable outcomes for Aboriginal and Torres Strait Islander people in the ACT.

The agreement was developed in 2014 as a demonstration of the ACT government's commitment to working with the Aboriginal and Torres Strait Islander Elected Body to deliver policies, programs and leadership to improve the lives of Aboriginal and Torres Strait Islander people. In tabling the report today, I acknowledge the achievements that have been delivered under the current agreement and the contribution of the many ACT public servants, community organisations and Aboriginal and Torres Strait Islander Canberrans who have contributed to these outcomes.

I encourage members to read the 2018 annual report to reflect on these achievements and how we can continue to improve the lives of Aboriginal and Torres Strait Islander peoples in the ACT community and, just as importantly, what we can learn from

Aboriginal and Torres Strait Islander Canberrans. With strong families at the heart of the agreement, the Aboriginal and Torres Strait Islander community has clearly identified strong families and connected communities as the core of success in all other parts of life.

The new agreement is proposed to be for 10 years, allowing for a forward-thinking, coordinated approach and the ability to measure the impact over a longer period of time. The new agreement will build on the existing agreement and will continue to take a strengths-based approach, centred on strong families. We expect the new agreement will focus on outcomes that can be achieved within the 2019-28 period, be supported by clear action plans for each directorate and include shorter term milestones to support the delivery of objectives and maintain engagement with the community.

Last year we developed the outcomes framework for the 2015-18 agreement. While significant effort went into this across directorates, we have seen in just this second year of reporting that we have some way to go in identifying outcome measures that are both meaningful and measurable. We know that we require hard data to supplement the anecdotal evidence provided by the community and we know we will need to align the agreement outcomes framework, at least to some extent, with the targets and indicators that will be established through the closing the gap refresh.

For the new agreement we have committed to developing an outcomes framework from the outset which will measure the ongoing progress of key reportable actions. All ACT government directorates are currently developing action plans and will be required to report against this framework.

High on the list of priorities coming through the community conversations about the new agreement are the issues of self-determination and treaty. Supporting the rights of Aboriginal and Torres Strait Islander peoples to freely determine their political status and to freely pursue their economic, social and cultural development is one of the key principles of the current agreement, and I have spoken in this place before about the current status of discussions about a treaty for the ACT. The right to self-determination is based on the simple acknowledgement that Aboriginal and Torres Strait Islander peoples are Australia's first peoples, as was recognised by the historic Mabo judgement. While the principle of self-determination is core to the current agreement, this will be even more clearly articulated in the new agreement.

As we have done with projects such as the Mura Gunya older person's housing project and the Our Booris, Our Way review process, we will work to empower Aboriginal and Torres Strait Islander people to identify their own solutions, acknowledging that Aboriginal and Torres Strait Islander leadership is critical to ensuring the long-term emotional and physical wellbeing of families and communities.

While acknowledging the importance of the agreement's objectives, the ACT government also recognises the need for intense, integrated and coordinated effort across all ACT government directorates to deliver on the priority action areas under the agreement. The ACT public service strategic board's Aboriginal and Torres Strait Islander subcommittee seeks to improve the effectiveness and accountability of

ACT government directorates in improving life outcomes for members of the Aboriginal and Torres Strait Islander community. Its membership includes the directors-general of all ACT government directorates, the ACT Chief Police Officer and the chair of the elected body.

An inter-directorate committee has also been established as a consultative forum focused on enhancing collaboration and coordination. This committee is tasked with the development of agreed actions and outcomes for the agreement, based on community-identified priorities. Of course, all directorates will continue to be held to account by the elected body. Members of the elected body each shadow a directorate and meet regularly with its director-general, in addition to the public accountability that is embodied in the annual hearings process.

I conclude by thanking the Aboriginal and Torres Strait Islander Elected Body for its tireless work in supporting each directorate to improve its services for Aboriginal and Torres Strait Islander people in the ACT and, in particular, for the significant consultation it has undertaken and the work its members have done in developing the new agreement. I greatly appreciate the advice I receive from the elected body and the commitment all members show to representing their community as an elected voice to the ACT government and the Assembly. I present a copy of the following papers:

Aboriginal and Torres Strait Islander Agreement 2015-2018—Annual Report 2018—Ministerial statement, 29 November 2018.

Aboriginal and Torres Strait Islander Agreement—Annual Report 2018.

I move:

That the Assembly take note of the papers.

MR MILLIGAN (Yerrabi) (10.41): As shadow minister for Indigenous affairs, I thank Minister Stephen-Smith for tabling these important documents today, although I note that it is the last sitting day of the year, which makes scrutinising the documents difficult. Nonetheless, the Canberra Liberals look forward to seeing the details within both the annual report and the new Aboriginal and Torres Strait Islander agreement.

Sadly, I have had correspondence and discussion with community members who are concerned about the processes to this point. I am also concerned that the new agreement will be put in place for 10 years when the government has failed to deliver against the previous agreement that was in place for just four years. Why am I concerned? Well, the Labor government have had 18 years in this place to fix Indigenous affairs. They have had 18 years to implement policies and solutions. They have had 18 years to work towards better outcomes for Indigenous Canberrans and they have failed.

Let us keep in mind, too, that the ACT has a relatively small, urban population. We do not face the challenges of other jurisdictions in terms of remote or rural communities. I do not like to talk in terms of deficit—I know some great things are happening out there in the community—but at the same time I will not allow this government to hide behind the nice words and glossy brochures.

The rates of incarceration, arrest and apprehension in this place are some of the highest in the country. The education outcomes for Indigenous children are two years behind their non-Indigenous peers. The health indicators are worse across a range of areas, and the level of drug and alcohol addiction facing the community is alarming. We have the second highest rate of kids in care. I could keep going. The report card for the government is terrible and yet by their own admission they are struggling to find measurable, meaningful indicators. After 18 years of failure, if they cannot even collect data I am even more worried that they are looking to implement a 10-year regime.

Perhaps the only bright aspect to all of this is the ongoing rhetoric about self-determination. This is a concept I wholeheartedly support but, yet again, the government fails to deliver. Aboriginal people should be empowered to deliver their own solutions, and yet what we see from this government does not meet those targets.

The community wants the Boomanulla facility restored. They presented options to manage it as a viable, sustainable venue, but what has happened? The government have taken 18 months to review tenders and then have decided to manage it themselves. The community are still locked out of this important site. Then we have the Ngunnawal Bush Healing Farm. Again, there was a lot of talk from this government about creating an Indigenous-led healing space. They even engaged a local Aboriginal-run organisation to write the model of care and give them the road map. Then what happened? They took the road map and abandoned the model of care. They pushed out the community and now the facility is run—you guessed it—by the ACT government.

I am sorry, but I am very cautious about buying into the minister's version of self-determination and I am worried that the new approach is to shift blame onto the community without giving them the ability to demonstrate their potential. It is all well and good to talk about these things, but delivering is another thing. I look forward to reviewing these documents in further detail. I am hopeful there will be some good news and viable options to improve things, moving forward. However, after 18 years of Labor in this place and after 18 years of committees, reviews and reports I am very doubtful this will be much different.

Question resolved in the affirmative.

Plastic waste reduction

Ministerial statement

MR STEEL (Murrumbidgee—Minister for City Services, Minister for Community Services and Facilities, Minister for Multicultural Affairs and Minister for Roads) (10.45): I welcome the opportunity to report to the Assembly on the important work we are doing to reduce plastic waste in the ACT and to provide an update on the status of the review into the ACT's plastic bag ban. I will also outline early investigations into opportunities for reducing single-use plastic.

Fortunately, Canberrans are among the best recyclers in the country. Each year we generate around one million tonnes of waste, and 70 per cent of that is re-used or

recycled. Nevertheless, we have a responsibility to avoid waste in the first place, and this is not the government's problem alone; it is a shared responsibility we all have as a community. The ACT government is exploring ways to reduce, re-use and recycle all types of waste as well as plastic.

On 20 September 2018 the office of the commissioner for sustainability and the environment published an independent review of the Plastic Shopping Bags Ban Act 2010. While the review indicates the act has been successful in achieving its objective, the reality is that plastic bag consumption and disposal is increasing due to growth in Canberra's population and household consumption. The review focused on the efficacy of the act itself and made four recommendations: introduce a mandatory plastic bag disclosure scheme; introduce minimum plastic bag pricing; improve the government's governance on plastic bag regulation; and research synergies for compostable plastic and the proposed household organic collection scheme. These require careful assessment.

We need to consider plastic bags in the broader context and also what is emerging in Australian and international policy with regard to plastics. It is an opportunity for us to investigate how we can reduce all single-use plastic throughout the ACT more systemically beyond the ban of plastic shopping bags. The draft 2018 national waste policy which has recently been out for public consultation includes national targets on packaging, including single-use plastics. This policy is likely to be considered at the upcoming meeting of environment ministers in December.

The recent Senate Standing Committee on Environment and Communications inquiry into waste and recycling in Australia has called on all government ministers to commit to phasing out single-use plastic beyond plastic bags. It has asked for the phase out to also include takeaway containers, plastic-lined coffee cups and chip packets by 2023. In a separate but related process the Australian Packaging Covenant Organisation has announced national packaging targets that include the phase out of problematic and unnecessary single-use plastic packaging by 2025. Achieving these targets will require cooperation from all levels of government, businesses, and the community.

To that end, the ACT government has a role to play in supporting markets for recycled plastic. There is still a genuine need for purposeful plastic; it is what we do with the plastic that we need to consider. I recently announced that the territory is committed to trialling a new recycled product called Plastiphalt in the 2018-19 road resurfacing program. It utilises recovered glass, used printer toner cartridges and recycled asphalt.

Work is also being undertaken to reduce single-use plastics via education programs offered from EPSDD's Actsmart programs. EPSDD's Actsmart schools program encourages students to reduce the amount of single-use plastic in their lunch boxes by promoting waste-free lunches. The ACT government, through the straws suck campaign, is also encouraging businesses and the community to rethink their need for the use of single-use plastic straws.

The ACT government's highly successful Actsmart business recycling program continues to support ACT businesses by providing free advice, education and signage to assist with reducing and avoiding waste and increasing recycling. Over a thousand businesses participate in the program. The Actsmart public event program also assists event organisers managing sustainable events through equipment, advice and signage, assisting over 200 events last year. The program works with stakeholders to provide advice on purchasing sustainable products to reduce the impact of events on the environment.

Reducing the use of single-use plastic is not confined to plastic shopping bags; we must consider the broad plastic problem. The ACT government's response to the review into the ACT's plastic bag ban is still being developed and is an opportunity for us to chart a new path for the territory. It requires careful consideration to identify opportunities for and synergies between other related policies and legislation. I look forward to leading the government response to the review and reporting to the Assembly on progress in the future. I present a copy of the statement:

Plastic waste reduction—Ministerial statement, 29 November 2018.

I move:

That the Assembly take note of the paper.

MS LEE (Kurrajong) (10.50): I thank the minister for the statement today. It is a timely response, although perhaps not when you consider it is responding to an Assembly resolution of 22 August and it does not actually say anything we do not already know. But I suppose Christmas breaks tend to focus one's mind on clearing the desk.

The statement restates a number of important points. Canberrans are strongly focused on recycling and, by and large, as a territory we do a relatively good job, with an average annual level of one million tonnes of waste, of which 70 per cent is recycled. Of course, that means 30 per cent is still not being managed appropriately, and that is growing in volume. The recent community consultations and conversations about waste to energy options are difficult discussions for some, but given that we have 300,000 tonnes of waste each year we cannot afford to ignore the problem, irrespective of how good we think we are at recycling.

The minister points out—and it is something I have also emphasised in estimates, annual reports hearings and motions debates—that the overall volume of plastic use in the ACT is growing despite our best efforts. The recent plastic straw ban, from my observations, has been well received by businesses and it is no longer common to see drinks offered with plastic straws or to see plastic straw dispensers on counters. We should, of course, be mindful that our good intentions in upping our recycling credentials do not unduly impact on the needs of Canberrans living with a disability or those who have needs that require, in certain circumstances, access to single-use plastic straws. But as this issue has been discussed in this chamber numerous times I trust the minister will continue to keep this in mind.

The trial of a new recycled product, Plastiphalt, for the 2018-19 road resurfacing program is a positive initiative, and I hope we will receive some good outcomes from the trial with a view to greater adoption. I am disappointed, although not surprised, that there is little detail about the next steps in the plastic bag reduction dilemma. Again, I am on record asking the commissioner for sustainability and climate change repeatedly about her office's work on this issue. It was a slow process getting to the 20 September release of the independent review of the Plastic Shopping Bag Ban Act 2010, and I am still waiting on answers to questions that were taken on notice by the commissioner during the annual reports hearings earlier this month.

The four recommendations proposed in the review all deserve consideration: one, a mandatory plastic bag disclosure scheme; two, minimum plastic bag pricing; three, improved government governance on plastic bag regulation; and four, research on compostable plastic and household organic collection scheme. I hope it does not take as long for the government to deliberate on these four recommendations as it appeared to take to get the review in the first place. The 2018 national waste policy includes national targets on packaging, including single-use plastics. This is one area where considerable improvements can be made, and I look forward to hearing more of the environment ministers' deliberations on this issue.

In considering how we can get rid of excessive single-use plastics, and in our enthusiasm to reduce our overall waste to landfill, we need to be mindful that we do not introduce regulations that have unintended consequences. There may well be circumstances where, for example, it is not feasible or suitable to not have plastic single-use water bottles available for sale or to not allow carrier bags in any circumstance or to disallow separate packaging for food items as much as we might all agree that there appears to be over-packaging of many food and grocery items. The minister says he is looking forward to leading the government response on the plastic bag review recommendations, and I say to the minister that we on this side of the chamber also look forward to hearing what those responses will be.

Question resolved in the affirmative.

Education (Child Safety in Schools) Legislation Amendment Bill 2018

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

Title read by Clerk.

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 Sport and Recreation and Minister for Women) (10.56): I move:

That this bill be agreed to in principle.

The Education (Child Safety in Schools) Legislation Amendment Act 2018 amends two acts, the Education Act 2004 and the ACT Teacher Quality Institute Act 2010, to improve protections for child safety in schools.

The bill makes clearer the roles and responsibilities of people responsible for children and young people in ACT schools. It strengthens the reporting requirements in the TQI Act and makes sure that teachers maintain a working with vulnerable people registration in order to teach. It also begins the implementation of the government's commitments coming out of the Royal Commission into Institutional Responses to Child Sexual Abuse in the non-government education sector and improves the safety of children and young people at risk through better information sharing across jurisdictions.

The ACT Teacher Quality Institute is responsible for making sure that teachers in our schools are suitable to teach and care for our children. It regulates and registers teachers in the ACT, builds their professional competence and standing, and enhances the community's confidence in the teaching profession. Anyone who wants to teach in the ACT must be registered by the institute and must meet the criteria for registration in the TQI Act.

Holding a current working with vulnerable people registration is one of those criteria, assessed at initial registration and at renewal. However, the government has identified that it may be possible that a registered teacher could continue to teach if their WWVP registration expires during a period of teacher registration. This bill closes this potential gap by adding as a condition of registration that teachers maintain their WWVP registration while registered as a teacher. A condition applies through the period of teacher registration. The bill also requires teachers and their employers to inform the institute of their WWVP registration status changes, like a suspension or cancellation, or if a condition is attached to it. These improvements will help the institute to make sure that only suitable people can teach in our schools.

The institute does not investigate teachers. Employers, other government agencies and the police do that. However, the outcomes of these investigations may make it necessary for the institute to reassess a teacher's suitability to be registered and perhaps put a condition on their registration, suspend it or even cancel it. The institute's decisions about a teacher's registration must be based on evidence. It needs certain information from employers, particularly if it relates to child safety and welfare. This bill makes it clear what information must be given to the institute and when it must be given.

There have been situations in the past where employers have notified the institute of a situation but not given it any or sufficient further information. In other cases, employers have finished a formal investigation and all due processes before letting the institute know about an issue, or a teacher has resigned during the investigation and the investigation is cancelled. Teacher employers have faced a range of difficulties in providing additional information, such as the intersection of privacy and industrial relations law. The bill makes clear the type of information and when teacher

employers are lawfully required to disclose information about teacher conduct to the institute and makes clear that employers have a positive obligation to do so.

There are several events or circumstances set out in the bill which trigger an obligation for employers to inform the institute, such as a decision to start a formal investigation of a teacher; an employer taking disciplinary action against a teacher; an employer removing, cancelling or ending the access of an approved teacher to casual employment; or a teacher resigning during a formal investigation or preliminary factual inquiry. The bill also allows the institute to ask for more information from employers about a notification event if need be. This supports the institute in making a robust and fair decision about a teacher's registration.

Such decisions are serious and can considerably impact a teacher's employment and career. A teacher cannot work as a teacher in Australia or in New Zealand while their registration is suspended, and if it is cancelled they cannot work as a teacher again. The institute must have sufficient information to exercise its regulatory functions and make decisions that are robust and evidence based, and to extend procedural fairness to affected people.

The bill also amends the Education Act 2004 in response to the findings of a number of recent inquiries and reviews. The first amendment starts this government's implementation of the education relevant recommendation of the Royal Commission into Institutional Responses to Child Sexual Abuse. The safety and welfare of children must be given a high priority. Children and young people are entitled to special protection because of their vulnerability to exploitation and abuse. When a parent entrusts their child to someone else's care, particularly an institution like a school, they should have confidence that there are robust protections in place to safeguard their child. The government is committed to ensuring that, and this bill shows our commitment.

The government accepted, or accepted in principle, 19 recommendations relating to non-government schools. Through the bill, the government is introducing arrangements to require the non-government education sector to achieve these recommendations. The bill provides for this by allowing regulations to supplement the criteria for registration as a non-government school and the conditions for maintaining registration. Using regulations for this purpose will allow for ongoing implementation of the royal commission's recommendations over time and allow for sustained engagement and participation by the non-government sector as implementation occurs. The government will also have the opportunity to integrate into the ACT framework national approaches once developed.

Initially introduced as a schedule to the bill, the regulations make clear that non-government schools are required, as a criterion and condition of registration, to work with the government to implement the royal commission's recommendations. The government acknowledges that implementation of the recommendations is a collaborative process that will draw on the expertise of the non-government school sector and involve active engagement and participation over time. More detailed requirements for the adoption of regulations will be developed in collaboration with the non-government education sector.

The bill also amends the Education Act to implement a recommendation of the *Report of the inquiry: review into the system level responses to family violence in the ACT* by Laurie Glanfield and the findings of several other reports. Improved information sharing has repeatedly been identified as key to improving system collaboration to keep victims of child abuse and family violence safe.

In particular, the Glanfield inquiry recommended that information sharing measures be introduced to ensure that children at risk remain engaged with the education system. The bill introduces measures that will support this by allowing the director-general responsible for the education portfolio in the ACT to give limited information to another jurisdiction about a child or young person's enrolment status in the ACT. If a child about whom a school has significant concerns is unenrolled from that school, the Glanfield inquiry recommended that their enrolment in another school be confirmed. This is currently possible for transfers within the ACT but not across state boundaries.

The government is committed to improving systemic protections for children and young people. In the education portfolio I have shown our commitment by leading among Australian jurisdictions to provide statutory arrangements that allow information sharing for this purpose.

The government also recognises that privacy is an important human right, as is respecting the evolving capacity of a child to express views and participate in decisions about their life. The information that can be shared with other states is very limited by the bill. In the first instance, the consent of a child or young person, if appropriate given their age and understanding, and the child's parents or carers must be sought. However, the director-general may share information without consent in certain circumstances if it is not reasonable or practicable to gain consent or where the director-general reasonably believes that it is in the best interests of the safety and wellbeing of the child or young person to share that information.

Privacy is important but so is the safety and wellbeing of children and young people, their right to protection and their access to school education. The government considers these concerns sufficient to limit the right to privacy as proposed by the bill. The amendments in the Education (Child Safety) Legislation Amendment Bill take important steps in protecting ACT children and young people in education settings by making sure that only suitable people are registered to teach our children and by implementing the recommendations of key inquiries that relate to schools and people. I commend the bill to the Assembly.

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

Controlled Sports Bill 2018

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

Title read by Clerk.

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 Sport and Recreation and Minister for Women) (11.06): I move:

That this bill be agreed to in principle.

Today I introduce the Controlled Sports Bill 2018. This bill establishes a legislative framework to update regulations on combat sports events operating in the ACT. This bill will improve safety for contestants and promote integrity in the industry. It replaces the Boxing Control Act 1993.

Canberra is Australia's most active city, and sport is part of our cultural identity. Participation in organised competitions and spectating at combat sports events are important social events for many Canberrans. This bill defines combat sports in a way that demonstrates the trust and confidence the government has in the self-regulation and appropriate activity of community sporting clubs and associations.

The focus of this bill is on regulating commercial combat sports contests, not suburban sporting competitions which form part of the leisure and fitness activity of ACT residents. The bill defines events as registrable and non-registrable, which is specifically tied to the commercial purposes of the event, noting that there are higher integrity risks with commercially profitable events.

This ensures appropriate rigour is applied when there is a significant exchange of funds, including large prize pools, regardless of the skill level of contestants. It also recognises the sound regulatory structure and promotion of safety that is currently exemplified by many combat sporting bodies in the ACT, who will be able to continue to operate with minimal regulatory impost under the non-registrable component of the bill.

As with all physical activity, combat sports involve risks of harm to participants. Given the particular profile of techniques performed in combat sport contests, the risk of serious and enduring injury, including threat to life, is higher than many other sports.

The bill defines a combat sport as a sport of activity where a person kicks, hits, strikes, grapples with or throws another person. As sports evolve into new sports, contests of any sport or activity that include any of these techniques will be automatically covered by the legislation as either registrable or non-registrable events. This bill aims to balance continued participation and enjoyment of these sports with an environment that is regulated to be as safe as possible.

The bill also allows for the exemption of light contact combat sports from regulation, which was as a result of feedback from the industry. The bill promotes safety and integrity in the combat sports industry and allows for other sports that involve high-risk activities to be regulated, should the need arise.

In developing the proposed new regulatory framework, the ACT government has consulted extensively with other regulating jurisdictions, medical experts, law enforcement, academics and sporting experts, as well as the local industry. This included the release of a discussion paper in late 2015 and a position paper in 2016, and further industry consultation in August 2018, when we released a draft of the bill to industry, special interest groups, medical and law enforcement experts.

Further industry consultation was undertaken during August this year, when stakeholders were provided with a copy of the draft bill for review. A total of 93 combat sports gyms, organisations and promoters were invited to provide feedback. Two information sessions were run, on 14 and 16 August 2018 respectively. Ten stakeholders attended information sessions. Eighteen industry stakeholders provided feedback on the bill, making the total number of stakeholders engaged in the process 35, including special interest organisations and areas.

The main themes of feedback regarded the definition of commercial purpose, exempting light contact combat sports, and notification and administrative requirements. Industry was supportive of inspectorate functions and integrity provisions as a way to boost compliance in the industry. Overall, 95 per cent of stakeholders were supportive of the legislation, with amendments that have been incorporated.

As with all good law reform, updating the regulatory framework must adequately reflect contemporary practice. It might interest members to know that the first piece of legislation to regulate combat sports in the ACT was passed by this Assembly in 1993. It has been updated a number of times, yet so much has changed.

Originally, the Boxing Control Act 1993 only covered boxing and kickboxing events, because disciplines like mixed martial arts and muay Thai simply did not exist in Australia at the time. In 2016 coverage was expanded to mixed martial arts and muay Thai due to the current linkage to New South Wales combat sports legislation. However, the act is no longer fit for purpose. One example of this redundancy is that the existing act requires a different medical clearance process for female contestants that is more frequent and comprehensive than for males. This bill removes this anomaly and allows the consideration of medical concerns to be dealt with where it should—between the assessing medical practitioner and the patient.

The ACT government understands that there are a range of views on participation in combat sports. However, it is clear that our community wants to see combat sports effectively regulated for the safety and wellbeing of participants, and to maintain professional standards in the industry. We heard that the industry wants better regulation in the ACT, to provide clarity on procedures and to ensure that all events are meeting a high standard of safety and integrity, so we set to work doing this. It quickly became apparent that this was a complex reform that needed to be carefully considered and consulted on.

Investigations into health benefits, health and safety risks and integrity matters within the industry needed to be carefully considered to design a piece of legislation that

would be long term, even as the industry continues to evolve. This work will continue throughout the development of a number of pieces of subordinate legislation to support this bill.

Extensive research and evaluation was also undertaken to build an evidence-based framework that would offer ACT participants, including those that visit us from interstate or internationally, the best possible framework to conduct and participate in events. This research included analysis of academic literature, meeting with academics, examining statistics and looking into a number of coronial inquiries relating to deaths in combat sports. This includes implementing the recommendations from the coronial inquiry into the death of boxer David Browne in 2015 during the 12th round of his bout in New South Wales.

The design of the bill also allows for specific details, such as medical equipment to be required at events, to be updated quickly through subordinate legislation as best practice recommendations change, or as a result of incidents, including interstate and international events that directly correlate to events in the ACT. We have taken the best of what works in other jurisdictions, such as screening of applicants and medical supervision of events, but have uniquely defined what combat sports are covered by illustrating what techniques are covered instead of individual combat sports. This will address issues of legislation becoming out of date as the industry evolves.

Current legislation does not provide for a regulatory compliance function. This means that combat sports events in the ACT are not checked by authorised officers once they are underway, and have passed the original event application process.

This bill establishes inspectorate and enforcement functions. This will bring our regulation in line with other regulating jurisdictions and ensure that the safety of contestants is at the forefront of considerations in undertaking these events. Inspectors will be able to check and monitor safety compliance, such as ensuring that all medical checks have been undertaken and that essential medical equipment is available at the contest. This will reduce the risk of a serious injury or fatality occurring in the ACT; for example, a contestant competing with concussion or traumatic brain injury, which could potentially result in death.

Where noncompliance has been determined, a number of administrative sanctions and new offences may apply. These will act both as a deterrent to this behaviour and to improve integrity in the industry by addressing known issues. These have been designed with careful consideration to human rights principles and balancing the seriousness of the conduct with the potential for catastrophic outcomes.

All industry participants, including promoters, officials and contestants, will be required to register to participate. This registration includes background checking of the applicant's criminal history, as well as examining other law enforcement intelligence. This will improve integrity by ensuring that only those that pass this public interest test will participate. However, the registration system will not automatically preclude an applicant from participating based on criminal background. This is particularly the case for contestants for whom combat sports can be a useful

diversionary and disciplinary activity, potentially reducing recidivism or avoiding incarceration altogether.

These changes are good for the ACT combat sports industry, which acknowledges the need for these reforms. They will address ongoing safety and integrity concerns, and support those in the industry that are committed to the growth of combat sports. This bill will deliver tangible benefits to businesses who engage with combat sports and to the safety of the community. I thank all stakeholders that have assisted with the development of the bill, which I commend to the Assembly today.

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

Canberra Institute of Technology Amendment Bill 2018

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

Title read by Clerk.

MS FITZHARRIS (Yerrabi—Minister for Health and Wellbeing, Minister for Higher Education, Minister for Medical and Health Research, Minister for Transport and Minister for Vocational Education and Skills) (11.18): I move:

That this bill be agreed to in principle.

I am pleased to introduce the Canberra Institute of Technology Amendment Bill 2018 to the Assembly. Vocational education and training, or VET, is critical to the ACT economy. The ACT government is committed to the delivery of quality training to ensure the people of the ACT have the best opportunity to contribute to our society through the development and application of their skills.

As a public provider and the ACT's largest registered training organisation, CIT plays a critical role in this endeavour by delivering training to around 20,000 students each year. CIT also provides an important pathway for many Canberrans to higher education as well as providing graduates with the practical skills and work-ready experience on which businesses place such a premium.

CIT is a proud public institution, and the ACT government has committed to providing at least 70 per cent of our VET training funding to CIT. We have taken this position because we believe it is fundamentally important that we have a strong public provider with the scale to provide the skills for our changing economy and to support community and society building.

Within a national environment where TAFE has suffered, the ACT government's support for CIT stands tall. CIT is a major contributor to the ACT government in the direction-setting and implementation of the overall policy directions in relation to VET services delivered to the ACT community. The CIT board was established under the Canberra Institute of Technology Amendment Act 2014, replacing the former

CIT advisory council from 1 July 2015. Since its commencement the board has demonstrated great capacity and productivity.

In 2016 CIT announced the strategic directions that will drive the organisation to set a new standard in VET by 2020 in the *Strategic Compass 2020: Evolving Together* publication. The strategic directions contained within the strategic compass provide CIT's plan for remaining firmly at the heart of the activity and outputs of the nation's capital and contributing to the skills, knowledge and economic development of the ACT and region. CIT's strategic compass is set against a rapidly changing VET landscape. CIT's board must have the right mix of skills, knowledge and ability, matched with the capacity for agile decision-making, to respond to fast moving opportunities and challenges.

An external review of the governance arrangements conducted in 2016-17 concluded that further changes to the structure of the CIT board should be considered, to build on the momentum already carrying CIT forward. With this in mind the primary purpose of the bill is to implement changes identified in the review of the governance arrangements.

These mainly focus on the skill set and composition of the board membership, specifically a revision to the expertise and knowledge criteria for the appointment, discontinuing the ACT government members and clarifying the role of the student and staff representative appointments. Important skill sets are needed in the board going forward to strengthen CIT's ability to forge even stronger industry networks and connections, to improve the professional links between CIT and higher education institutions, and to assist it to build regional and international delivery channels for CIT's individual and tailored education programs.

The removal of representative positions does not in any way indicate that there is no longer a need for the CIT board to collaborate and consult with the ACT government. On the contrary, the voice of the ACT government will continue to be important, and maintaining this relationship is fundamental to the future success of CIT. Moreover, it is our view that input from government would be best conducted through focused and more regular engagement channels. CIT has a long and proud history of stakeholder engagement and inclusion.

In addition to the CIT Act, it is important to note that provisions of the Financial Management Act 1996, or the FMA, will continue to regulate the operations of the governing board, including the appointments, functions, meetings of the board and any prescribed requirements and obligations on it as a territory authority. These important obligations are unaffected by the proposed amendments.

Part of CIT's vision in developing the strategic compass 2020 was to demonstrate CIT's evolution into a progressive and innovative organisation offering students access to contemporary facilities and technology and adopting new thinking on digital technology and teaching and learning practices. Subsequently, this bill also provides a timely opportunity to update some of the outdated conventions within the CIT Act and to align the language in the legislation to better reflect CIT's established policies. This includes replacing the term "institute" with "CIT" and providing for greater

transparency in the legislation in relation to decisions made by CIT for admission and the issuing of awards.

The Canberra Institute of Technology Amendment Bill 2018 is a further step to ensuring that CIT is best positioned for success. The ACT government continues to support CIT as an education and training institute of fundamental importance to the ACT by providing ongoing and secure funding for programs and activities to enable it to meet the breadth of needs of our constituents. In turn, CIT provides supports and services that no other training organisation has the capacity to deliver. The amendments will provide CIT with additional capability to deliver on the functions prescribed in the legislation; to provide educational products and services; to use the facilities and resources to advance and develop knowledge and skills in the community; and to support ACT industry and business in pursuing economic growth and sustainability for the community. I commend the Bill to the Assembly.

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

Electoral Amendment Bill 2018

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 the Arts and Cultural Events, Minister for Building Quality Improvement, Minister for Business and Regulatory Services and Minister for Seniors and Veterans) (11.24): I move:

That this bill be agreed to in principle.

I am pleased to present the Electoral Amendment Bill 2018 to the Assembly today. The bill sits alongside the government's legislation to create an integrity commission as a measure to increase public confidence in our government by removing perceived bias and strengthening our electoral reporting framework.

The amendments I am presenting today will contribute to fairer, more transparent and equal participation in ACT elections by implementing a key government commitment to ban political donations or gifts from property developers. They also implement significant transparency and reporting improvements to our Electoral Act. This bill is part of the government's track record of meeting its election commitments reflected in the parliamentary agreement. This bill implements key commitments made in the government's response to the Select Committee on the 2016 ACT Election and Electoral Act.

The government recognises that perceived influence by property developers on government decisions is a serious concern, and the public has a strong interest in being certain that elections are not influenced by the private wealth that results from those decisions. This legislation will reduce the risk of actual or perceived corrupt

conduct or undue influence of profit for property developers on the electoral system in the ACT.

Property developers are distinct from other groups in the community in that their profit depends heavily on decisions made by government in relation to land development applications. Across the border in New South Wales investigations have shown that the risk of those profits influencing elections and government decisions is real. Canberrans are rightly concerned to ensure that government and elections are transparent and not unduly influenced in their decisions by private profits.

Today's bill meets the government's commitment to enhance public confidence in our elections and our government by making it an offence for a property developer to give electoral donations or gifts to political entities. It also makes it an offence for a candidate or party to receive those donations or gifts. Political entities will be required to take reasonable steps to ensure that they are not receiving donations from property developers.

This legislation has been drafted to ensure that it is narrowly targeted at preventing actual or perceived influence. To achieve this, the bill defines a "property developer" as a corporation that carries on the business of commercial or residential development for profit. Further, the bill specifies that the corporation must have at least one current planning application pending or have made three applications in the last seven years to be within the scope of the ban.

Other jurisdictions, such as New South Wales and Queensland, have introduced legislation banning political donations from property developers, and the ACT has drawn on their models and experiences to craft this offence in a way that is legally sound and effective.

There are important human and constitutional rights to consider in this bill. We are mindful that New South Wales legislation has been considered in the High Court of Australia in the case of *McCloy v New South Wales*. The High Court upheld the validity of New South Wales provisions banning political donations by property developers and recognised that limitations on donations can be an important part of enhancing fair and free elections. In designing this ban the government has taken into account the High Court judgement and drafted the legislation to focus narrowly on the risk of influence on elections and government decisions. Commercial operations whose business depends on planning applications are the focus of this legislation. We have taken care to ensure that the ban on donations goes no further than necessary.

For that reason the definition of "property developer" does not apply to individuals, joint ventures and partnerships. For example, a couple who decided to invest in a block and build a single investment property are not caught by this ban. Incorporated associations and not-for-profit corporations are also excluded. This ensures that community service organisations and other advocacy groups are not prohibited from making donations. Other corporations can be excluded by regulation or may obtain a declaration from the Electoral Commissioner that they are not a property developer.

This legislation is written narrowly to achieve its purpose, but it is also drafted to ensure that it is effective. The bill includes a range of measures to prevent circumventing the ban and to ensure that there is no rush to provide donations in anticipation of the Legislative Assembly passing the bill. For example, if a corporation becomes a property developer within 12 months after making a donation, the amount of the donation will have to be paid to the territory by the person who received it. This ensures that people seeking to enter the property development business cannot be advantaged over established developers under the law.

The bill also contains a clause that deals with donations that might occur between the introduction of the legislation and its passage. That means that from today no party or candidate can ultimately benefit from these donations. It will not be a crime to receive those donations but any amounts received will ultimately have to be paid back to the territory.

Attempting to avoid or circumvent the ban or helping a person to avoid the ban are criminal activities under the ACT's criminal code. Regardless, the government recognises the need to keep monitoring developments to ensure that this ban remains effective. We will keep working with the Electoral Commission and others to maintain the integrity of this legislation. The bill will help voters to stay informed about who is funding candidates and parties. These amendments are, as with the ban on property developer donations, another example of the government getting down to business and meeting its commitments.

To allow for a much faster public visibility of donations and greater transparency the bill introduces year-round reporting of gifts over a \$1,000 disclosure threshold. Reports have to be made within seven days. This is similar to a requirement that already exists in Queensland. The \$250 exception for fundraising contributions in the Electoral Act will be removed. This means a fundraising contribution of any amount will count towards the disclosure threshold of \$1,000. This change will ensure that fundraising events cannot be used to evade the ACT's existing disclosure obligations.

The Electoral Amendment Bill strengthens the transparency and integrity of the ACT electoral system. Our legislation program this year demonstrates that when we make a commitment we will meet it. We brought forward legislation to establish an integrity commission which will leave our community in no doubt about the openness and the rigour of our methods of providing oversight to public functions. In this bill we are strengthening our governance, our reporting and our electoral donation rules. We will keep working to find ways to make our elections fairer, more inclusive and more transparent. I commend the bill to the Assembly.

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

Fuels Rationing Bill 2018

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

Title read by Clerk.

MR RATTENBURY (Kurrajong—Minister for Climate Change and Sustainability, Minister for Corrections and Justice Health, Minister for Justice, Consumer Affairs and Road Safety and Minister for Mental Health) (11.32): I move:

That this bill be agreed to in principle.

I am pleased to table the Fuels Rationing Bill 2018 today. Managing energy supply is critical to the functioning of a modern economy. The integrated nature of Australia's energy markets and supply chains means that a coordinated response by commonwealth, state and territory governments to energy emergencies is required to minimise the severity and duration of such events. As such, an intergovernmental agreement in relation to a national liquid fuel emergency is in place. This agreement, to which the ACT government is a signatory, was designed to ensure a harmonised response to a liquid fuel emergency, recognising that such emergencies invariably occur across geographic boundaries.

However, a review into liquid fuels management identified that the existing ACT legislation for the management of liquid fuel emergencies, the Fuels Control Act 1979 and the Emergencies Act 2004, does not allow for fuel rationing methods consistent with the intergovernmental agreement. The Fuels Control Act does not grant the required emergency powers to manage a liquid fuels emergency in an efficient and equitable manner, and it is inconsistent with emergency management processes as established under the Emergencies Act.

Additionally, the Emergencies Act has powers to manage liquid fuels as a health, safety and fire hazard. However, it does not provide appropriate powers to manage the long-term economic rationing of fuels. It is for these reasons that cabinet agreed to the drafting of the Fuels Rationing Bill 2018. The bill provides the minister with powers to approve a fuels rationing scheme through a disallowable instrument and to declare that a stage of an approved fuels rationing scheme is in place through a notifiable instrument.

Further, the bill provides powers to inspectors to ensure that fuel restrictions are complied with. This framework is similar to that of the established Utilities (Electricity Restrictions) Regulation 2004, which is subordinate to the Utilities Act 2000 and allows a framework for electricity rationing in the event of an electricity shortage. This is an important measure to strengthen the resilience of the territory and the nation, as the bill improves the ability of the territory to manage and respond to a potential liquid fuel shortage.

I would like to take this opportunity to note that it is unlikely that the powers provided by the bill will need to be enforced. Fuel supply shortfalls are very rare events which have not occurred in decades and are not anticipated. However, it is important that we have this legislation in place to allow best practice emergency response procedures to be implemented should the need arise. The bill also allows for services which are essential to the operation of the city to continue to function smoothly to protect the wellbeing of all members of our community in the event of a fuel shortage.

I now propose to outline the key features of the bill in more detail. The bill provides the minister with powers to prepare for and respond to a potential liquid fuel shortage by approving a fuel rationing scheme, which will be a disallowable instrument. An approved scheme will outline measures that may be implemented to respond to varying fuel shortage events. These may include limiting the amount of a type of fuel that consumers may purchase per day and preventing stockpiling fuel by restricting the ability to fill jerry cans or tanks.

As the specifics of a potential fuel shortage event cannot be pre-empted, the scheme will provide a range of measures that can be fine-tuned at the time they are needed. It will also allow for the imposition of fuel restrictions in different stages, to ensure that measures to respond appropriately to the severity of the event are available.

Importantly, the bill provides assurance that emergency services will not be affected by fuel restrictions. The fuel restriction scheme may also include exemptions for an entity if compliance with the scheme would cause that entity, or anyone else, serious detriment. For example, services like public transport and waste disposal may be exempted from rationing measures under a fuel restriction scheme.

As the scheme would be established in a disallowable instrument, there will be further opportunity to scrutinise the detail of any proposed measures to ensure confidence in the fairness of the scheme.

The minister may declare, by notifiable instrument, that fuel restrictions are in place for a stated time frame, with a maximum allowable time frame of three months. If required, an extension may be made to the fuel restrictions no earlier than one month before the end date of an existing declared restriction.

Notice of a fuel restriction declaration will be broadcast in the ACT by television or radio, and a public notice will also be issued to communicate the nature and requirements of the restrictions. Fuel stations will be required to display signs notifying the public that fuel restrictions are in place, that there are penalties for noncompliance, and directing them to further information. To ensure that those who sell fuel are able to be advised quickly in the event of a declaration, they will be required to ensure that the Environment, Planning and Sustainable Development Directorate has their current contact information.

The bill provides powers to inspectors authorised under the Dangerous Substances Act 2004 to ensure that fuel restrictions are complied with. These powers include requiring information from a person who is subject to a fuel restriction, issuing a written direction to ensure that fuel is used in accordance with the restrictions, collecting evidence to support an investigation of potential breaches of fuel restrictions, and arranging to stop the supply of fuel to premises if the inspector believes, on reasonable grounds, that a person is contravening a written direction.

The likelihood of a fuels rationing scheme being enacted is very low. However, it is important to make any such scheme robust and able to be enacted in a short time frame. The bill includes a measure to limit proceedings that would challenge a

decision to approve a fuel restriction scheme, declare a fuel restriction or extend a fuel restriction.

The bill provides that a person cannot start a proceeding in a court challenging such a decision if it is more than 30 days after the decision is made. Additionally, if proceedings are started within the appropriate 30-day time frame, this will not lead to the suspension of restrictions through an interlocutory injunction. This limitation is essential to the effectiveness of the bill.

Introducing the Fuels Rationing Bill 2018 is an important step in ensuring that the ACT is ready to manage any potential fuel shortage in an organised, efficient and equitable manner, with the flexibility to negotiate a variety of different events. Although the likelihood of fuel restrictions is low, this legislation is a key component of the territory's emergency preparedness and would enable us to minimise the severity and duration of an emergency. It will also bring the ACT into line with our fellow states and territories, allowing us to make and implement cross-border decisions quickly, as would be required in an emergency scenario. I commend the Fuels Rationing Bill 2018 to the Assembly.

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

Retirement Villages Legislation Amendment Bill 2018

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

Title read by Clerk.

MR RATTENBURY (Kurrajong—Minister for Climate Change and Sustainability, Minister for Corrections and Justice Health, Minister for Justice, Consumer Affairs and Road Safety and Minister for Mental Health) (11.40): I move:

That this bill be agreed to in principle.

I am pleased to introduce the Retirement Villages Legislation Amendment Bill 2018. The bill amends the Civil Law (Sale of Residential Property) Act 2003, the Human Rights Commission Act 2005, the Retirement Villages Act 2012, the Retirement Villages Regulation 2013, and the Unit Titles (Management) Act 2011. It implements a second tranche of recommendations which resulted from the 2015-16 review of the Retirement Villages Act 2012. These amendments will support the ACT's retirement villages to meet the needs of current and future residents and operators.

The bill is the result of an extensive collaborative process between the government and the review advisory group. The review advisory group is a body of key stakeholders representing residents and operators of retirement villages, advocacy groups and other relevant organisations such as the Human Rights Commission and the ACT Law Society elder law committee. The review advisory group has advised the government about the key issues facing retirement villages. This has sometimes

meant finding a middle ground between the interests of residents and operators of retirement villages.

I would like to express my appreciation to the members of the review advisory group for the support they have provided to the government throughout the process of developing this bill. I would also like to acknowledge and thank the communities of the retirement villages who took part in consultation meetings with the Justice and Community Safety Directorate to support the development of this bill. I commend the passion and dedication of our stakeholders in this area.

Let me now address the amendments made by the bill. The bill provides another avenue for residents who are seeking to resolve disputes with operators of retirement villages. Residents will be able to access an enforceable conciliation process to address their complaint through the Human Rights Commission. If the complaint is resolved via conciliation, a written record of the agreement made between the parties will be provided to the ACT Civil and Administrative Tribunal by the Human Rights Commission. The terms of the agreement are then enforceable as an order of the tribunal and the parties can seek enforcement orders in the ACT Magistrates Court. Conciliation processes offered through the Human Rights Commission will complement the current dispute resolution processes that residents may access under the Retirement Villages Act. These processes strengthen the ability of residents to choose how they respond to disputes in a way that is right for them.

The bill also addresses the issue of capital replacement. Submissions were received during the Retirement Villages Act review which identified a need to clarify the meaning of the terms “capital maintenance” and “capital replacement”. This was a major issue in the review, and I understand that these definitions have led to disputes between residents and operators about who should bear certain costs.

The meaning of these terms is significant because the cost of capital maintenance is funded by residents of retirement villages, with operators bearing the financial responsibility for capital replacement. This is truly a case where the devil is in the detail. In developing this legislation the review advisory group has considered many different scenarios. If, for example, a hot-water heater is broken and the tempering valve needs to be replaced, is this maintenance or is it replacement? Does replacing a capital item include replacing a part of a capital item? Each situation needs to be considered on its merits.

The bill amends the definition of capital replacement so that replacing “part of a capital item” will not constitute capital replacement, unless the replacement of a part of a capital item constitutes a substantial improvement, addition or alteration to that item. The bill also proposes a new guideline-making power to provide more detailed guidance to residents about specific situations. This approach aligns with case law which recognises that the decision of whether an action is capital maintenance or capital replacement must be made on a case-by-case basis.

The guidelines are being developed in consultation with the review advisory group. The group has been hard at work thinking about common scenarios in retirement villages and the questions residents and operators may have about what could be

maintenance and what could be replacement. I have asked the group to work with my directorate to finalise these guidelines over the summer.

The government acknowledges that clarifying the definition of these terms sometimes means finding a compromise between the interests of residents and operators of retirement villages. I know that many residents and operators of retirement villages have strong views about what maintenance and replacement should mean and who should pay for what. I believe we have struck the right balance in this bill, and I would like to thank our review advisory group for the careful deliberations on this matter.

The bill also makes amendments to voting procedures which are prescribed within the Retirement Villages Act. These amendments do not affect residents of unit-titled retirement villages, and I will talk about those particular villages shortly. Under the Retirement Villages Act there are many situations where the operator needs to seek the consent of residents, such as proposed spending in the budget. Residents indicate consent through voting. At present the act provides for one vote per person. If two people live in a unit, both of them may vote. Before the Retirement Villages Act commenced operation, voting was done on a per unit basis. If two people lived in a unit, only one of them could vote.

Voting was a major issue raised in the review of the Retirement Villages Act. The government received submissions saying that one vote per person was inequitable, as couples could outvote single people. These submissions said that this was unfair in those villages where single people paid the same amount of money in recurrent charges as a couple, and that it would be fairer to have one vote per unit. Other submissions expressed the view that one vote per person should be retained as it was important in a democracy for everyone to have their say.

This bill finds the middle ground. The bill amends the Retirement Villages Act to make the default situation one vote per unit. This responds to the situation in the villages where sole occupiers make equal financial contributions to the life of the village but receive a lesser voting share. The bill also provides a mechanism for villages to retain a “one vote per person” model of voting, by passing a special resolution. This allows individual villages to choose the voting procedure which is right for them.

Residents of unit-titled retirement villages will also benefit from the passage of this bill. The ACT’s two unit-titled villages, Araluen Lifestyle Village and Ridgecrest Village, are regulated under the Retirement Villages Act and the Unit Titles (Management) Act. Residents and operators of these villages have advised government that, administratively, these acts do not work together as well as they could.

Once the bill commences, copies of a proposed annual budget and general fund budget can be provided to residents at the same time for approval, instead of at two separate meetings. These amendments also reduce a need for residents to attend additional meetings where duplicate information is provided. Quorum requirements

for unit-titled retirement villages have also been updated in this bill. Voting in these villages will use the process in the Unit Titles (Management) Act.

The bill makes amendments to the Civil Law (Sale of Residential Property) Act which will reduce the cost burden of selling a unit in a unit-titled retirement village. Sellers of units in these villages will be able to make certain due diligence documents about the property, such as a building and compliance report or pest inspection report, available to prospective buyers for inspection at a later stage in the sales process, no later than 14 days prior to the contract of sale being made.

This removes any need for duplicate copies in circumstances where a unit has remained on the market for a long period of time. The bill strikes a balance between supporting sellers and protecting the rights of buyers. Consumer protection has been prioritised by the creation of two strict liability offences which impose financial penalties on sellers who fail to make required documents available for inspection by a buyer within the time frames specified by the act.

The Retirement Villages Amendment Bill 2018 is the product of a close collaboration between the government, community members and retirement villages, both residents and operators. This bill is an important step in achieving our goal of ensuring that the regulatory framework meets the needs of current and future residents and operators of retirement villages in the territory. I would like to reiterate my appreciation and gratitude for the dedication that has been shown by the members of the review advisory group and retirement village communities who have actively engaged in the process of developing this bill.

The bill provides for delayed commencement to give people time to prepare for the changes, but I am keen for these amendments to commence as soon as practicable. In particular, I would like to commence the operation of the new capital maintenance provisions as soon as practicable after passage of the bill, and certainly in time for the next financial year. I commend the bill to the Assembly.

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

Consumer Protection Legislation Amendment Bill 2018

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

Title read by Clerk.

MR RATTENBURY (Kurrajong—Minister for Climate Change and Sustainability, Minister for Corrections and Justice Health, Minister for Justice, Consumer Affairs and Road Safety and Minister for Mental Health) (11.50): I move:

That this bill be agreed to in principle.

I am pleased to present the Consumer Protection Legislation Amendment Bill 2018. This bill improves consumer protection by ensuring consumers are provided with

clear and accurate information when purchasing free-range eggs and fuel. The bill also enacts necessary amendments to improve the territory's consistency with national regulation of free-range eggs and fuel.

The bill updates the territory's regulation of free-range eggs by amending the Eggs (Labelling and Sale) Act 2001 and the Animal Welfare Act 1992 and creating the new Eggs (Labelling and Sale) Regulation 2018. The bill also changes the territory's regulation of the display of fuel price boards by amending the Fair Trading (Fuel Prices) Act 1993.

I will begin by discussing the bill's changes to the territory's regulation of eggs. The Assembly will be aware that the ACT has enacted progressive laws in recent years to implement best practice conditions for the treatment of hens. In 2014 this Assembly passed the Animal Welfare (Factory Farming) Amendment Bill 2013, which banned battery cage egg production in the ACT. The bill also banned the inhumane practice of beak-trimming fowls.

The ACT has also long advocated for hens that produce eggs to be subject to humane maximum stocking densities. The Eggs (Labelling and Sale) Act 2001, or the eggs act, governs the labelling and sale of eggs in the ACT. The progressive conditions set by the eggs act currently require producers of free-range eggs to keep hens in accordance with the model code of practice for the welfare of animals: domestic poultry. The model code currently recommends a maximum stocking density of 1,500 hens per hectare.

The bill I am presenting today makes a number of changes in the eggs act to the territory's regulation of the production of free-range eggs. The changes are the result of the Australian government introducing the Australian Consumer Law free-range eggs information standard 2018. The information standard imposes new national obligations on producers of free-range eggs which differ from the standards currently imposed by the eggs act.

The coexistence of these two standards in the ACT has created confusion about the definition of free-range eggs that applies in the territory. The bill will align the eggs act with the information standard to eliminate confusion about the operation of the law relating to free-range egg production in the ACT. Notably, aligning the eggs act with the information standard will change the ACT's standard for maximum stocking density of hens producing free-range eggs from 1,500 hens per hectare to 10,000 hens per hectare.

The ACT government continues to believe that a maximum stocking density of 1,500 hens per hectare is the appropriate standard from an animal welfare perspective. The ACT government did not agree to the new free-range eggs standard of 10,000 hens per hectare that was proposed at the 2015 consumer affairs forum. However, the passage of the information standard has limited the ACT government's options in this area. Some provisions of the eggs act are inconsistent with the new Australian information standard, which creates the potential for the provisions of the eggs act to be declared invalid. The ongoing divergence between these territory and federal standards is not good for consumers or retailers.

In these circumstances it is best to amend the eggs act to be consistent with the new requirements imposed by the information standard. This will remedy community confusion about the applicable definition of free-range eggs in the ACT and ensure that there are no legal issues arising from inconsistency. In doing so, it is crucial that we uphold our commitment to the welfare of hens to the greatest extent possible within the ACT's now limited range of tools.

Whilst the amendments to the eggs act permit a maximum stocking density of 10,000 hens per hectare for free-range eggs, the bill will require retailers to display a sign next to their free-range eggs which clearly indicates that, notwithstanding the extant legal standards for stocking densities, the ACT government supports a stocking density of 1,500 birds or fewer per hectare. These signs will improve consumer protection and promote animal welfare by informing consumers about best practice conditions of hens that produce free-range eggs within the ACT. The requirement to erect these signs has a delayed commencement period of six months. This will allow ACT retailers sufficient time to amend their existing signs about free-range eggs.

The amendments further adopt the information standard's requirement that producers prominently label the stocking density of hens on their cartons of free-range eggs. This will inform and empower consumers to purchase free-range eggs produced under best practice animal welfare conditions. The carton labelling requirements, in conjunction with the proposed signage requirements for ACT retailers, will encourage producers to keep their maximum stocking density of hens around the current 1,500 hens per hectare requirement.

The second measure in the bill amends the Fair Trading (Fuel Prices) Act 1993 to prohibit service stations from misleading consumers about fuel prices. The bill prohibits service stations from displaying discounted fuel prices on fuel price boards. Service stations will be required to display the true retail price of fuel available to all customers. Service stations will also be required to make sure that the price of fuel advertised on the fuel price board is never lower than the price of fuel displayed at the corresponding pump.

These changes will bring the ACT in line with the rest of the country. Following discussions by the Legislative and Governance Forum on Consumer Affairs in 2015, all other Australian jurisdictions have now legislated changes to protect consumers from misleading displays on fuel price boards. The ACT has adopted the South Australian model of regulation, which has also been implemented in Queensland, the Northern Territory, Victoria and Tasmania.

The bill recognises that some service stations may be required to purchase new livery or signage to comply with the new regulations. The bill prescribes a six-month commencement period to enable retailers to organise new signage. The amendments before the Assembly today are in the best interest of consumers and improve the consistency of territory and national laws in the areas of free-range egg sale and fuel sale, both common purchases in a typical Canberra household. I commend the bill to the Assembly.

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

Births, Deaths and Marriages Registration Amendment Bill 2018

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

Title read by Clerk.

MR RATTENBURY (Kurrajong—Minister for Climate Change and Sustainability, Minister for Corrections and Justice Health, Minister for Justice, Consumer Affairs and Road Safety and Minister for Mental Health) (11.58): I move:

That this bill be agreed to in principle.

I am pleased to introduce the Births, Deaths and Marriages Registration Amendment Bill 2018 today. This bill takes a compassionate and sensitive approach to the sad situation where a child dies in utero before 20 weeks of gestation but is born after 20 weeks. The bill will allow parents the option to register a child as a stillborn child in these circumstances, acknowledging that for some parents the formal registration of their child's birth provides an important recognition of the life lost but that for others a requirement to register may be an additional and unwanted burden while dealing with their grief.

The bill will change the registration requirements for the birth of a child who showed no sign of a heartbeat at some point before 20 weeks of gestation but who was born after 20 weeks. The Births, Deaths and Marriages Registration Act 1997 is the primary legislation that provides for the registration of all births in the ACT. In the case of a stillbirth, the act currently requires parents to register the birth of a child if the child is born after 20 weeks gestation and shows no sign of respiration or heartbeat immediately after birth. The birth of a child before 20 weeks gestation is not legally considered a stillbirth.

However, not all children who die in utero are born immediately after their heartbeat ceases. In some circumstances there can be a delay between the death of a child in utero and the birth of the child. In such situations, practice is currently inconsistent. Some physicians may state the time when the child showed no sign of a heartbeat on the birth notification statement, while others do not. Birth notification statements from physicians and midwives notify Access Canberra about each birth in the ACT. If a statement indicates that a child showed no sign of a heartbeat before 20 weeks gestation, then currently the child cannot be registered, whereas if this is not indicated and the child is born after 20 weeks gestation, the parents must register the birth.

The death of an unborn child under any circumstance is traumatic, and this grief can be compounded by the requirements of a registration system that may be experienced as arbitrary and insensitive. For some parents in this situation, the requirement to give their child a name and to register a birth can compound their trauma, whereas for others it may provide important recognition, and they may experience further distress if not able to register their child. This bill will allow a birth parent to decide whether

to register the birth of a child who showed no sign of a heartbeat before 20 weeks gestation but was born after 20 weeks. In making this decision, the birth parent is required to consult the other parent, unless this is not reasonably practicable or appropriate in the circumstances. This change will allow parents to decide whether registration is appropriate for them.

While some bereaved parents may not wish to have a record that reminds them of their loss, others may like to formally recognise their loss as a form of closure. The inclusion of the name of a child born in these circumstances on the birth certificates of subsequent siblings is also a sensitive issue. Consistent with the rationale of providing choice to bereaved parents, the bill will also enable a birth parent to choose whether to include a stillborn child as part of a multiple birth registration and on the birth certificate of subsequent children.

To avoid any doubt, I emphasise that the bill does not impose a requirement on grieving parents but instead will provide choice and options. The amendments that this bill will effect extend only to stillbirths involving a child who showed no sign of a heartbeat before 20 weeks of gestation but was born after 20 weeks. The bill does not affect requirements for other stillbirths.

The bill will also remove the alternative definition of stillborn child based on body mass. The act was originally drafted at the time when gestational age could not be reliably determined. The act currently states that if a foetus's gestational age could not be reliably established, the body mass of 400 grams or more would make the foetus legally a stillborn child. Today's technology can accurately determine a foetus's gestational age, so having this alternative definition based on body mass is redundant and causes confusion.

The government is committed to enhancing livability and the social inclusion of people within the territory. We are here to make sure that every person in the community is being looked after and that everyone receives the care and support that they need, particularly in difficult and distressing situations such as the loss of an unborn child. While this is a small change in the system of registration, taking a sensitive and compassionate approach to this issue can mean a great deal to a bereaved family and can help them to feel supported and understood in their grief. I commend the bill to the Assembly.

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

Standing orders—suspension

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

That so much of standing orders be suspended as would prevent the time allocated for Assembly Business being extended until the conclusion of those matters listed on the Daily Program, and Assembly business Notices Nos 4, 5 and 6 be called on and debated following the passing of Executive business Order of the day No 2, being the Integrity Commission Bill 2018.

Administration and Procedure—Standing Committee Membership

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

That Mr Rattenbury be discharged from the Standing Committee on Administration and Procedure for the meeting scheduled for 13 December 2018 and Ms Le Couteur be appointed in his place.

Leave of absence

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

That leave of absence be granted to Ms Cody for today due to illness.

Public Accounts—Standing Committee Proposed reference

MR COE (Yerrabi—Leader of the Opposition) (12.05): I move:

That:

- (1) this Assembly refers to the Standing Committee on Public Accounts for inquiry and report by the last sitting day of April 2019, all issues relating to commercial rates in Canberra, including:
 - (a) the process for determining ratings factors;
 - (b) the impact of lease variations;
 - (c) how valuations are conducted;
 - (d) the amount paid by property owners; and
 - (e) the impact on leasing costs, property values and business viability; and
- (2) the inquiry should hold public hearings and explore the effectiveness of the commercial ratings system and the impact it is having on businesses and the property sector in Canberra.

The Canberra Liberals are very much of the view that this government's policy regarding commercial rates is having a detrimental impact on our community. Of course, it has a big impact on people who own commercial properties in Canberra, but also it has a very significant impact on people who lease commercial properties in the ACT because many rental or lease agreements simply pass on the costs associated with managing those properties or owning those properties.

Bills such as utilities, rates, land tax when it existed, and any other associated outgoings are very regularly part of the rental or lease agreement that must be paid by the tenant. Therefore, there are many businesses that signed up to leases some time ago that are feeling the full brunt of Mr Barr's unfair rates and tax regime. In fact, many people who went into rental or lease agreements some years ago signed up at a

much more reasonable time. Now commercial rates have doubled—in some instances they have gone up fourfold—and the lessees are really struggling.

The lessees are often in a very difficult situation, because not only do they have a lease agreement that ties them to that property but often they have made improvements: they have done a shop fit-out; they have put in equipment; they have put in all sorts of expenditure to make that leased property work for their business. They are between a rock and a hard place; they are not mobile enough to leave, but they cannot afford to stay.

This is having a huge impact on the viability of businesses and property owners, and therefore the cost of products and services in the ACT. Therefore it is no wonder that businesses are choosing to go across to Queanbeyan rather than set up here in the ACT. That is a shame. It is a real shame that that is the case. The ACT should be trying to compete with New South Wales. Instead, we have surrendered. We have surrendered because the ACT government is trying to gouge as much as possible out of Canberra's small businesses. It should not be this way, but it is.

I know of one situation that was before ACAT yesterday. The valuation for the property was \$5.7 million. A year later, it was \$24 million. The rates bill went up \$1.2 million—\$1.2 million! And the best bit is that the property got valued as a residential property but had commercial ratings factors applied to it. If it had had a residential rating factor, it would have been 0.6 per cent. Instead, using commercial ratings factors, it was five per cent. They got the worst of both worlds: a residential valuation and commercial ratings factors. If they had done the opposite, if they had had a commercial valuation and a residential ratings factor, the rates bill would have gone through the floor. Instead, it went through the ceiling because of this government's policies. And do you want to know the best bit about this story? Guess who is the tenant of this building? The ACT government. The ACT government is a tenant of this building. It is absolutely outrageous. And this is a story that is happening across the territory.

I know of another small business, a small business in Phillip. It is not a car dealership. The valuation in one year, with no lease variation, went from \$900,000 to \$2.6 million. In one year! The valuation office did the rounds and said, "We can gouge you for more." And that is exactly what they have done. That commercial property's valuation goes up by \$2 million at a five per cent ratings factor. That is another \$100,000 per year that that small business has to pay. It does not matter what product or service you are talking about: when you need to fork out an additional \$100,000, that has to have a hit; that has to have a big impact. One or two unskilled labourers that work in that business may have to be let go or one or two will not be hired. That is the real consequence of Mr Barr's rates and tax policy. People are struggling. People are suffering.

It is all very well for Mr Barr to say: "This is the high end of town. This is the rich. These are property owners; these are landlords." Every now and again, there might be instances where we are talking about a corporation, but the vast majority of commercial owners in the ACT would not be; they would be the small business people of Canberra that we depend upon.

This Chief Minister talks a big game when it comes to diversifying our economy. All this policy does is drive away small business. This does nothing to diversify our economy, nothing to support innovation, nothing to support a diversity of products and services being produced in the territory. It does the absolute opposite. That is why we are seeing so many small businesses go across the border to New South Wales.

This is evidenced by the fact that just a few years ago, if you looked at commercial properties available for rent or for purchase in Queanbeyan, there were dozens, if not hundreds. Go to Allhomes today, click on the commercial tab, and look at how many properties are available in Queanbeyan. It is a fraction of what used to be available. What is more, they are bringing more commercial properties online because they cannot keep up with demand. Not only is the existing supply not meeting demand but they are actually putting in more supply because of the excess demand that exists for businesses to set up in New South Wales.

I firmly believe that the ACT has a magnificent opportunity to be a place where businesses want to be located. We have the opportunity to put settings and policies in place that would make the ACT the most attractive place in the country to do business. Instead, we are doing the absolute opposite here under this Labor-Greens government.

This government is not a big fan of scrutiny. This government is too stubborn to acknowledge that its policies cause harm. But they certainly are. Just today in the residential sector, we saw the latest rental index come out. There are just about no affordable properties in the ACT, just about none. An average person cannot go and rent a property in Canberra for less than 25 per cent of their income. That is rental pressure. That is rental stress. It does not matter whether you are talking about the commercial sector or the residential sector; this government is gouging Canberrans. That is absolutely wrong.

There are limits to what we can do on this side of the chamber. When we have 11 of 25 votes, we cannot vote down Mr Barr's tax policies; we cannot try to stop them. All we can do is try to bring to the public's attention the impacts that these policies are having. But also we can do exactly what we are doing today: try to refer this issue to the public accounts committee so that they can at least shed some light on just how bad the situation is at the moment.

It is bad. That is why, over the coming five or so months, it would be worthwhile for the public accounts committee to look into this issue of commercial rates in the territory, in particular the process for determining the ratings factors. How is it that we have a five per cent multiplier when it comes to determining the rates? What is the impact of lease variations? How these valuations are conducted seems to be a dark art that nobody knows how to do. How are you meant to appeal a valuation when you do not even know how they conducted the valuation? You just get a number. A magical number comes out of the generator. This land and valuation generator spits out a number and you are meant to just accept it. We want to know how the leasing costs and property values affect business viability, and the total amount that property owners and lessees end up paying.

Mr Parton: It is reverse lotto.

MR COE: It is reverse lotto. That is exactly right; it is reverse lotto. Everyone loses. Everyone loses and you do not get a prize. It is pretty outrageous that in the ACT, a place where we should be trying to diversify our economy, Mr Barr is trying to do the absolute opposite by driving out small businesses. I hope this referral is supported by those opposite. If they do support it, I hope that the Labor members of the committee participate in good faith and listen objectively to the evidence that is brought before them.

I also want to say that I hope that they create—and I really do challenge the public accounts committee to do this—a mechanism where people can very easily give advice or give submissions. For something like this, the reality is that very few people would have submitted to an inquiry before. If, for instance, people were encouraged to send in their rates notices and encouraged to send in their valuation notices, that would provide very good evidence that the committee would be able to use. I encourage you to be creative in how you seek input on this, because the reality is that many property owners in Canberra would fear retribution for going public about some of these concerns. The public accounts committee should ensure that discretion can be maintained where it is requested.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (12.19): I say at the outset that the government has no problem with an Assembly committee examining the ACT's commercial rates regime. I make the observation that, given the workload already before the committee, there is absolutely no chance they will complete the work in the time frame. So we can absolutely, confidently predict that either there will be a rushed inquiry or they will be coming back here next year to seek to extend the reporting date.

Mr Coe: You can absolutely guarantee it?

MR BARR: Yes, that there will either be a rushed inquiry or they will seek to amend the reporting date. Regardless, if the Assembly is minded to set a date in April, so be it. I think it is worth observing that Mr Coe's recent interest in this issue is based on two incorrect premises, and I am sure the committee inquiry will identify those. The first misapprehension Mr Coe is under is that a small number of recent changes in underlying property values, and therefore rates paid by commercial property owners in two precincts in particular, Braddon and Phillip, are a sign that the entire system is not working.

In fact, it shows that the system is working exactly as it should. Commercial rates are primarily based on the underlying value of a property. If the value of that property goes up, so too will the owner's rates bill. That is as it should be in a progressive tax system. As our city continues to grow and develop, land in some areas and in some precincts becomes more valuable. That is clearly what has happened in Braddon as the area has transitioned from a strip of car yards and mechanic shops to one of the city's most lively commercial, residential and entertainment precincts.

The ACT Revenue Office reviews and adjusts property values from time to time to reflect those changes and to take account of the value uplift property owners enjoy as precincts change or land is in higher demand. It is a case of simple market forces in play. I think Canberrans generally accept and understand that if someone's property rises significantly in value, the rate of land-based taxation should be adjusted accordingly. I do not think our community would feel it was right for owners to entirely pocket a windfall gain off the back of rising values or a lease variation without making some further contribution to the public services that we all rely upon.

Mr Coe may have a particular problem with commercial property owners paying a little more tax when their properties become more valuable, but this is the system working exactly as it should to ensure that we can continue providing high quality services to the standard that Canberrans expect and deserve.

The second of Mr Coe's misconceptions is that businesses in the ACT pay more tax than their counterparts over the border in New South Wales and that this is disadvantaging local businesses or driving them out to Queanbeyan. He has been making these claims for quite a while now, perhaps in the hope that if he keeps on saying it, the claims will assume the status of fact. But Mr Coe's opinions are not facts, however much he might like to repeat them.

A quick look at the entirety of taxes that business must pay shows that this is simply not correct. As Mr Coe at least acknowledged in his remarks, commercial rates are just one tax that businesses pay. Other important taxes to take into account include commercial land tax, insurance duties, payroll taxes and stamp duties. As members would be aware, the ACT government has abolished commercial land tax and is phasing out stamp duty, and from this year we have abolished it for commercial property transactions below \$1.5 million.

Mr Wall interjecting—

MR BARR: So I repeat: we have abolished commercial stamp duty for property transactions below \$1.5 million—

Mr Wall interjecting—

MADAM SPEAKER: Mr Wall, enough is enough!

MR BARR: We also have the highest payroll tax-free threshold in the country, at \$2 million. This means that 90 per cent of businesses operating in the territory pay no payroll tax at all. This means that the vast majority of businesses pay less tax in the ACT than they would if they were in New South Wales. For example, a small business with 15 employees and an annual turnover of \$1.6 million that rents its premises—for example, a cafe—will pay no local taxes in the ACT but would pay \$19,275 annually in New South Wales.

A medium-sized enterprise with an annual turnover of \$2.4 million and 20 staff, where the business owns the premises with a property value of \$1 million—for

example, a light industrial company—will pay total taxes of \$26,860 in the ACT but would pay \$78,407 in New South Wales. That same business owner, if they purchased the property after 1 July this year, would pay no stamp duty in the ACT—zero—compared with \$40,490 in stamp duty across the border.

It is only if a business is very large, with an annual payroll bill above \$2 million, that their tax bill in the ACT would approach that which they would pay in New South Wales, and even then, once the higher cost of stamp duty in New South Wales is factored in, many large businesses would continue to be better off in the ACT.

Like Mr Coe's brain snap earlier this year when he suggested he would abolish payroll tax, at a cost to the territory budget of half a billion dollars annually, this campaign on commercial rates shows where his real priorities lie. He does not care about the small businesses that are clearly better off under the ACT's tax system. He is in fact campaigning now to give tax breaks to Australia's and the world's biggest companies, tax breaks that only the biggest companies and commercial landowners may benefit from. They may be his values, but he should be at least up-front with the Canberra community that that is what lies behind this campaign.

I am certain that the PAC inquiry will canvass all of these issues. I am equally sure that we will have plenty of time to unpack Mr Coe's unfair plans to give tax breaks—massive tax breaks; half a billion dollars of tax breaks—to the banks, to the major multinationals, to the major gouging supermarket and petrol companies that operate in this city, to the biggest developers, as we get closer to the 2020 territory election—if he stays in his job through that period. The government is happy to agree to this referral. We look forward to the committee's insights when it reports back to the Assembly next year.

In closing, I draw members' attention to data from the Australian Bureau of Statistics. It does a business count and looks at how many businesses are operating in jurisdictions. The bureau states:

During 2016-17, all States and Territories ... experienced an increase in business counts ... Over this period, the largest percentage increase was in the Australian Capital Territory ... followed by New South Wales ...

So we saw the largest percentage increase in the number of businesses operating in our jurisdiction. This fact gets in the way of Mr Coe's narrative that business is abandoning the ACT and moving across the border to pay stamp duty in New South Wales, to pay more taxes in New South Wales, to pay the transaction costs of stamp duty in New South Wales, the costs of physically moving a business into New South Wales and to pay more payroll tax in New South Wales.

The statistics from the ABS show the exact opposite of what Mr Coe is arguing. But never let the facts get in the way of one of your ideologically blinkered opinions. Here we go once again. This is the party that supports tax cuts for the big banks, tax cuts for the biggest businesses in this country and does not support a fair and progressive tax system. It is the same issues that play out nationally and played out in the Victorian state election just last week. If you want to continue down this path, please

do. We are very happy to have this debate about who should pay tax and how the tax burden should be progressively distributed according to ability to pay. That is a fundamental philosophical difference between this side of politics and the conservative side of politics.

It is a great debate to have; it is an important debate to have. But let us be clear: small and medium-sized businesses pay less tax on this side of the border when you look at all taxes combined. For, I think, the eighth year in a row that we have debated this, of all the taxes available to the territory government, land taxes are the most economically efficient. They have the least distortive impact on our economy, which is the fastest growing economy in the country. We have strong business growth; we have strong economic growth; we have the lowest unemployment rate in the nation—

Mr Parton: Yes, easy to rent a place, isn't it?

MR BARR: and yet all of those things are overlooked by the tedious interjections of the shock jock sitting there on the backbenches of the Liberal Party.

Mr Parton: Thank you, thank you.

MR BARR: You are welcome, Mr Parton. You are welcome. This is an important debate to have, and we very much look forward to this taking place in the course of 2019 and beyond.

Mr Parton interjecting—

MADAM SPEAKER: Mr Parton, maybe you can refrain from interjections.

MR WALL (Brindabella) (12.30): The Chief Minister has been quick to point the finger at the opposition leader and suggest that he has a fairytale view of the taxation system in the ACT, but Mr Barr obviously looks in the mirror and sees an image of Robin Hood. Here is a man who is taking from the rich and giving to the poor as part of what he labels a progressive tax system. The only winner out of this is treasury. Those doing it tough in this town, those who are struggling, have been no better off since things changed under this progressive tax reform some six years ago. Things have got worse. A report today highlights that the ACT has the second least affordable rental market in the country. So this great progressive tax system supposedly making it easier for those doing it tough and harder for those who are succeeding is punishing everyone along the way.

When it comes to commercial property, that has had a multiplier of ten on it. Commercial rates are calculated at nearly ten times the rate of residential property. Commercial property is not about the heart buyer walking in, looking at a property, falling in love with it and paying the premium because that is just what they need to have; it is a business transaction. People are looking at the cost of the property, the cost to maintain the property and the return they are likely to receive on it.

It has got to the point where the government's tax regime is now being seen by many of the large financial institutions as a significant risk to property in the ACT. Banks

are stating that the government's taxation regime is a risk to commercial property values in the territory. It is not growing our economy; it is not stimulating activity in our economy; it is destabilising not just the economy but the livelihoods of those people who seek to take the risk and invest in our city. I am confident that the inquiry will uncover this.

If the Chief Minister stepped out of his ivory tower and spoke to the people that put it all at stake to invest in their future, in their business and to better their families, he would realise that it is not as rosy and glossy as he would have us all believe. So many investors of commercial property in the ACT are not huge corporations. They are not multinationals trying to deliver dividends to shareholders; they are mum and dad investors. They are the electrician who has worked hard, built a small business, occupied a premises and thought. "The best thing I can do for my future is to buy the premises I occupy so that I have some form of superannuation when I retire." It is those people who are bearing the brunt of this so-called progressive tax reform.

MS LE COUTEUR (Murrumbidgee) (12.33): The Greens will be supporting Mr Coe's motion for the establishment of a committee inquiry into commercial rates. I will not talk at great length, given the pressures on our timetable today, but I will take the opportunity to make two points. The first is a point which I have made many times before but of which we have to keep reminding ourselves—there is a reason we have taxation. For many years the Canberra community has repeatedly voted in parties with a progressive agenda, basically supporting government services, rather than voting for parties advocating a tiny-weeny government approach.

Canberrans clearly want our health services well funded; we want well-funded public education. Better suburbs shows that we want more to be spent on city services, not less, and so on across a range of government services. The Leader of the Opposition has characterised taxation as gouging. I do not think that is a fair characterisation. The point of this discussion is to make sure that it is not a fair characterisation.

The reality is that government services cost money to deliver. That money can otherwise be called taxation. Governments require taxation. The key question is not whether we are gouging people; the key question is how we organise our taxation system in a fair way to achieve a good level of economic efficiency to support the things that the community has made abundantly clear they want the government to provide. Mr Coe's inquiry should not be an inquiry into gouging; it should be an inquiry into how the system can be changed—if it needs to be changed—to make taxation fairer. That is the issue.

The second point I will make is that the public accounts committee recently completed an inquiry into the methodology for determining rates and land tax on strata residences, and it made a number of recommendations. Recommendation 6, which was supported unanimously by the ALP and Liberal members of the committee states:

The Committee recommends that the ACT government conduct a public review of the ACT system for rates and land tax ...

I note this recommendation was not confined to residential taxes; it is broader, and the wording also covers rates on commercial properties. If we assume that the government accepts this recommendation—which would appear to be quite possible, given that it was a unanimous recommendation—it is possible that there could be two reviews at the same time into commercial rates. I hope the public accounts committee considers how best these inquiries should proceed, if the government takes up the committee's recommendation. It would be deeply confusing for the community to have both running in parallel. I am not really sure what will happen. A government review will have greater resources to do the revenue, social equity and economic efficiency analysis required to make changes to the tax system.

In the interests of time I will finish by saying that I agree with all the speakers—our tax system is important. We want a fair, efficient tax system and I wish PAC well with this important work.

MR COE (Yerrabi—Leader of the Opposition) (12.37), in reply: I thank those opposite for supporting this referral. It is interesting that Ms Le Couteur should celebrate more taxation. What would be better still would be to celebrate value for money. Are we getting value for money when it comes to health in the ACT? Are we getting value for money when it comes to education? Are we getting value for money when it comes to public housing or the housing sector at large? Are we getting value for money with the services we are providing for Indigenous people in the ACT? Are concessions keeping pace with the cost of living? Obviously they are not.

The government is bringing in record revenue but failing to deliver, despite all this cash. It is a major failure of this Labor-Greens government that despite having \$7 billion of expenditure they are still unable to deliver concessions for people who need them. They are still unable to deliver a world-class health system. They are still unable to have education results that are going forwards and not backwards. They are still unable to reverse the trend when it comes to pretty much every single indicator regarding the health and welfare of our Indigenous population. This government is failing on every single front. And it is not due to a lack of money; it is due to a lack of leadership. We very much need this referral.

Question resolved in the affirmative.

Health, Ageing and Community Services—Standing Committee Report—publication

MRS DUNNE (Murrumbidgee) (12.39), by leave: I move:

That if the Standing Committee on Health, Ageing and Community Services has completed its inquiry into the future sustainability of health funding in the ACT when the Assembly is not sitting, 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.

Due to recent changes to the committee's membership, as well as a number of concurrent reporting dates for inquiries that the committee was undertaking, the committee has resolved to table its inquiry into the future sustainability of ACT health funding out of session. The committee hopes to table this report as soon as possible after the last sitting day in 2018.

Question resolved in the affirmative.

Environment and Transport and City Services—Standing Committee

Proposed reference

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (12.40): I move:

That the Standing Committee on Environment and Transport and City Services:

- (1) further consider, and consult with the community on, a new Territory Coat of Arms; and
- (2) report back to the Assembly by 6 June 2019.

The order of this pre-empts the government response to the standing committee's report, but one of their recommendations was that this matter be looked at. The government has agreed with that and seeks to refer the matter back to the standing committee for further engagement and consultation with the community on a new territory coat of arms.

We have a Canberra city coat of arms but we do not have a coat of arms for the Australia Capital Territory. This was identified by the committee in its report. The government has accepted that recommendation; hence this referral back to the committee to further consider and consult with the community on a new territory coat of arms and to report back to the Assembly by 6 June 2019.

Question resolved in the affirmative.

Administration and Procedure—Standing Committee

Report 8

Debate resumed from 25 October 2018, on motion by **Mr Wall**:

That the motion be agreed to.

MS CHEYNE (Ginninderra) (12.42): I move:

That all words after "That" be omitted, substitute:

- “(1) Recommendation No 1 be adopted, commencing 1 January 2019, with the exception of the following changes to the recommended amendments:

- (a) proposed recommended amendment 1—Omit ‘Local indigenous people’, substitute ‘Traditional custodians’; and
 - (b) proposed recommended amendment 23—Omit all words after ‘censure’, substitute ‘, motions of no confidence and the proposed establishment of a privileges committee, copies of the relevant motions shall be provided to the Speaker for circulation to all Members 90 minutes prior to the time at which the motion is proposed to be moved’;
- (2) Recommendation No 2 be adopted, commencing 1 January 2019, excluding proposed recommended amendments 69-71; and
- (3) Recommendations Nos 3-9 and 11-12 be noted.”.

It is with great delight and relief that I present these amendments today. This has been a very long process and an iterative process resulting in a pretty genuine shake-up of how we do things in this place.

Some of the big changes will be an earlier question time and other things which I think will be genuinely helpful and improve efficiencies, such as being able to submit many things electronically rather than in hard copy. I am still not sure this will help some of those on the other side, not naming any names, submit their motions before midday on Monday, but we can but try.

Having more detail on the daily program about petitions and a limited time for statements to be given on petitions will assist everyone, including the whip’s office, who have sometimes pulled their hair out when our program and timings immediately blow out once the day starts.

I am proud that we had a genuine discussion about gender-neutral terms and how to make this place more welcoming and inclusive. We did not quite get there, but I am glad there will be a few more options available.

I will touch on the amendments. On further discussion, we are getting some terminology right regarding traditional custodians. On proposed amendment 23, we recognise that giving people notice of these sorts of motions is important. Expanding the notice to motions of no confidence in ministers is sensible, as is the change to 90 minutes from two hours. We have removed the recommendations about changes to the lobbyist register, due to the broader inquiry of admin and procedure, and we are removing a noting recommendation.

I do not think any of us quite expected the media interest in the standing orders. I stress that the work did not cost anything, despite what many in the public seem to think. It did not cost anything except our time and patience, which I appreciate is now wearing thin. We have had a lot of pretty complex stuff in admin and procedure this year which has required a lot of negotiation, including within our own parties and with each other, and this was yet another of those. As with almost everything that goes through admin and procedure, none of us got completely what we wanted but some of us got close.

Sincere thanks to the committee members for their engagement and for being willing to genuinely discuss things, even if we have discussed them many times already. I am sure Mr Wall and I are looking forward to a good break from having to talk to each other. Thanks to all those outside this place who had some views on how we should operate and took the time to make some suggestions. We did take some of them on, including removing “epithet” from the standing orders on the basis that no-one knew what it meant.

Very special thanks go to the Clerk and, even more especially, to Ms Janice Rafferty, who not only had to sit through all the suggestions and negotiations but also had to keep detailed notes on what we agreed to and what we did not agree to, then write a detailed report about it and then have to deal with us making further changes to the recommendations today. Thanks very much. I am never doing a review of the standing orders again. I commend the amendment to the motion to the Assembly.

Debate (on motion by **Mr Coe**) adjourned to a later hour.

Sitting suspended from 12.45 to 2.30 pm.

Questions without notice

Calvary Hospital—plumbing

MR COE: My question is to the Minister for Health and Wellbeing. Minister, are you aware of any instances where wards or even whole floors at Calvary Public Hospital have been without hot water?

MS FITZHARRIS: No, I am not.

MR COE: Minister, have patients been transferred out of any wards due to a lack of hot water at Calvary at any point in the past couple of months?

MS FITZHARRIS: I will see what I can find out for Mr Coe.

MRS DUNNE: Minister, have there been any other plumbing-related problems at Calvary Public Hospital?

MS FITZHARRIS: I note the opposition’s ongoing interest in maintenance at our very busy public hospitals. What I do know about our very busy public hospitals is that staff right across Calvary and also at Canberra Hospital, the Centenary hospital and the Canberra Region Cancer Centre certainly do need to move patients from time to time for a variety of reasons in a 24-hour a day, seven-day a week operating environment. I will take the specific question on notice.

Municipal services—bike parking

MS LE COUTEUR: My question is to the Chief Minister as the minister responsible for the oversight of the City Renewal Authority. When bike parking is removed from the city for development is there a requirement for the same amount of parking to be replaced very close by, or even at the same place?

MR BARR: As I understand the question it is: if a development is occurring that would close temporary bike parking, would new bike parking be needed?

Ms Le Couteur: No, not temporary—bike parking.

MR BARR: Just overall?

Ms Le Couteur: Yes.

MR BARR: So are we aiming to increase the total amount of bike parking in the City Renewal Authority precinct? The answer is yes.

MS LE COUTEUR: Chief Minister, as we would all be aware, the authority's recent pavement works on London Circuit in the city removed a large amount of bike parking, for example, at Bailey's Corner. Where and when is this bike parking going to be replaced?

MR BARR: At various locations around the city as part of upgrade programs.

MS CHEYNE: Chief Minister, what wider amenity improvements are underway in the city?

MR BARR: An extensive range. People can see outside the Assembly a range of projects that have either recently been completed or are currently underway. There is an unprecedented level of renewal activity occurring in the CBD, led by the ACT government, where the ACT government is a major tenant—clearly, in the block next door to us here in the Assembly—or driven by the private sector. That level of activity has not been seen in the CBD in the history of self-government, and this will continue as stage 1 of light rail is completed and as we move into the second stage of that project. Clearly, there are a number of further projects that the government is pursuing, not least of which is the new Canberra theatre precinct adjacent to where we are here today, together with improvements that are scheduled to be part of the section 63 project, including extending Edinburgh Avenue up to Vernon Circle.

The government will continue to focus on small, medium and large-scale renewal projects, delivered either by us or in partnership with commercial property owners in the city.

ACTION bus service—school services

MISS C BURCH: My question is to the Minister for Transport. Minister, with schools coming to the end of the academic year, students, parents, teachers and principals are still in the dark about when the new transport network will start. Some schools are considering changing their start and finish times to account for public transport timetables. For some schools the academic year finishes next Friday, 7 December. Minister, on what date will the new school bus routes commence and on what date will the remainder of network 19 commence?

MS FITZHARRIS: I note that we were not able to have the opportunity to discuss this matter yesterday but, as Miss Burch would be aware, I did circulate a proposed amendment to her motion which indicated that I would be in a position to make an announcement about that by next Monday and I certainly intend to do that because I am very aware of the need for schools, families and the broader community to have certainty about this matter. What I can say in principle is that the routes have been agreed and it is of the utmost importance to Transport Canberra and to me as the minister to make sure that schools and families are aware that our commitment has been and remains that kids will be able to get to school on time.

I noted another round of fairly alarming scaremongering social media discussion from Miss Burch yet again yesterday seeking to scaremonger and undermine the biggest investment we have seen in our bus network for a very long time. What we know is that this opposition is anti public transport just like they are anti public health.

Members interjecting—

MADAM SPEAKER: No encouragement, Ms Fitzharris, please.

MISS C BURCH: Minister, can you guarantee that with your update on Monday schools will know for certain the date that the new network will commence?

MS FITZHARRIS: Yes, I absolutely can.

MS LEE: Minister, by what method are you going to be communicating this to the principals?

MS FITZHARRIS: As has been discussed in this place, there is an existing consultative committee that involves Transport Canberra and school representatives across all sectors. Also there are ongoing mechanisms for Transport Canberra to communicate with the various P and C groups, and that will take place before and when I make the public announcement. They will be well informed. We are also working incredibly closely with the Education Directorate.

ACTION bus service—network

MS LAWDER: My question is to the Minister for Transport. Minister, in recent annual reports hearings you mentioned the possibility of a staged rollout of network 19 if light rail is not ready to start operations by the beginning of school term 1 next year. What are the government's contingency plans? Are there sufficient buses and bus drivers available to provide all bus services promised in the new network while also covering the Gungahlin to the city route in the place of light rail?

MS FITZHARRIS: There are a number of questions there but, in short, I refer Ms Lawder to my previous answer, that I will be making announcements about these matters. I will not make those announcements now, because that would—

MADAM SPEAKER: Breach standing orders.

MS FITZHARRIS: breach standing orders. Our commitment is to roll out network 19, the biggest ever investment in our bus network in recent memory, as well as get light rail stage 1 underway, because what we also know is that this opposition has never once supported light rail. This side of the house looks forward very much to the start of light rail and to the start of network 19, and to reminding the Canberra community of the opposition's relentless negativity on light rail and their outright opposition to it, from which I do not think they can ever recover.

Mr Hanson interjecting—

MADAM SPEAKER: Mr Hanson, please! Ms Lawder.

MS LAWDER: Minister, what has been calculated in your contingency plans for overtime required for bus drivers to provide all bus services promised in the new network while covering the Gungahlin to the city route in place of light rail?

MS FITZHARRIS: The opposition can be assured that we will look after our bus drivers. They do a great job and they have been working very closely with Transport Canberra on the design and implementation of the new network. I know for sure that they welcome this massive investment in Canberra's bus network.

MISS C BURCH: Minister, have contingency timetables been prepared for the eventuality that buses will be required on the Gungahlin to city route after the beginning of school term 1?

MS FITZHARRIS: All contingency planning is underway.

Multicultural affairs—summit

MS ORR: My question is to the Minister for Multicultural Affairs. Minister, can you please update us on the multicultural summit held last week.

MR STEEL: I thank Ms Orr for her question. I am very pleased to report to the Assembly on the multicultural summit which was held last Friday, another important step in building Canberra as an inclusive and multicultural city.

Convening the summit is an important part of our parliamentary agreement, which also included establishing a multicultural advisory body. The Multicultural Advisory Council played a significant role in organising and facilitating the summit and also facilitating a series of six roundtables in the lead-up to the summit to maximise the participation of the multicultural community.

Mr Coe interjecting—

MR STEEL: Canberra's multicultural community is diverse, and the purpose of the summit was to strive for a connected community where everyone is respected, included and valued. Delegates to the summit included 150 community leaders, service providers and government officials. It was a rare opportunity to bring such a

broad range of multicultural communities in Canberra together to engage in discussions about how we can create a more inclusive city. The summit will inform a second multicultural action plan for 2019-20, which will meet the aspirations of the multicultural framework.

From the learnings of the roundtables and the your say survey that took place before the summit—which everyone was invited to, Mr Coe—and from the agreed outcomes of the summit, the ACT government will work with the ACT Multicultural Advisory Council and the multicultural community to develop a second multicultural action plan and build an even more inclusive Canberra.

Opposition members interjecting—

MADAM SPEAKER: Members, the noise from my left is quite distracting. Can you please keep it down?

MS ORR: Minister, what were the key themes discussed at the summit?

MR STEEL: As I outlined earlier this week in the Assembly, the first multicultural action plan has delivered some real outcomes. The second action plan needs to continue this work and progress the aspirations of the multicultural framework over the next two years.

With this in mind, four things were established before the summit to assist in actively ensuring that the participants were able to address the multicultural framework objectives. These themes were “Canberra—A city where diversity is valued”, “Canberra—A city where everyone belongs”, “Canberra—A healthy and accessible city” and “Canberra’s future”. Together with these themes, participants were asked to ensure that there was a more general focus on social cohesion.

A keynote speaker at the summit was Anthea Hancocks, the CEO of the Scanlon Foundation, who set the scene on how we can work together to build a welcoming, prosperous and cohesive nation.

All summit participants then worked towards achieving outcomes in their workshops throughout the day for each of the themes. I would like to put on record my thanks to all delegates to and participants in the summit and the round tables for their work.

MR PETTERSSON: Minister, why are large events like the summit important to building a more inclusive Canberra?

MR STEEL: I thank Mr Pettersson for his supplementary. The ACT government is continually working on new ways to consult with Canberrans. We have done a lot of work using deliberative democracy processes to ensure that all Canberrans have the opportunity to have their voices heard and valued.

Discussions at the summit utilised deliberative democracy methods to help guide the discussion on ensuring that Canberra remains a city where diversity is valued and

where everyone belongs, and that we have a city that is healthy and accessible now and into the future.

To deliver a strong and workable second multicultural action plan, we once again need contributions from within government but, more importantly, from the community. In the coming months the office of multicultural affairs will take the outcomes that have been identified at the summit and turn them into a draft action plan addressing the three objectives in the framework.

Once we have a draft action plan, we will take it back out to the Multicultural Advisory Council and, following their input, put it out for consultation with the broader community. The action plan will make sure that Canberra remains the most inclusive and welcoming city in Australia.

Sport—night-time events

MR MILLIGAN: My question is to the Minister for Sport and Recreation. On 22 September the National Capital Motor Sports Club conducted a trial night-time event at Fairbairn Park. After months of preparation upgrading the circuit, building dirt mounds and containers for noise mitigation and installing light towers, the response was very positive with nearly 2,000 people turning out for the event. Minister, where to now for this popular sport in Canberra?

MS BERRY: I thank Mr Milligan for the question. I cannot recall having had any recent—or at least in the past couple of months or little while—contact from anybody from the association. I cannot really provide any response to you because I have not spoken to the association at all; they have not contacted my office. I am aware of it. I think I saw a story across social media or maybe it was in the paper, but I have not spoken with anyone from that association.

MR MILLIGAN: Minister, can you explain why the ACT government gives itself exemptions from noise restrictions for projects like the light rail but is trying to hold back the National Capital Motorsports Club from hosting eight night events a year?

MS BERRY: Noise exemptions are not within my portfolio responsibility but—

Mr Coe interjecting—

MADAM SPEAKER: I would not respond to interjections, Ms Berry.

MS BERRY: I cannot provide a response on actual noise restrictions but I can provide some information about the noise restrictions that I understand were put in place or alleviated as part of this trial for this night race that occurred for that motor racing event.

MR WALL: Minister, to what extent do noise restrictions inhibit motorsport from occurring in the ACT?

MS BERRY: I will have to take that question on notice.

Crime—offences while on bail

MR HANSON: My question is to the Attorney-General. Attorney, recently Australia has witnessed yet another tragic attack where an innocent person was killed. The accused killer was free on bail at the time of the attack. In the ACT, there have been other incidents of crimes committed by people free on bail, yet the legal system here in the ACT and your government are still not capable of tracking that data. Attorney-General, will you now commit to a review of our bail system as a matter of urgency?

MR RAMSAY: I thank the shadow Attorney-General for the question and the actual gap in logic between the first part of his sentence and the second. In terms of the review, which actually is the question but not the premise of the question, I said before that we will continue to work with the directorate and across the government to look at the best ways of ensuring that our bail laws are serving the needs of our community. We believe that they do. We believe that the appropriate way of working—

Mr Hanson: Madam Speaker—

MADAM SPEAKER: Minister, resume your seat. Stop the clock.

Mr Hanson: There was a lot of waffle there, but in terms of being directly relevant, the question was about whether there will be a review of bail. I would ask the Attorney-General to be directly relevant and answer that question as to whether he will conduct a review into our bail system.

MADAM SPEAKER: I think he was talking about a review across government. Attorney-General.

MR RAMSAY: In fact, I was halfway through the sentence, saying that we believe the best way of going is continual improvement. I have answered that question many times in this place before, and it is the same answer today.

MR HANSON: Attorney-General, will you commit to delivering a system to track crimes committed by those on bail before a tragedy occurs in the ACT and, if so, when will this government be able to track what crimes are committed by people on bail?

MR RAMSAY: I thank the shadow attorney-general for his question in this area, which has been covered a number of times in annual reports hearings and estimates hearings. Again, the ongoing work in terms of the implementation for the ICMS and the court process is something that we are committed to and we will roll it out when it is ready.

MRS JONES: Minister, how can the community feel safe when the government has promised to address the problem for over six years but to date has not done so in their tracking system?

MR RAMSAY: I thank Mrs Jones for the question. Again, the connection between the first part of the question and the second part is, I think, problematic. The assumption in the question is that Canberra is unsafe. Let me say that that is clearly not true. I think it is important to repeat that Canberra is a safe place to live and we do not believe in the politics of fear and scaring that clearly is the case for those members opposite and those members in other jurisdictions with the same flavour as our Canberra Liberals.

We will continue to roll out improvements to the criminal justice system. We will continue to improve, as we have invested significantly already. What we will do is reaffirm that Canberra is a safe place and we will continue to work on improving the justice system.

Emergency services—minimum crewing

MRS JONES: My question is to the Minister for Police and Emergency Services. I refer to the circumstances where ACT firefighters responded to 201 medical assists in the 2015 calendar year, and 368 for the 2017-18 financial year, an increase of 83 per cent with no increase in crewing. This week you told the Assembly that you have done away with existing minimum crewing levels for ACT ambulances. Minister, what calculations have you made for the additional firefighting staff which will be required to make up for the lack of ambulance officers, given that the fires have had to respond to a growing number of ambulance calls when the ambulances are not available?

MR GENTLEMAN: There is no lack of ambulance officers in the ACT. In fact we have recruited 23 more, and we have more ambulance vehicles coming on the road as well. We find front-line services to be very important. That is why this government has resourced them. We have resourced firefighters, paramedics and police across our budget years. Of course, the Canberra Liberals voted against the budget which provided resourcing for our front-line services, so I note the hypocrisy in the question. We will continue, of course, to resource our front-line services, unlike those opposite.

MRS JONES: What consultation have you undertaken with the fires or their representatives about the additional work they will have to undertake?

MR GENTLEMAN: I have met with the firefighters union and the individual firefighters as I have been visiting stations to discuss their operations. But I do not involve myself in their operations. I stay back on the policy and resource side and let their operational staff do that work for them.

MR PARTON: Minister, what allowance have you made for additional firefighters to respond to ambulance calls when an ambulance is not available and firefighters will have to be the first responders?

MR GENTLEMAN: As members will recall, I announced just the other day a new recruit college for firefighters. That will start just after Christmas. In the meantime we are doing a lateral recruitment drive to ensure that our firefighter numbers are up to

the level required. Indeed, we will continue to recruit firefighters and resource them, unlike those opposite.

Mental health—staff safety

MRS DUNNE: My question is to the Minister for Mental Health. I refer to a letter from the ACT Secretary of the Australian Nursing and Midwifery Federation about assaults in mental health facilities. It states:

Nurses injured or witness to reported assaults state that post-incident follow-up and care has been inadequate.

Nurses state that they face the decision to either physically withdraw from the area, which leaves other consumers vulnerable to assault, or remain to protect consumers and other staff and risk being assaulted.

Has the post-incident follow-up and care provided to nursing staff in mental health been inadequate, and if so, why?

MR RATTENBURY: As I have said before in this place, no-one should be assaulted at work, and it distresses me every time one of our staff is assaulted. In terms of post-incident follow-up, protocols are in place. There is, of course, the immediate response of staff seeking medical treatment and they are given the opportunity to attend the emergency department if necessary or other options. Staff may go home as a result of an injury and staff will be offered leave for the period it takes them to recover from an injury.

At the end of that process staff are then offered a choice. Some staff will not want to come back to working in the particular facility in which they were assaulted and staff are given that choice. They can be re-allocated to another part of ACT Health either for a temporary period or permanently. I cannot give an answer for every case, but of the cases that I have been briefed on in recent times I think every staff member I have read about has opted to return to the location in which they were working.

In saying that I do not back away from the fact that these are serious issues being raised by the Nursing and Midwifery Federation. On that basis the new CEO of Canberra Health Services is meeting with the secretary of the Nursing and Midwifery Federation at least once a fortnight as we work through some of these issues.

MRS DUNNE: Minister, what have you done to ensure the security of staff, patients and other people in the mental health facility since this issue was raised by the ANMF?

MR RATTENBURY: Mrs Dunne has asked me this question in various forms on a number of occasions now, and I have outlined to her the steps that I have taken. That has included work that is being done on the nurse safety strategy, being led by the Chief Nurse. I have previously told this chamber that I have specifically asked the Chief Nurse to focus on issues that are unique to the mental health space, to recognise the particular issues that afflict mental health staff; the particular risks that are there

for mental health staff. We have an occupational violence strategy being developed, which I spoke about in my ministerial statement this morning.

As I said in my previous answer, the CEO of Canberra Health Services is now meeting with the nurse and midwifery union at least once a fortnight to discuss these matters on an ongoing basis and ensure that there is a clear line of communication, in addition to the lines of communication that are taking place at executive director level, as well as at team leader level on the ground.

MRS JONES: Minister, what are the circumstances unique to mental health staff that we need to deal with?

MR RATTENBURY: Mrs Jones, we face in caring for people with mental health disorders and mental health disturbances people whose behaviour can be extremely challenging at times. They exhibit behaviours that most of us would find deeply confronting on occasion. Sometimes that can be even worse. People will do unexpected things.

Those are the challenges that mental health nurses face. They use their clinical skills to manage people and they seek to pre-empt the possibility of violence but on occasions violence does occur. That is a constant learning process. It is often a constant learning process with a particular individual, let alone in a systems-wide approach. So it is incredibly challenging.

I respect the work that staff do. I acknowledge the particular risks that they face. That is why we need to make sure that we are constantly striving to ensure we have the best practices, we are learning from other jurisdictions and that we are learning from our own lived experience.

WorkSafe ACT—holiday season activity

MR PETTERSSON: My question is to the Minister for Employment and Workplace Safety. Minister, are we expecting to see any targeted engagement in workplaces in the lead-up to summer and the holiday season from WorkSafe ACT?

MS STEPHEN-SMITH: I thank Mr Pettersson for his interest in workplace safety over the holiday season. The ACT government's message to employers this holiday season is clear. If you rush and cut corners on safety, you will be penalised. We want to ensure that all workers get home safely this summer.

We know that summer is a time when the number of risks increase, particularly when workers feel pressured to rush to complete work before sites shut down for the year. In addition, heat, fatigue and potentially the influence of alcohol around the festive season can impact people's judgement and therefore their safety.

Meeting a deadline is not worth an injury to a worker. Safety must remain the highest priority on all sites and workplaces at all times. So WorkSafe ACT inspectors will be continuing their workplace visits over these periods, including continuing their important audit work into young worker safety.

WorkSafe ACT will be providing reminders to workers and employers about the importance of managing the effects of heat on workers, particularly for those working outside or in hot environments, such as in the hospitality industry.

WorkSafe will be working with employers to ensure that work sites are left safe and secure over any shutdown periods and that sites are checked for safety before work resumes after a break.

MR PETTERSSON: Minister, is WorkSafe ACT undertaking any activity to take into account the increased retail activity over the holiday season?

MS STEPHEN-SMITH: I thank Mr Pettersson for his supplementary. In 2017, a survey undertaken by the SDA found that 90 per cent of ACT fast food and retail workers surveyed reported being verbally abused by a customer in the previous 12 months. This was higher than the national average. Further, more than one in five workers reported being physically abused. Madam Speaker, this is simply unacceptable. There is no excuse for someone to experience physical or verbal abuse for simply doing their job.

This holiday season, the ACT government is partnering with the SDA to get the message out to our community that no-one deserves a serve. Access Canberra will be providing information to workers that such behaviour is not acceptable and will provide information on where workers can find support if they experience such behaviour.

We also acknowledge that Canberra's workforce is diverse. This is why we will be providing information in simplified Chinese, Hindi and Vietnamese, three of the most common languages other than English spoken by workers in the retail and fast food sectors in the ACT. This will support the accessibility of this information to workers across these sectors.

Importantly, Access Canberra will be providing industry with material they can display to remind people to check their behaviour before they get to the check-out or engage with workers in such industries. While the focus for this campaign is retail and fast food industries, the message extends to all industries. We know that Christmas can be a stressful time but this is no excuse for verbally, let alone physically, abusing a worker in the service sector. All workers deserve to be treated with respect, be it around their safety, their rights, secure work or the behaviours they experience from customers every day.

MS CHEYNE: Minister, with the holiday and barbecue season almost upon us—or, for some of us, upon us—could you please outline WorkSafe ACT's activities in relation to gas safety?

MS STEPHEN-SMITH: I thank Ms Cheyne for her interest in gas safety, which is an important issue as people spend more time outside with their barbecues. Every worker has the right to go home safely each day, and every family should safely enjoy their holiday. Unfortunately, this year we have already seen one tragic fatality and a

number of instances where members of the community and workers have been injured as a result of the incorrect transportation or handling of flammable gases.

These devastating incidents have highlighted the importance of remaining vigilant when storing, transporting and using gas bottles and appliances. As part of their focus on gas safety in the lead-up to the holiday season, a time when we know that people move and use gas bottles a lot, Access Canberra and WorkSafe ACT will be providing information to the community and industry over the warmer months. A video on gas safety will be posted on social media, and important information will be provided through the Access Canberra website.

The ACT government urges all Canberrans to take a moment to ensure that they are being safe this holiday season and over summer, particularly when it comes to storing, transporting and using gas.

Mental health—duress alarms

MR WALL: My question is to the Minister for Mental Health. Minister, audits of both the adult mental health unit and the mental health short-stay unit have revealed that personal duress alarms are missing. Minister, what actions have been taken to investigate and recover missing duress alarms in the adult mental health unit and the mental health short-stay unit and do all staff currently working in these units have duress alarms?

MR RATTENBURY: I will check that for Mr Wall and let him know as soon as I can.

MR WALL: Minister, what actions have you taken to ensure that all security systems at the adult mental health unit and the mental health short stay unit are working properly and are fit for purpose?

MR RATTENBURY: Madam Speaker, I have not been advised of any concerns in that area but, as I said, I will check for Mr Wall whether there are problems.

MRS DUNNE: Minister, how often are you briefed on security of staff in the adult mental health unit and the mental health short-stay unit?

MR RATTENBURY: I meet formally with ACT Health every week, and often more than that in a given week depending on what is going on. Staff security is frequently on the agenda of those meetings because of the challenges I spoke about in my earlier answers.

Government—swimming pool safety

MR PARTON: My question is to the Minister for Building Quality Improvement. Minister, according to the *Canberra Times*, Royal Life Saving ACT has made multiple recommendations to government on the safety of backyard swimming pool legislation, including for a central pools registry. The same *Canberra Times* report said that the coroner recommended a database two years ago. Minister, what is the

status of the government's policy development on pool fencing following the matters raised by Royal Life Saving ACT and the coroner?

MR RAMSAY: I thank Mr Parton for the question. The first point is to clarify that the coroner did not make a recommendation that there be an ACT register as reported in the *Canberra Times*. That was an error. There has been no coronial recommendation for that. Certainly some key announcements were made in March this year, by Minister Gentleman in the portfolio for which he had responsibility at that stage, that we were taking steps over the coming years to make sure that every backyard pool in the territory meets modern standards.

Those steps have included working with industry over the past months; the EPSDD commenced that in June this year. The next step is consultation with pool owners. We will be launching safety matters over summer, in the very near future. As part of that, we will be having broader consultation with pool owners over the summer through a broad range of communications to make sure that people are aware of their responsibilities and to make sure that people are able to attend to the safety of their pools. We will also be exploring further ways of being able to ensure that we have the appropriate levels of information in the ACT government.

MR PARTON: Minister, is a pools register a part of the equation on the way forward on this? How will pool owners be communicated with in regards to their responsibilities in this area?

MR RAMSAY: I thank Mr Parton for the supplementary question. We are looking at ways of gathering the information. There is no policy decision that we would have a single register, but I am speaking with the directorate as to the most appropriate way forward.

In terms of communication with pool owners there is a broad range of ways: media, social media, direct contact. There are a number of ways to make sure that people are aware of their responsibilities and that we are able to gather information to ensure that all Canberrans are safe, especially over summer with children swimming in pools. I encourage those people with pools or those who are visiting places with pools to attend to safety. That is obviously the highest priority over the summer time.

MS LAWDER: Minister, when will the government's position on this be made publicly available?

MR RAMSAY: It is always dangerous to assume, but I assume that the question from Ms Lawder means the government's position about a register?

MS LAWDER: About the pool policy relating to the recommendations from Royal Life Saving and the coroner's recommendations.

MR RAMSAY: I will refer back to my previous answer: that the recommendation from Life Saving is not the same thing as what came through from the coroner. We will be continuing the work, and we will have more to say in the first part of 2019.

Education—enrolment policy

MRS KIKKERT: My question is to the Minister for Education and Early Childhood Development. Minister, a Macgregor parent has a son in year 6 who wishes to study at either Lyneham high in the LEAP stream or Canberra High School. However he was denied both because, among other reasons, he is out of the priority enrolment area for both schools. The directorate website policy states clearly that if a school has a capacity it may offer enrolment to a student from outside the PEA. Freedom of information documents reveal that both schools have the capacity. Why was this child denied enrolment?

MS BERRY: The directorate has been corresponding with that family and I understand that that family's address was not in the priority enrolment area of the school that they wanted the child to attend, and that was the reason why the child was denied enrolment at that school.

Ms Lee: On a point of order, Madam Speaker, Mrs Kikkert's specific question was that the directorate's website policy states that if it has capacity a student is allowed from outside the PEA. The question specifically was: if this was the case why was this child denied enrolment as he was living outside the PEA?

MADAM SPEAKER: Minister, you have another minute to answer.

MS BERRY: I will have to get some advice on that because I am not aware of the reasons why.

MRS KIKKERT: Minister, are there other children being told that schools do not have capacity when in fact they do?

MS BERRY: I will take that question on notice.

MS LEE: Minister, why is this student being forced to attend a school that does not deliver the languages and music he wishes to study?

MS BERRY: I will have to take that question on notice.

Schools—injuries

MS LEE: My question is to the Minister for Education and Early Childhood Development. Minister, in question on notice 1930 I asked six questions: how many students had reported an injury received at school, how many schools did those reports come from, what was the nature of the injury, what grades were the students in, whether the students were in a learning support unit, and how many resulted in time off school? Your answer told us how many injuries and how many schools but, for each of the other four questions, there was a stock standard cut and paste answer: "This type of information is captured at the school level." Minister, if information such as grade, nature of injury and class status are not known at the directorate level,

how can you be sure that you are meeting the requirements of the WorkSafe enforceable undertaking or, indeed, your own policies?

MS BERRY: I will get some advice on that question. I recall the question; I recall signing it. However, information is collected at the school level, as is often the case with regards to individuals at schools. All the advice that I have on the implementation of the undertaking is that it is being implemented, and we will continue to do that.

MS LEE: Minister, how can you develop the alternative pathways apparently available for students with challenging behaviours if you or your directorate have no idea of the who, the what, the where and the when of school injuries?

MS BERRY: The issue is how the data is collected and whether it can be formatted in such a way as to provide the information that Ms Lee is after. With regard to how the directorate works with schools, the directorate and I consider the professional assessments that the teachers in the schools make around those particular students and their particular needs, how they can be met and how the undertaking is being implemented as a result of that process. I have every respect and value for teachers in our schools in being able to make those assessments.

MISS C BURCH: Minister, why did it take the directorate three hours to pull together two lots of reportable data off their records but answer only a third of the questions?

MS BERRY: I have not spent a lot of time with the individual who was providing the responses to that particular question on notice, but I expect that there would have been at least three hours work involved in pulling together that information to provide a response to Ms Lee.

Government—priorities

MS CHEYNE: My question is to the Chief Minister. Chief Minister, can you outline to the Assembly why the government is so busy at this time of year?

Opposition members interjecting—

MADAM SPEAKER: Members on my left, the Chief Minister has the call.

MR BARR: Thank you, Madam Speaker. Obviously, there has been a big and busy agenda of work throughout the year, and particularly through this week. I want to take the opportunity to thank members across the chamber for their tripartisan commitment to deal with a significant number of pieces of legislation through this sitting week, and indeed through the year. Most business that is transacted in this parliament is agreed by all parties. It does not get much media attention. I think that we are all aware that conflict tends to be what is focused on in terms of the reporting of this place. I thought that with this, the final question of the year, I would take a moment to thank all members.

Opposition members interjecting—

MR BARR: Clearly, my generosity of spirit has been so well received by those opposite; I should try this tactic in question time more often, Madam Speaker.

Mrs Jones: We welcome your niceness anytime.

MR BARR: I welcome those very kind interjections from the opposition. Clearly, every minister has been very busy through this year, and particularly in this final sitting week. I particularly want to acknowledge the breadth of new legislation that was introduced this morning that will clearly see a very busy first quarter of 2019 for this place. It does, of course, stand in marked contrast to the lack of busyness that we see in another parliamentary chamber elsewhere in this city. *(Time expired.)*

MS CHEYNE: Chief Minister, how else has the government progressed its positive and progressive agenda for Canberra through the Legislative Assembly this year?

MR BARR: Thank you. It certainly is an excellent question; thank you very much for raising it. The legislation that we have brought forward this year clearly demonstrates the government's values and priorities. In 2018, this Assembly has dealt with more than 40 pieces of legislation, including to protect and promote the highest ethical standards in our labour market and to ensure that more local jobs are good, well-paid ones, through the secure local jobs package.

We sought to reduce problem gambling harm and provide a pathway to reduce the number of gaming machines in the territory from 5,000 to 4,000 by 2020. We sought to better protect vulnerable renters through improvements to the Residential Tenancies Act; to improve work health and safety standards for construction workers; and to ensure safety and accessibility for the light rail network, in readiness for stage 1, commencing early in 2019. Importantly, we sought to expand the reportable conduct scheme to ensure that our community takes collective responsibility for keeping children safe. We have given ACT Policing increased powers to target bikie gangs. And we have levelled the playing field for first home buyers by placing a foreign investor surcharge on property purchases.

I particularly want to acknowledge, on this final sitting day, the hard work of ACT public servants and staff, who have done the important policy work that has helped shape this legislative program, and the staff who have engaged with the community and stakeholders to ensure that these reforms are effective.

MS ORR: Chief Minister, what progress has the government made against the parliamentary agreement this year in the Assembly and more broadly?

MR BARR: The government places a very high priority on delivering our parliamentary agreement items because they represent a shared reform vision to make a difference for vulnerable Canberrans and the wider community.

During this year we have made very strong progress against the parliamentary agreement, and next week Minister Rattenbury and I will release an update on our

progress. Recent achievements include the release of the ACT housing strategy, the opening of the Gungahlin walk-in centre, the establishment of the office for mental health, and the ACT's continued progress towards our 100 per cent renewable electricity target by 2020.

I particularly acknowledge both of our Greens parliamentary colleagues for their shared commitment to delivering on the parliamentary agreement and for the constructive and principled approach they take to other issues that come before this chamber.

In this place we do not always agree on the best means to achieve an outcome and respective priorities can lead us to focus on different issues. But I consider this is always within the broader framework of the shared commitment to make Canberra fairer, more inclusive, more sustainable and more resilient. We see that through our parliamentary agreement and occasionally we even see that in a tripartisan way in this chamber.

On that happy note, I ask that all further questions be placed on the notice paper.

Answers to questions on notice

Question 1915

MRS DUNNE: Pursuant to standing order 118A, I ask the Minister for Planning and Land Management why he failed to answer question on notice No 1915, relating to rural leases in Narrabundah.

MR GENTLEMAN: My recollection is that I have signed off on that, so I will chase it up with my office to see why it has not arrived with Mrs Dunne.

MRS DUNNE: On the explanation: as of 1.30 today, when we last checked with the Clerk's office, it had not been received. The question was due on the 25th of this month, so could I ask for an explanation as to why it was not provided on time, under the standing orders?

MR GENTLEMAN: There was some information that was required that took some time to arrive in my office. As I said, my recollection is that I have signed off on it, so I will chase it up with my office to see why it has not arrived with Mrs Dunne.

MRS DUNNE (Ginninderra) (3.23): Pursuant to standing order 118A(c) I move:

That this Assembly note that the Minister for Planning and Land Management has:

- (1) failed to provide an answer to question on notice No 1915 by the due date, that is, 25 November;
- (2) failed to provide a satisfactory explanation for that failure; and
- (3) failed to provide a satisfactory statement in relation to that failure, in accordance with standing orders.

Question put:

That the motion be agreed to.

The Assembly voted—

Ayes 10

Noes 13

Miss C Burch
Mr Coe
Mrs Dunne
Mr Hanson
Mrs Kikkert
Ms Lawder
Ms Lee

Mr Milligan
Mr Parton
Mr Wall

Mr Barr
Ms Berry
Ms J Burch
Ms Cheyne
Ms Fitzharris
Mr Gentleman
Ms Le Couteur

Ms Orr
Mr Pettersson
Mr Ramsay
Mr Rattenbury
Mr Steel
Ms Stephen-Smith

Question resolved in the negative.

Aboriginal and Torres Strait Islander Education—annual report 2017-18

Paper 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 Sport and Recreation and Minister for Women) (3.26): For the information of members, I present the following paper:

Aboriginal and Torres Strait Islander Education, pursuant to the resolution of the Assembly of 24 May 2000 concerning Indigenous education, as amended 16 February 2006—Annual report 2017-18.

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

Leave granted.

MS BERRY: Today I am presenting the Aboriginal and Torres Strait Islander education report for the period July 2017 to June 2018. The report details the achievements and progress made against the dimensions or priorities of the cultural integrity framework. This report reflects the ACT government's commitment to meet the needs and aspirations of all Aboriginal and Torres Strait Islander students.

I am very proud of the diverse programs and opportunities provided for our Aboriginal and Torres Strait Islander students. These include providing access for Aboriginal and Torres Strait Islander families to the Koori preschool program across five schools, various partnerships between schools and the community to embed Aboriginal and Torres Strait Islander perspectives, languages and cultures in the curriculum, and development of local Ngunnawal learning and teaching resources.

The importance of cultural integrity and providing learning environments that cater for diversity and inclusion of Aboriginal and Torres Strait Islander students has been acknowledged in the future of education strategy. Schools are continuing to build environments of cultural integrity, focusing on relationships, celebration, learning and high expectations. This direction is supported by consultation, data analysis and a review of best practice in the national and international literature.

The directorate will continue to consult with the local Aboriginal and Torres Strait Islander community through the new Aboriginal and Torres Strait Islander education advisory group and the education representative on the Aboriginal and Torres Strait Islander Elected Body.

This is the last separate report on Aboriginal and Torres Strait Islander education. From 2017 the Annual Reports (Government Agencies) Notice 2017 introduced a requirement for ACT government directorates to report annual progress in relation to programs, projects and/or initiatives that benefit Aboriginal and Torres Strait Islander people in the ACT. Consequently, the Education Directorate's annual report now serves the purpose of the separate Aboriginal and Torres Strait Islander education report.

This year has been important for understanding our strengths and determining how we will address our challenges moving forward. I look forward to continuing to drive innovative and evidence-based initiatives to improve outcomes for Aboriginal and Torres Strait Islander students and I am pleased to present the report to the Assembly today.

Auditor-General's report No 9 of 2018—ministerial response **Paper and statement by minister**

MS FITZHARRIS (Yerrabi—Minister for Health and Wellbeing, Minister for Higher Education, Minister for Medical and Health Research, Minister for Transport and Minister for Vocational Education and Skills) (3.29): For the information of members, I present the following paper:

Auditor-General Act, pursuant to subsection 21(1)—Auditor-General's Report No 9/2018—ACT Health's management of allegations of misconduct and complaints about inappropriate workplace behaviour—Government response, dated 29 November 2018.

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

Leave granted.

MS FITZHARRIS: Today I am tabling the government's response to the findings and recommendations of the Auditor-General's performance audit on ACT Health's management of allegations of misconduct and complaints about inappropriate workplace behaviour.

The performance audit was undertaken in relation to the management of specific allegations of breaches of the Public Sector Management Act 1994 relating to ACT Health's former performance information branch. The report raised concerns that were held around the accuracy of data back in 2015. As members would be aware, the organisation has moved on significantly since that time.

The government has agreed to all three recommendations of the audit and acknowledges the importance of creating workplaces that uphold the values of the ACT public service.

Both the Minister for Mental Health and I have been extremely clear on the expectation of a positive culture in the delivery of public health care in the ACT. Since March 2018 there has been significant work undertaken within our public health system to improve culture and governance, and to build an environment of genuine engagement. These improvements were confirmed by the Australian Council on Healthcare Standards, through their accreditation report handed down in August 2018.

Building on these achievements, I have made the decision to put in place several processes to assist in further improving culture within the ACT public health system. This has included the establishment of an independent review of the workplace culture within ACT public health services and the formation of a clinical leadership forum. I look forward to responding to the findings of the review in early 2019.

We have many dedicated people working in our health workforce: doctors, nurses, allied health workers, clinical support staff and more. These people are there to ensure that the Canberra community receives the highest level of health care. They are doing, and will continue to do, an outstanding job. All staff are expected to uphold a high standard of behaviour and contribute to a healthy, productive workforce.

ACT Health and Canberra Health Services will look to continue to provide clear guidance to staff about workplace standards and expectations, and further training is being planned as outlined in the government response to the audit report.

Both organisations, and the broader ACT government, are committed to improving culture through programs to equip staff to promote respectful workplaces, display consistency when addressing unreasonable behaviours, better manage stress and work professionally together.

A number of avenues are available to employees to have their concerns addressed, including their direct manager, RED contact officers, the "keep calm and have a crucial conversation" program available to all staff, and the employee assistance program.

A new initiative being implemented is the establishment of an employee advocate. This role will provide staff with another avenue, in addition to those already available, to assist in having the issues or concerns of employees addressed and resolved in an appropriate and timely manner. The advocate will be able to advise staff on the

options available to them and give them guidance on what a complaints process would entail. We all acknowledge the benefits of early resolution of issues, and the advocate will be central to encouraging the early resolution of matters wherever possible.

I wish to take this opportunity to reiterate my commitment in ensuring that ACT Health and Canberra Health Services have a workplace culture that supports its employees in delivering positive health outcomes for our community. I look forward to updating the Assembly on the implementation of the Auditor-General's recommendations and new initiatives, as well as the independent review, as they all progress.

Radiation Protection Act—review Paper and statement by minister

MS FITZHARRIS (Yerrabi—Minister for Health and Wellbeing, Minister for Higher Education, Minister for Medical and Health Research, Minister for Transport and Minister for Vocational Education and Skills) (3.33): For the information of members, I present the following paper:

Radiation Protection Act 2006—Review, dated November 2018.

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

Leave granted.

MS FITZHARRIS: I am very pleased to table a report on the review of the ACT Radiation Protection Act 2006. In 1999 the state and territory governments, together with the commonwealth government, agreed to the development of the *National directory for radiation protection* to establish an agreed set of principles that would aid in delivering national consistency in radiation protection legislation throughout Australia. Development of the *National directory for radiation protection*, commonly referred to by its abbreviated title, the NDRP, was completed, and the first version of edition one published, in 2004.

The Radiation Protection Act was developed in order to give effect to the NDRP in the territory, and was enacted by this place in August 2006 and commenced operation on 1 July 2007.

In order to ensure that a nationally consistent approach to radiation protection was maintained, one of the expectations of the NDRP was that each state and territory would review their legislation after 10 years of operation. The ACT was one of just three jurisdictions to incorporate such a requirement into its legislation. Now, after a decade of operation, upon the presentation of this report to the Assembly, the ACT is the first jurisdiction to have delivered on that expectation.

The review of the operation of the Radiation Protection Act found that the act is largely consistent with the NDRP, save for minor areas which the review recommends the act be amended to address. However, the review also found that there are some significant gaps and weaknesses in the act, many of which are largely attributable to

the gaps in content within the NDRP which remain despite the NDRP now being 14 years old.

Areas within the NDRP without detail include the provisions intended to set nationally agreed requirements concerning such matters as security, accreditation of so-called third-party service providers, codes and standards to be adopted, and forms of non-ionising radiation to be regulated. The review also noted that in the absence of content in the NDRP on these issues, most jurisdictions have developed their own requirements, but this has led to some significant variations in approach, which is, of course, contrary to the core intention of the NDRP, which was national consistency.

In due course, the government will consider the review report and formulate a position on the 20 recommendations it includes.

Madam Speaker, I welcome any recommendations to improve the ACT's radiation protection legislation, and I value the findings contained within the review report and the work that has gone into its preparation. In accordance with my obligations under the Radiation Protection Act, I commend the review report to the ACT Legislative Assembly.

Papers

Mr Gentleman presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual reports—Environment, Planning and Sustainable Development Directorate—

2015-2016—Corrigendum, dated November 2018.

2016-2017—Corrigendum, dated November 2018.

2017-2018—Corrigendum, dated November 2018.

Mr Ramsay presented the following paper:

Freedom of Information Act, pursuant to section 39—Copy of notice provided to the Ombudsman—Community Services Directorate—Freedom of Information request—Decision not made in time, dated 20 November 2018.

Mr Rattenbury presented the following paper:

Climate Change and Greenhouse Gas Reduction Act, pursuant to subsection 19(4)—ACT Climate Change Council annual report 2017-18.

Climate Change and Greenhouse Gas Reduction Act— minister's annual report 2017-18 Paper and statement by minister

MR RATTENBURY (Kurrajong—Minister for Climate Change and Sustainability, Minister for Corrections and Justice Health, Minister for Justice, Consumer Affairs and Road Safety and Minister for Mental Health) (3.36): 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 2017-18.

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

Leave granted.

MR RATTENBURY: I am pleased to table the 2017-18 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 2017-18 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 2017-18.

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 report for members' information.

This year I am pleased to report that in May 2018, the ACT government committed to adopting a new target of achieving net zero emissions by 2045, as well as a series of interim targets to ensure that we stay on track with meeting the 2045 net zero emissions target. Our target is the most ambitious of any Australian state or territory and among the most ambitious climate change targets internationally. As you will be aware, the net zero and interim emissions targets were legislated in September.

We undertook a comprehensive community consultation process around the development of the ACT's next climate strategy. Engagement activities during the consultation period included stakeholder roundtables; community drop-in sessions at local libraries; stalls at major events such as the Canberra Show, Multicultural Festival and university open days; and presentations at local community council meetings. More than 2,000 suggestions covering more than 900 distinct ideas were received during consultation and are currently being considered by the government for potential inclusion in the new strategy.

Madam Speaker, I am pleased to report that all directorates have continued to embrace the move to increased energy efficiency in their operations, and many are including renewable electricity generation at their sites.

At the National Arboretum, a new off-grid solar photovoltaic and battery storage system was installed in February 2018 to replace a large diesel generator operated at the horticulture works depot. A 24-kilowatt rooftop solar PV system was installed at the Belconnen parks depot. Rooftop solar was installed at the Gungahlin and Tuggeranong child and family centres, as well as CIT Fyshwick.

A targeted program was implemented to reduce the impact of extreme temperatures in summer and improve student learning conditions. This program included installing mechanical cooling at 24 schools, as well as utilising passive cooling techniques at 27 schools by improving ventilation and external shade and installing energy efficient fans. Tree planting at five schools has also increased shade to playground areas and buildings.

All ACT directorates have been actively involved with engagement activities on the ACT's transition to zero-emission vehicles action plan, which was launched in April 2018. This strategy outlines actions that the ACT government will take to encourage the rapid uptake of zero-emission vehicles in the territory. For example, all newly leased ACT government passenger vehicles will be zero-emission vehicles from 2020-21, where fit for purpose. Given that the transport sector is expected to account for more than 60 per cent of the ACT's emissions by 2020, it is important that the government take the lead in transitioning to a sustainable transport network.

As part of creating a sustainable transport network in Canberra, an alternative energy bus trial commenced in August 2017 with an electric bus and a hybrid diesel bus. Another electric bus was added to the trial in June 2018. To promote the use of sustainable transport for local work travel by ACT government staff, four directorates have participated in a trial of pedal assisted electric bicycles, commonly known as e-bikes.

Consistent with action 38 of the ACT's carbon-neutral government framework, the government purchased 7,600 megawatt hours of GreenPower, representing an indicative five per cent of the ACT government's energy consumption for 2017-18.

Landfill methane capture continued from the landfills at Mugga Lane and west Belconnen. This generated enough electricity to supply over 5,600 homes for one year.

New public housing is being built by the public housing renewal taskforce to Housing ACT's standards, with modern designs that take advantage of natural sunlight and ventilation and deliver minimum six-star energy ratings.

And the ACT continues to be on track to reach 100 per cent renewable electricity by 2020. In 2017-18 the Sapphire 1 wind farm began large feed-in tariff supported generation. Additionally, by June 2018, around 800 battery storage systems had been installed to Canberra homes and businesses.

Madam 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, which I have tabled today.

Two current climate change programs identified in action plan 2—the ACT's current climate strategy and action plan—had a cost-of-living impact in 2017-18. These were

the energy efficiency improvement scheme and the large-scale feed-in tariff scheme. Together, these schemes contributed approximately \$71.95 to an average electricity bill in 2017-18. This is approximately two per cent of the total cost of energy to a representative ACT household energy bill.

The estimated lifetime energy bill savings associated with energy saving items received by participating households under the energy efficiency improvement scheme in 2017-18 is approximately \$29 million. Priority households, that is, those with low incomes, will save approximately \$10 million over the lifetime of items installed. In 2017-18 this equates to average savings of approximately \$1,300 for participating households and nearly \$1,500 for participating priority households.

Finally, I include, as part 2 of the annual report, a statement of the emissions of government operations. In 2017-18, greenhouse gas emissions from ACT government operations totalled 132.6 kilotonnes of carbon dioxide equivalent. This represents a decrease of 19 per cent from the previous financial year and an overall reduction of 27 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. Seventy per cent of ACT government emissions in 2017-18 came from electricity and natural gas used in government facilities, while 30 per cent of emissions came from transport fuels used by the corporate fleet, Transport Canberra buses and other vehicles.

Madam Speaker, today's report is one that shows progress on tackling climate change effectively in our community and demonstrates our commitment to transparency and accountability for the work that we undertake to reduce emissions and produce renewable electricity in a cost-effective manner. The ACT government is demonstrating to businesses and federal government agencies in Canberra that emissions reductions are possible, are affordable and have a range of benefits to our community and region.

Paper

Ms Stephen-Smith presented the following paper:

Freedom of Information Act, pursuant to section 39—Copy of notice provided to the Ombudsman—Community Services Directorate—Freedom of Information request—Decision not made in time, dated 13 November 2018.

Administration and Procedure—Standing Committee Report 8

Debate resumed.

MADAM SPEAKER: I thank the committee for this work, taking indulgence from the chair. Again on pure indulgence, without diminishing the standing of this chair, there was an enticement to get this concluded by the end of the year. The enticement was a Mars Bar. Should someone want to claim that enticement, they are in my office. Thank you.

MR WALL (Brindabella) (3.46): I think the Assembly is sending mixed messages this week, Madam Speaker, given that Monday and Tuesday saw Diabetes Australia here providing testing to members and staff. I passed with a clean bill of health, so perhaps the diet is not as bad as we are all led to believe at times.

I echo the sentiments that the inquiry has been, at points, quite a gruelling process. Special thanks need to be paid to the chamber support office, particularly Janice Rafferty for all that she did in keeping on top of the copious number of amendments and often the four differing views. When there are three parties involved in the committee, it sometimes gets creative when there are party views and individual views. I see the Chief Minister laughing. I am still trying to figure out the difference between a Labor caucus submission and the ACT executive submission, given that it is a Labor government. But I digress. The left hand does not always know what the right is after.

I think that the changes to the standing orders have landed in a sensible position. There were some very creative ideas floated, some fairly substantial changes to the way the business of the Assembly is conducted. But slow and incremental changes and amendments are a much better approach to these. The standing orders might not necessarily suit what we are trying to achieve today. But they are supposed to be a timeless document that serves not just this Assembly but also future Assemblies that come after us.

I thank the other members of the committee: you, Madam Speaker, Ms Cheyne and Mr Rattenbury. It has always been a collaborative exercise, even when we have had our disagreements. But I do believe that we have landed at the right spot.

We are supporting the amendment today. It is the peculiar nature of the standing orders review being conducted inside the committee that, to abide by the standing orders, there is only so much that can be discussed with our colleagues at various points. Once the committee report is presented, often further discussion and horsetrading need to go on to land at the spot where everyone is happy, which we are finally at now.

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

Executive business—precedence

Ordered that executive business be called on.

Environment and Transport and City Services—Standing Committee

Report—government response

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (3.49): Madam Speaker, for the information of members, I present the following report:

Environment and Transport and City Services—Standing Committee—Report 6—*Inquiry into a Proposal for a Mammal Emblem for the ACT*—Government response.

I move:

That the Assembly take note of the paper.

I am pleased to provide the Assembly with the government response to the Standing Committee on Environment and Transport and City Services inquiry into a proposal for a mammal emblem for the ACT. I welcome the standing committee's report and thank them for their thorough consideration of this issue.

I am also pleased that the community had the opportunity to contribute to this discussion. Submissions to the standing committee were received from students, community groups, people with a passion for civic symbols and even Triple J, who brought the discussion to the federal stage with their submission for Peking Duk.

The committee recommended that the ACT Assembly adopt a mammal emblem for the territory. We are currently the only state or territory without a mammal emblem, as distinct from a bird emblem. The introduction of a mammal emblem will bring the ACT into line with other jurisdictions, so I am pleased that today the government has agreed to adopt a mammal emblem for the ACT.

Three thousand, five hundred and fourteen people had their say on what should be the mammal emblem for the territory. Whilst the result was close, there can be only one winner. Whilst the government notes the committee's careful consideration of the need for two emblems, there is no other jurisdiction in Australia with more than one mammal emblem.

Mr Coe: You conformist! You traditionalist!

MR BARR: Therefore, at the risk of being a traditionalist, the government recommends that the Assembly vote in favour of adopting the southern brush-tailed rock-wallaby as the ACT's mammal emblem. A faunal emblem already exists for the territory, the gang-gang cockatoo, meaning that there will be two animal emblems for the ACT with the introduction of a mammal emblem.

Emblems are just one way that we can bring further awareness to the conservation of vulnerable and endangered species. I am pleased that through this process there has been discussion about the conservation of both the southern brush-tailed rock-wallaby and the narrow runner-up in the public vote, the eastern bettong. I look forward to seeing the southern brush-tailed rock-wallaby in use across the city as our new mammal emblem.

The introduction of a new mammal emblem presents the opportunity for the government to look at the other symbols in our city and whether they still meet the current expectations of our community. To that end, I thank the community members who provided a submission to the standing committee raising their concerns about the existing city coat of arms and the territory flag.

The coat of arms currently used across the ACT is the coat of arms for the city of Canberra, not for the Australian Capital Territory. It originated from a request by the commonwealth in 1927 so that the coat of arms could be used on a newly commissioned ship, HMAS *Canberra*, rather than for the specific purpose of representing the Australian Capital Territory.

The government recognises that the coat of arms includes historical design elements that are no longer relevant to the people of Canberra. The ACT flag currently uses a modified form of the coat of arms for the city of Canberra and the Southern Cross. A potential new coat of arms for the ACT would necessitate a change to the flag.

The ACT government is supportive of the consideration of a territory coat of arms. This morning the Assembly has voted for the Standing Committee on Environment and Transport and City Services to undertake further community consultation and consideration on this matter.

The process to design a new coat of arms, the first one of the Australian Capital Territory, and to change the ACT flag would require consideration, and the community should have an opportunity to contribute to this discussion. The strong community involvement and interest in the mammal emblem discussion shows that there is an interest in symbols and emblems that represent our territory and our community.

It is important that these emblems represent who we are and reflect how we see ourselves as a territory. It is also important that we consider how we can draw attention to the conservation of all of our emblems, floral, faunal and mammal, potentially through a coat of arms and flag for the territory. This is something that the standing committee is well placed to consider.

I thank the committee for their thoughtful consideration and thorough research on this topic.

Question resolved in the affirmative.

Mammal emblem for the ACT

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (3.55): I move:

That this Assembly adopt the Southern Brush-tailed Rock-wallaby as the mammal emblem for the Australian Capital

MR BARR: I am pleased to move that this Assembly adopt the southern brush-tailed rock-wallaby as the mammal emblem for the Australian Capital Territory, and I commend my motion to the Assembly.

MS LAWDER (Brindabella) (3.55): We are pleased to support Mr Barr's motion that the Assembly adopt the southern brush-tailed rock-wallaby as the mammal emblem

for the ACT. It is a good choice. It is easily recognisable as an Australian animal. It is a distinctive animal of the Australian high country and has an important story in a conservation sense. Kids will be able to relate to it, and it has important connections with Indigenous traditions and stories.

It is also a success story by ACT Parks and Conservation Service in maintaining the large captive population as a way of reintroducing the southern brush-tailed rock-wallaby to the ACT. It also partners with the gang-gang as our bird emblem and the royal bluebell as our plant emblem as important symbols of the ACT.

In November 2017 the Legislative Assembly asked the committee to inquire into the proposal for a mammal emblem of the ACT. The committee received 29 submissions from the community. The committee ended up looking at the most frequently nominated animals: the eastern bettong, the spotted tail quoll, the southern brush-tailed rock-wallaby, the echidna and the little forest bat.

The committee considered factors including: the animal's connection to the ACT region, its contribution to the local environment, whether it was classified as vulnerable or endangered, and the potential for publicity as the territory emblem to contribute to important conservation efforts.

The two frontrunners went to a public poll: the eastern bettong and the southern brush-tailed rock-wallaby. Many members of the public and organisations participated in both the submissions and the public poll. I mention the twitter war between Brian the bettong, one of the cutest little creatures that you will ever meet, and Rhonda the rock wallaby. It is my understanding that David Sharaz has a very close working relationship with Rhonda the rock wallaby and is very welcoming of Rhonda's ultimate success to be chosen as the mammal emblem of the ACT.

It is a wider issue that we are thinking about here, that is, the importance of symbols and their history and how they relate to our territory. Symbols have and will continue to have cultural and historical importance. The symbols you choose to represent your territory or your city or any other entities reflect that entity. Every culture in society has its own set of symbols and they are associated with different experiences and perceptions. It is a very human experience.

In Canberra and the ACT the symbols we have represent what is unique about us and what reflects the different aspects of our culture and history. In some senses we are a young community but we have the opportunity to incorporate Indigenous symbols, and that reflects the much longer and broader history of the ACT and surrounding region. Our symbols will grow with importance with the passage of time and generations as each generation learns about the symbols we have chosen.

The southern brush-tailed rock-wallaby will take its place in the story of Canberra and it joins an important list of Canberra symbols. Today the Chief Minister has announced that the southern brush-tailed rock-wallaby will become the mammal emblem of the ACT. Over 20 years ago in 1997 the then Chief Minister Kate Carnell announced the gang-gang cockatoo emblem for the ACT.

In 1993 Rosemary Follett as Chief Minister announced the Australian Capital Territory flag which featured the Southern Cross and a modified form of Canberra city's coat of arms. The colours of blue, gold, and white on that flag were chosen for good reason because blue and white are the livery colours of the city, as shown by the wreath above the shield on the Canberra city coat of arms, while blue and gold are the traditional sporting colours of the ACT and were taken from the national blue and gold appearing on the wreath of the Australian coat of arms. The choice of colours maintains existing traditions, reflects a link with national history and preserves heraldic tradition.

In 1982 Prime Minister Fraser announced the royal bluebell as the floral emblem of the ACT. And as far back as 1928 Prime Minister Stanley Bruce announced the coat of arms for the City of Canberra. That was created at the request of the department of defence for use on the City of Canberra's newly commissioned ship, *HMAS Canberra*.

This is a long range of traditions, many of which are intertwined and build on that history of symbols. The southern brush-tailed rock-wallaby is the latest of those. I suggest in passing that somewhere down the track we might look at an amphibian emblem, and the southern corroboree frog would be an excellent choice. It is found only in a 400-square-meter patch of the ACT and southern New South Wales, and many other states and territories have an amphibian emblem. But I suspect that is some way down the track.

When I am out and about in the Tidbinbilla Nature Reserve and Namadgi National Park doing some bushwalking and trekking it has not been possible to see wild populations of the southern brush-tailed rock-wallaby, but I am hopeful that with the success of the captive breeding programs being undertaken we will see southern brush-tailed rock-wallabies in the wild in the future and that my children and grandchildren and their children will be able to see them in the wild as they used to be.

The hard work of the ACT Parks and Conservation Service might bring that dream to reality. It would be a great experience to see those wallabies clambering up the rocky slopes around the Tidbinbilla Nature Reserve and peering down at us as we pass by. You can see other types of kangaroos and wallabies but unfortunately not the southern brush-tailed rock-wallaby at the moment.

It is an important symbol for the ACT, and I am pleased common sense has prevailed and we do not have two mammal emblems. Whilst the bettong also would have been a wonderful choice, the rock wallaby got the most number of votes, although only by a whisker. We are very pleased to support Mr Barr's motion and we look forward to seeing the implementation of the southern brush-tailed rock-wallaby as the mammal emblem of the ACT.

MS LE COUTEUR (Murrumbidgee) (4.03): The Greens also are very pleased that the southern brush-tailed rock-wallaby has been chosen as the mammal emblem for the ACT. It is significant that we have an endangered animal for our emblem, and I hope this means that it has a higher long-term chance of survival. That would be really exciting if that is what happens.

The brush-tailed rock-wallaby is emblematic by the fact that it has managed to survive in the ACT while unfortunately so many other species have become extinct over the past 150 years. Of the 15 species of rock wallaby in Australia most have disappeared from their original range and are now considered threatened.

Sadly, the brush-tailed rock-wallaby no longer exists in the wild in the ACT. It only became locally extinct in our region in the wild around 20 years ago after being declared endangered in the ACT in 1996. Nationally its status is vulnerable. Once it was widespread and common in the mountainous country of south-eastern Australia, from southern Queensland to the Grampians in Victoria, but unfortunately the rock wallaby's natural range has been reduced to the north-eastern part of that area.

If you are lucky you might see captive animals in the Tidbinbilla Nature Reserve. I am pleased that the ACT government is running a captive breeding program that will hopefully lead to its eventual reintroduction to ACT and interstate reserves.

While I am very happy to join in the universal celebration that the brush-tailed rock-wallaby has been chosen as our mammal emblem, I hope it is not too long in the future that we are celebrating its reintroduction to the wild in our region. I also wish Brian the Bettong and fellow bettongs happy lifetimes and best wishes in their continuing endeavours in the ACT.

Question resolved in the affirmative.

City Renewal Authority and Suburban Land Agency Amendment Bill 2018

Debate resumed from 30 October 2018, on motion by **Ms Berry**:

That this bill be agreed to in principle.

MR COE (Yerrabi—Leader of the Opposition) (4.06): The opposition will be supporting this bill. The haste with which the government brought this legislation on in May of last year has meant a few inconsistencies or anomalies in the legislation, such as transferring all the assets from the LDA through to the relevant authority or agency. As such, we welcome this correction.

MS LE COUTEUR (Murrumbidgee) (4.06): The Greens are also happy to support the minor amendments to the legislation to allow the public service to deliver its operations. The Green's test for legislation is whether it impacts on our key values in areas such as social justice and environmental protection. Of course, we are satisfied this bill does not have any of that sort of impact.

I note the report of the scrutiny committee that said the committee notes that the effect of the bill may have been achieved through the issue of instruments under the Financial Management Act and commends the minister on the use of amending legislation to ensure transparency and certainty of any transfer. I will join the scrutiny committee in commending the minister for that act of transparency and support the bill.

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 Sport and Recreation and Minister for Women) (4.07), in reply: This bill will be named the City Renewal Authority and Suburban Land Agency Act 2017 to ensure that assets, contracts, and liabilities of the former land development agency are correctly allocated to either the City Renewal Authority or the Suburban Land Agency.

When the former land development agency, the LDA, ceased operations on the 30 June 2017 the majority of its assets, contracts, and liabilities were transferred to the authority or the agency by notifiable instruments under division 9.6 of the Financial Management Act 1996, the FMA. This transfer was consistent with and reflected the responsibilities endowed upon the new land entities under the establishing legislation.

What transpired after 30 June, however, was that the former LDA's assets, contracts, and liabilities not expressly listed in the division 9.6 FMA instruments automatically transferred to the territory, represented by the Environment, Planning, and Sustainable Development Directorate under division 9.7 of the FMA.

This outcome was the unintended consequence of the FMA's operation in what were novel circumstances for the territory. We have never before abolished a statutory authority and in doing so simultaneously created two new entities to carry on its functions and responsibilities within the newly defined roles and boundaries.

In practical terms the FMA instruments required preparation and notification via the ACT legislation register prior to the abolishment of the LDA. The LDA, however, rightly continued to operate until 30 June 2017, and hence further commitments and liabilities arose during this period. It was simply not possible for these commitments or liabilities to be captured within the FMA process.

Since the transfers occurred on 30 June 2017 the authority and agency have identified a number of assets, contracts, and liabilities that should have been transferred to one of the new entities through the instruments noted above. The bill ensures these assets, contracts, and liabilities are correctly transferred to either the City Renewal Authority or the Suburban Land Agency consistent with the statutory responsibilities.

In addition from 1 July 2017 the territory unintentionally became legally responsible for liabilities arising under executed LDA contracts, for example, sales of land, settled or civil works contracts completed before 1 July 2017 but for which the full statutory period of limitation was not concluded. The bill ensures that these liabilities also rest with the relevant land entity and reflect the government's intention in passing the City Renewal Authority and Suburban Land Agency Act.

In preparing the proposed legislation the directorate sought to balance the need for transparency, certainty, and legal clarity with the impost of introducing amending legislation. The bill ensures that the government does not go beyond the scope of the transitional powers in the City Renewal Authority and Suburban Land Agency Act 2017. The option we have pursued to rectify this through an amendment bill is the most comprehensive and transparent solution.

This bill will provide certainty to land entities, stakeholders, government and the wider community by in effect deeming all relevant assets, contracts, and liabilities including any matters that have not yet manifested or been discovered to have been transferred as intended on 30 June 2017. I commend this 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.

Standing orders—suspension

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

That so much of the standing orders be suspended as would prevent Executive business, order of the day No 2, being the Integrity Commission Bill 2018, being called on and debated forthwith.

Integrity Commission Bill 2018

Debate resumed from 27 November 2018, on motion by **Mr Barr**:

That this bill be agreed to in principle.

MR COE (Yerrabi—Leader of the Opposition) (4.12): This is a good day for the territory. It is a day that I think is long overdue, but it is a day that I think will mean that the ACT progresses a long way in terms of upholding the standards that we would all expect. There has been no shortage of questionable issues that have taken place in recent years under the watch of this ACT Labor-Greens government. Of course, the work of the Auditor-General has exposed some of these very serious issues, issues such as the CFMEU-Tradies Dickson land deal, an issue that the Auditor-General concluded the ACT lost out on to the tune of millions of dollars. There are many unanswered questions including, of course, a box of documents that is allegedly still missing.

There is also the Glebe Park sale. Despite a valuation of \$1 million, it was sold for \$4 million. It only became public because of the work of the opposition. The same can be said of the Dickson land deal. The only reason it became public is because my office conducted a title search of who did own block 6 section 72 in Dickson. The Auditor-General has also looked at issues around lakeside business purchases and lease purchases. One can only conclude that there are many anomalies with how those transactions took place.

Of course, there are the many rural leases that were purchased with very poor procurement processes. All of these happened under this government's watch. We

cannot conclude whether or not these were corrupt. That is not the role of the Auditor-General, either. But there are certainly many questions unanswered about each of these events. That is why we are firmly of the view that we need an ICAC in Canberra.

In the past in this place I have also highlighted some other issues, such as the car park issue at the Woden Tradies where huge amounts of money were transferred to the club. We also know that the Labor Club development in Braddon did not attract any lease variation charge or change of use charge, despite the fact that they had constructed three dozen apartments on the site. We also know that the Labor Club brings in huge amounts of revenue. Much of that has already been channelled to the 1973 Foundation. That, of course, supports the Labor Party's operations in Canberra and, to an extent, federally.

These are all questions that I know many Canberrans want answers to. How is it that all these things happened under this government's watch? In order to put pressure on this government, the Canberra Liberals took the unprecedented step of having legislation for an ICAC drawn up from opposition. Whilst the feds have an argument about whether an ICAC is needed, what the model is et cetera, unlike the federal opposition that says it is purely in the domain of the government, the Canberra Liberals, from opposition, drafted legislation for an integrity commission in Canberra.

Of course, this took a huge amount of work. There were hundreds of pages of instructions, hundreds of emails, dozens of meetings and many iterations of the legislation before we were in a position to table that legislation in June. The enormity of the work that was undertaken by the opposition cannot be overestimated. It was a huge body of work to get that legislation presented in June.

What I firmly believe the presentation of that legislation did was give a hurry-up to the Labor government to actually deliver some legislation, because prior to that the government had been saying that it was too hard. Prior to that, it was always six months away; it was always in the never-never. But when we got that legislation tabled, it put huge pressure on the Labor Party to actually present legislation. Because of that, we are now in a position where we can and should have an integrity commission in operation by 1 July next year. In fact, the early work of the commission can start almost immediately.

Much of the work that we did in our bill back in June has been incorporated into government legislation. Features of our legislation presented back in June included, of course, the ability for the commission to obtain documents; to subpoena witnesses; to request search and arrest warrants; to seize evidence relevant to a search warrant; and to conduct public and private hearings. Of course, we have a preference for public hearings.

This week the government presented its legislation on the back of their exposure draft that was published in late July. I think that the government had many shortcomings in their legislation. For example, originally, and as recently as last week, the government was still willing to allow politicians to be the ICAC commissioner. It is pretty bizarre. As recently as last week, the government was willing for an interstate politician to be

our ICAC commissioner. They were willing to argue that. It is pretty bizarre that you would actually think that an ICAC could have community confidence by having an ex-politician as the commissioner.

Anyway, that was what they were pushing for. Whom did they have in mind, I wonder? There are a few names I can think of coming out of New South Wales that would be ideal for the role based on the experience they have had, but perhaps they are not ones that would fill the community with confidence.

There is also no start date for the commission. The government also did not want to include misconduct in the scope of the commission. They also wanted to have a default of private hearings and they wanted to exclude matters that had previously been investigated, or at least brush them to one side. We are pleased that we have been able to negotiate these out of the bill that is before us today, or at least we will be trying to amend them out of the legislation that is before us.

We still have concerns that there is no fixed commencement date. There is a risk that the establishment of this commission could be pushed back. We would be in the hands of the government in terms of how they resource this commission. We think it is incumbent upon the Assembly to set a firm start date for this commission, and that should be 1 July.

We also hold concerns that there is a risk that if our amendments are not supported, the commission could well be politicised. We also believe that if conduct is deemed to be corrupt, the commission should be able to call it as they see it. It should not have to be serious; it should not have to be systemic. If it is corrupt, the integrity commission should be able to publish that.

We believe in the broadest definition of corrupt conduct. We believe that that should apply. The commission should not be restricted from looking into matters that it sees fit to examine. We of course will have oversight roles. So if the commission goes into territory that we think is either overreach or political, there will be the capacity to rein them in. However, we should trust this commission and the commissioner. Therefore, we should not be putting unreasonable restrictions on their work.

We also hold concerns that the bill may, in fact, make the default for hearing public. Public hearings could be delayed or frustrated by appeals. We may revisit this after receiving advice from the commission. We still believe that the commission should have the same powers as Assembly committees or preliminary inquiries. We will seek to bring forward amendments to this effect next year. I think that it is highly likely that there will be another wave of amendments to this legislation that we will not be able to get through today. So prior to the commission becoming fully operational, I think we may well need further legislation, another amendment bill. The Canberra Liberals will certainly be working towards that.

Finally, our concern is that the government may starve the commission of the resources that it needs. We have to make sure that this ICAC is funded properly. We will be doing everything we can from this side of the chamber to make sure that appropriate resources are appropriated to ensure that the ICAC has the teeth it needs.

There are many people that I would like to thank, but I will wait until we have dealt with the amendments before I do that, other than to say that there has been a huge amount of work that the government, the opposition in particular, and also the Greens have put into this legislation. I am grateful for the collaborative way that these negotiations and communications have taken place.

Whilst it has been slightly rushed over the past few days and I am sure that some people are a bit deterred by the number of amendments that we have today, the reality is that it is very hard to get amendments drawn up when you actually do not get the legislation until the Tuesday before a Thursday debate. As such, it was very difficult to get amendments written with the confidence that the version that we were working off would in fact be the presented bill in the Assembly on Tuesday. I thank members for their consideration of these amendments. I very much urge the Assembly to accept them.

MR RAMSAY (Ginninderra—Attorney-General, Minister for the Arts and Cultural Events, Minister for Building Quality Improvement, Minister for Business and Regulatory Services and Minister for Seniors and Veterans) (4.26): As Attorney-General, I am pleased to be speaking today about the work that we are doing in this area from the perspective of the first law officer. The government is delivering on the ACT Labor election promise and the parliamentary agreement commitment to establish an integrity commission for the ACT. This bill represents the culmination of two Assembly committee inquiries, extensive submissions and evidence, and the considered input from all sides of politics.

The bill's establishment of an ACT integrity commission is the centrepiece of a package of measures that ensure the integrity and the accountability of the ACT public service and the Legislative Assembly. The Electoral Amendment Bill 2018 is the second part of this package. That electoral amendment bill will ban political donations from property developers or their associates and implement a year-round requirement for political entities to report gifts and loans. These reforms will strengthen and safeguard our democratic institutions from undue influence and corruption.

The introduction of both the Integrity Commission Bill and the Electoral Amendment Bill reflects this government's commitment to ensuring the probity, transparency and professionalism of our public sector and the integrity of our democratic system of government. As previously explained by the Chief Minister, the bill delivers on these principles by providing the integrity commission with jurisdiction to investigate corrupt conduct in the executive government and the Legislative Assembly.

The bill before us today provides for the integrity commission to investigate judicial officers. This gives effect to a recommendation of both select committee reports released in 2017 and 2018. The select committee considered it essential for the integrity commission to have jurisdiction to investigate allegations of corruption across all three arms of government.

It is self-evidently true that the public wants the full confidence in the judicial system and our judicial officers. The ACT Judicial Commission and Judicial Council were

established to ensure that confidence is well placed. The ACT Judicial Commission and Judicial Council currently investigate complaints and concerns in relation to ACT judicial officers. This framework is robust and independent and the government has full confidence in its ability to perform its important role in overseeing the operations of judicial officers.

The ACT government has carefully considered the select committee's recommendation that the integrity commission cover judicial officers. Following consultation with the ACT Greens and the ACT Liberals, it has accepted that recommendation. Our original exposure draft legislation excluded most functions in relation to judicial officers.

The judiciary play a unique and important role that clearly differs from the role played by public servants and the members of this Assembly. It is important that any oversight system protect and respect judicial independence and the principles of the separation of powers. In including them within the scope of this commission, we must be mindful of that independence and be careful of the legal and practical implications of having judges investigated by an integrity commission.

A key constraint on including judges is that the integrity commission cannot become an avenue for unhappy litigants to seek review of a judge's decisions. This is a fundamental separation of powers issue. Neither the government nor the parliament is placed to act as an appeal body in relation to a judge's legal rulings. That is a function that is solely for the courts. Our legislation reflects this basic and fundamental separation of powers issue by specifically excluding complaints about the merits of a judicial decision, orders from a judge or judgements.

We will continue to monitor how this framework applies to the courts with a view to ensuring not only the integrity of our justice system but also attending to the principles that underlie our democratic system and the self-government act. Ultimately, everyone who will be part of this new integrity framework can be confident that they will be afforded a fair and transparent process.

The ACT has cause to be proud of many aspects of this bill. I would like to direct the Assembly's attention to the bill's carefully tailored human rights safeguards. The government is committed to establishing an integrity commission that is consistent with human rights. The bill ensures that the integrity commission will be able to effectively investigate and expose corrupt conduct without unreasonably limiting the human rights of those being investigated or involved in investigations.

For example, the integrity commission cannot use seriously coercive and invasive powers until a preliminary inquiry on allegations of corrupt conduct has been finalised. Additional protections apply once a preliminary inquiry has been completed and an investigation has begun. The integrity commission decision to hold a public or private examination is determined on the unique facts of each situation on a case by case basis. The question of whether examinations are held in public or private will be a matter for the commissioner based on a careful weighing of public interest and human rights considerations. This helps to protect the human rights to privacy and reputation.

The ACT has also enacted safeguards that prevent evidence given by a suspect under compulsion from being used against them in subsequent prosecutions. The ACT Human Rights Commission has played a valuable role in ensuring the human rights compatibility of this bill. The commission has provided useful analysis on the human rights implications of a range of key provisions through each stage of the bill's development. I appreciate their time and considered input to this process.

I am satisfied that this government is introducing a strong and carefully thought out bill that meets the needs of the territory, that is, a robust and seamless system of oversight that simultaneously respects the separation of powers and our Human Rights Act. This bill, as part of the government's package of integrity reforms, will increase transparency and accountability across the three arms of government. I have no doubt that this will allow us to serve and maintain the confidence of the Canberra community. I commend the bill to the Assembly.

MR STEEL (Murrumbidgee—Minister for City Services, Minister for Community Services and Facilities, Minister for Multicultural Affairs and Minister for Roads) (4.33): I am pleased to stand in support of the government's Integrity Commission Bill 2018. This is a very strong statement from our government that corruption and misconduct are not acceptable in the ACT public service, in this legislature or in the judiciary. It delivers Labor's commitment at the election to establish an integrity commission and will enhance trust in government.

Over the past two years I have been involved in the two select committee inquiries into an integrity commission in the ACT. I would like to thank all members of the Assembly who were involved in these committees for their very constructive approach to establishing this very important commission, including the chair, Mr Rattenbury, Ms Cody, Ms Lee, Mrs Jones and Mrs Dunne, as well as the committee secretaries for the two inquiries, Dr Andrea Cullen and Hamish Finlay.

This was a very important piece of work and I think that the bill reflects not only the work of government but also the important work of the committee and their deliberations from the very first principles about how an effective commission might operate in a small jurisdiction like the ACT. Of course, I would like also to thank the many members of the community and organisations that made submissions as part of the two inquiries.

Going back to first principles, one of the key questions that was raised during the course of the inquiries was the question of why we need this commission established under the bill that we are debating today. We have seen the role of like integrity bodies in other jurisdictions which have played a significant role in strengthening the integrity framework, in addition to other integrity agencies around Australia.

We have heard from the submissions to the inquiry that there is no reason to believe that the ACT is particularly susceptible to corruption. However, like other jurisdictions, we are not immune from corruption, and we need an agency with the powers to enable the identification, investigation and exposure of corrupt conduct.

This bill also provides for the covert powers necessary for this integrity commission to be effective in investigating serious and systemic corruption. We also need an agency that can provide an educational role, to prevent corruption from occurring and to improve government processes and policies to reduce the risk of corruption. While the bulk of this bill has nothing to do with the education role of the commission, education is a critical part of the commission's role and one which I hope the commissioner makes a priority.

The new integrity commission is important to build the community's trust in government. If members of the public or public officials covered by this bill have a genuine concern about corruption, they will now, with the establishment of the commission, be able to make a complaint to have it investigated. Senior public officials will be obliged to report matters where they suspect on reasonable grounds that they involve serious corrupt conduct or systemic corrupt conduct.

The bill establishes a clear definition of corruption in clause 9 and also ensures that the object of the commission is to focus on serious and systemic corruption. The 2018 select committee recommended that the bill be examined to ensure that it incorporates the full extent of the New South Wales definition of corrupt conduct but maintains the focus on "serious corrupt conduct" and "systemic corrupt conduct", as reflected in the bill.

As a member of the committee, I know that the intention of this was for the government to do a final check to make sure that the definitions were as similar as possible, given the different drafting style here in the ACT compared with New South Wales, whilst also ensuring that there was a focus on more serious matters.

The government did this check in line with the committee recommendation and I believe that the final bill does reflect the New South Wales definition of corrupt conduct, whilst maintaining the focus on "serious corrupt conduct" and "systemic corrupt conduct". There was never a so-called "narrowing" of the bill. The government agreed with the recommendation from the committee. In fact it is the opposition's approach that is out of step with the committee's recommendation.

As recommended by the 2017 select committee, the definition of corrupt conduct in the bill is based on part 3 of the New South Wales Independent Commission Against Corruption Act 1988, drafted to reflect ACT legislation. The bill also reflects the select committee's recommendation that the integrity commission should prioritise investigating serious or systemic corruption.

Very much in line with the committee's recommendation is that the limitation on the nature of corrupt conduct that New South Wales uses in relation to misconduct and disciplinary issues is not replicated in the bill. There are already existing provisions and oversight mechanisms in place for dealing with misconduct of members of the Legislative Assembly, statutory office holders, ACT public sector employees and third-party contractors, through contracts.

Disciplinary issues will continue to be dealt with under applicable codes of conduct provisions. That is important, because the codes of conduct were not written to be a definition of corruption and go to some matters that would never reasonably be considered to be corruption.

The committee shared those concerns as well, as did the Office of the Legislative Assembly. Nonetheless, under the definition provided for in this bill, corrupt conduct is conduct that could constitute either a criminal offence or constitute reasonable grounds for dismissing, dispensing with the services of, or otherwise terminating the services of, a public official. So it still covers misconduct, with the focus on the most serious misconduct that should be in the remit of the commission, reflecting again the intention of the committee recommendation for the commission to maintain a focus on serious matters.

I also note the amendments that have been circulated by Minister Rattenbury, which seek to add serious disciplinary offences, which is also consistent with the committee's approach.

The definition of corrupt conduct is clear in the bill, but it is also important to point out what corruption is not. This is a very high level point, but it is an important one as we establish this new body. A mere disagreement with a government decision, or absence of a decision, by a judge, a minister or an official, does not by itself amount to corruption or misconduct.

It is a fundamental part of our liberal democracy that those in elected or appointed decision-making roles have the ability to make decisions or policies within the law, impartially and honestly. Sometimes these are difficult decisions and policies, and sometimes they are not supported by everyone in our community.

The fact of a mere disagreement with a decision does not mean that a decision is corrupt or that there has been misconduct. The commission will act to ensure that complaints made to it are dismissed, referred or investigated, settling claims of corruption to ensure confidence in our democratic institutions.

We must all be careful to preserve the fundamental democratic principles that have served our community well since self-government and since Federation. Those are principles which we as an Assembly have committed to, the Latimer House principles included. It is up to all of us as members of this place to uphold those principles and those values and to ensure that this commission works in the public interest and to enhance trust in government, and I mean all three branches of government.

That brings me to the establishment of the parliamentary oversight committee which is referred to throughout the bill. The parliamentary oversight committee will play a fundamental role in overseeing the integrity commission, to monitor, review and report to the Assembly on the performance of the commission, as well as the inspector of the new commission, and to perform the functions outlined in the bill as a consultative body on the appointment of the commissioner and inspector, and, if needed, the suspension of persons occupying those roles.

The role of the parliamentary oversight committee will be particularly useful in looking at how this very small integrity agency performs effectively. During the course of the Assembly inquiry into an integrity commission in the ACT, the committee met with a number of parliamentary oversight committees in Victoria, New South Wales and Tasmania to discuss their roles. My impression was that all parliamentarians were working together to ensure that their respective commissions were performing their role effectively.

We should not expect that the new integrity commission and the legislation will operate perfectly from day one. While we have drawn largely from legislation that has been in operation, in the case of ICAC, from the 1980s, there will be improvements that can be made to ensure that the commission is performing its role. For example, in recent times amendments have been made to the New South Wales ICAC Act to ensure that there is a level of procedural fairness, particularly in public hearings. I am pleased that rules of natural justice and procedural fairness are reflected in the government's bill from day one.

There will also be policy improvements across government that can be learned from the findings made by the commission, especially from any strategic reviews that are undertaken by the new commission. The oversight committee will play an important accountability role in relation to the implementation of findings that are made at a policy level. On the other hand the role of the committee is not to have a direct role in the operational matters of the commission. That is the reason why the inspector role is so important, to be able to directly look into the operations of the commission.

We are debating the government's Integrity Commission Bill because it provides a comprehensive establishment of a new integrity commission within our existing integrity framework and existing integrity agencies here in the ACT. We have also had a private member's bill which was introduced by Mr Coe. It is a fact that private members' bills do not benefit from the rigour of government decision-making processes, and it was obvious to me from the very beginning, even before Mr Coe introduced his bill, that the preferred bill to establish an integrity commission, which is a very complex piece of legislation, had to come from the government because of the deeper level of engagement and scrutiny through government processes required to make the bill operational.

Mr Coe decided to draft and introduce a private member's bill which was much shorter, did not reflect engagement with the required agencies, including existing integrity agencies, and did not adequately deal with important consequential amendments that needed to be made to other pieces of legislation, such as the Public Interest Disclosure Act, to ensure that the entire integrity framework was operating together from day one of the new commission. The government's exposure draft established a much more comprehensive framework, and that was the reason, ultimately, why the government's bill being debated today is the preferred model.

As we have heard through the public consultation during the inquiries, we have a good bill with the government's bill. It is a bill that all members can support, notwithstanding debate on minor amendments today. The new integrity commission

will be an important addition to the ACT's integrity framework and will enhance trust in government. It demonstrates our government's commitment to increased transparency, accountability and integrity in government, delivering on our election commitment. I commend the bill to the Assembly.

MR RATTENBURY (Kurrajong) (4.45): The ACT Greens welcome the debate on this significant piece of legislation, one that will give the Canberra community greater confidence in our political system and public sector by establishing an independent integrity commission for the ACT.

Across the board, we have seen that trust in all levels of government is falling, driven by growing concern about corruption and fear that some public officials may be using their positions to benefit themselves and their families. There is also a concern that our current integrity systems are not set up to detect or respond to these kinds of issues. This is true not just in the ACT but across Australia and internationally, and is reflected in Transparency International's corruption perceptions index, where Australia's score has been declining in recent years. While this perception is very real, it is not a reflection on one political party, one government or one scandal; it is a discontent that has developed over time, and something that we need to respond to.

Distrust in our political system and our public institutions is not good for our democracy and it is not good for Canberra. Canberrans deserve a political system that operates with integrity, accountability and openness, and I believe that the bill before us puts those principles into effect. The Greens fundamentally believe that government should be about putting our community first, and this commission will provide a level of scrutiny to make sure that this is happening.

The Greens have always campaigned for transparency and integrity in government. The community deserves to trust in its political representatives and trust in our democracy. Last term we drafted and passed nation-leading freedom of information laws for the ACT. We have always campaigned for clean elections and for banning donations from corporations to political parties. We believe that the community's trust in government is paramount if government is to succeed.

That is why the Greens were the first party to commit to establishing an independent integrity commission for the ACT at the last election, and I am pleased that we now have tripartisan support for this idea. Perhaps in the past, you could have argued that Canberra was too small for this kind of body, but our city is growing and the community have made their feelings clear. This is an important reform to ensure that there is public confidence in government. Now is the right time to create this body, and in setting it up we must ensure that it has the right powers to be able to do its job effectively.

The ACT is unusual in not having an independent investigative integrity body. In fact, we are the last state or territory to establish such a body, leaving the commonwealth as the only jurisdiction in the nation without this important oversight. It is clear that there is a need for a similar sort of body at the federal level, with the current oversight arrangements through ACLEI and other bodies simply not having the powers or resources necessary to do the job.

A recent article in the *Sydney Morning Herald* noted that since its inception in 2006, ACLEI had not held a single public hearing into any commonwealth corruption matter. The article also noted that most of the agency's public reports are brief, and several deal with relatively trivial conduct. This is not to discredit the work that ACLEI does, but to note that there is a clear gap which all states and territories have recognised and responded to. It is time that our federal counterparts did the same. I am proud to see my Greens colleagues in the federal parliament continuing the campaign for a federal integrity commission with strong powers. With support from the crossbench and now the Labor party, it looks as though we may be getting close to that becoming a reality.

In contrast to what is happening in federal parliament, the process we have gone through in this Assembly could not have been more different. It has been great to see all three parties working collaboratively on this important legislation. I want to thank all the members who have sat on both committees, those who have drafted legislation and everyone who has been involved in the negotiations over the past few weeks since the final committee report was released as we moved towards this day where we actually debate the legislation.

I have mentioned this when we have tabled committee reports before, but I really feel that the community process for establishing this has been very beneficial. With the first committee initially looking at what was needed for an integrity commission to operate effectively and being able to produce a consensus report, we were able to lay a strong foundation. Then the subsequent report analysed both the bills.

I thank each of the members of those committees. Mrs Jones was on the first one; Mr Steel, Ms Cody and Ms Lee were on both committees; and Mrs Dunne was on the second committee while Mrs Jones was on maternity leave. The spirit in those committees was very positive and demonstrated a commitment across the board to getting a good outcome. I know that in those committees, without disclosing any deliberations, members did change their view on things at times as we talked through issues and thought about them. That was a very constructive approach that has got us a long way in preparing for this legislation.

I noted Mr Coe's comments and his observations around the timing of his bill and how that forced the government to hurry up. I have sat out of the cabinet process for all of this, so I am not exactly aware of how that took place. But I think we are going to see a bit of that in the next little while. "Success has many fathers" is the old saying. Of course, by the time Mr Coe tabled his bill, the government had already funded an integrity commission, to begin from 1 January 2019, in the budget.

Mr Coe interjecting—

MR RATTENBURY: If we want to play these things, and the comments are coming back across the chamber in interjections, we can go back to August 2016, when the Liberal Party said they did not think we needed an integrity commission in the ACT. They changed their mind. That demonstrates that as we have gone along this

journey, parties have had different positions on different issues. The important part is that at the end of the day we are going to have a bill that will do the job we need it to.

I know that today we will be discussing a series of amendments that go to the finer details of the bill. This is where there are still a few differences. These are all important, but I think we have managed to reach agreement on the key components of the bill, and that will put the commission in a strong position, from day one, to do the job we want it to do.

From my perspective, the key features include who is covered by the commission. The bill outlines that all MLAs, their staff, public servants, judges and anyone who is an employee or contractor of a public sector entity is included. The inclusion of police is an important aspect, and one that I think all three parties support, but we are constrained by the limits of the self-government act at this time. It is good to see exposure draft legislation before the Assembly to enact this provision once we have commonwealth agreement. I encourage the government to continue to progress these negotiations so that we can give the integrity commission its full scope as quickly as possible.

Another key feature is the ability for the commission to hold public examinations when it deems it necessary. The legislation before us today provides for that option, with a public interest test to be applied to determine if a public examination is warranted. There is also consideration of the human rights impacts of such a decision, an important feature in a human rights jurisdiction. I think that this section meets the right balance between allowing for adequate public scrutiny to shine a light on corruption when it occurs and protecting against the potential for reputational damage for those involved, who may subsequently be found to not have been involved in corrupt conduct. That is the balance that needs to be struck, and one that will be considered through that public interest test.

Retrospectivity is another key issue which this bill provides for, ensuring that the commission can look back into historical incidents where there is evidence to do so. The commission will have scope to look back at incidents from the start of self-government, and while its focus will be on current and future cases, the community should have confidence that it is not restricted in this respect.

The bill gives the commission strong powers to undertake investigations, including the ability to request documents, require witnesses to answer questions, issue search warrants and use coercive powers such as surveillance if and when required. Many of these powers are based on those provided for in the New South Wales ICAC and the Victorian IBAC, two strong examples which have formed a guide through this process. We have attempted to take the best aspects of models in other jurisdictions when developing the model for the ACT's commission.

Finally, the bill also includes an important oversight mechanism with the creation of an inspector role to monitor the commission's use of its powers. The inspector can require information from the commission and can be an avenue for complaints for anyone concerned about the commission's conduct. Again, this is in line with the

models that have been set up for integrity commissions in other jurisdictions. It seeks to answer the question of who watches the watchdog.

The bill before us today is lengthy and complex, but at its heart it is about setting high standards for conduct in public office and giving the community confidence that those standards are being met. Where corruption is identified, the community can be assured that those responsible will be identified and will be held accountable.

It has been an exhaustive process to get to this point, but one that highlights the best attributes of our Assembly. This is a strong piece of legislation, informed by public submissions through the committee process and worked on in a cooperative and collaborative manner by all parties in this place. As a result of that process, we have come to a very positive outcome, one that should give the people of the ACT greater confidence in politics and public administration in the territory.

I commend the bill to the Assembly and anticipate further discussion as we look to finalise the remaining details.

MRS DUNNE (Ginninderra) (4.55): I am very pleased to support this legislation. The Chief Minister said earlier today that the media often does not report on the legislation that has cross-party support in this place, but I suspect that this will be an exception to that rule, and a welcome one. This is extraordinarily important legislation. I have to confess that probably through until about 2014 I did not think legislation like this was entirely necessary in the ACT. I came slowly to the realisation during the last term of this Assembly that I was wrong. I am always prepared to put aside my views when I realise I am wrong. I am not going to stick to them doggedly just because I once had a stated view and I cannot possibly resile from it.

This is important legislation, and Mr Coe has touched on some of the issues that have highlighted just how important this legislation is. Those issues also highlight one of the concerns I had through the consultation phase on the draft bill that the government introduced, and I still have that concern. My principal concern is the way we deal with issues that have previously been investigated.

Mr Coe talked about a number of issues which I will touch on lightly because as the chair of the public accounts committee some of those issues fall to my remit. There has been public commentary from members in this place—not me—that some of the issues covered by the Auditor-General's report are prime targets for being referred to a new integrity commissioner.

I am still not entirely satisfied with the construction of the legislation because I still think that there are impediments that even if issues are referred to the commission might prevent the commissioner from investigating. We need to make it very clear today that if people think that it is appropriate for an issue to be referred to the commission the fact that an issue has previously been investigated by, say, the Auditor-General or the public accounts committee, will not be an impediment to the commissioner taking up the matter if he thought it was sufficiently serious.

Ms Lee and I came up with words during the consultation process that the recommendation be that this should not be an impediment to the commissioner investigating a matter, and I am a little uncomfortable about the wording as it currently stands in the legislation. I am not sure that that clarity is there. I think the words were that this should not be a bar to the commissioner investigating a matter. I think we need the capacity to look back at things and we need the assurance that the commissioner will not be barred from going down that path.

Mr Rattenbury is right that success has many fathers and failure is always an orphan so there is a level at which everyone wants to get on the bandwagon. The Greens want to say, "We said it first," the Chief Minister wants to say, "We funded it," but, as I have said before, the funding is an easy process. There was no kick-along to make it possible to happen, and it was not until Mr Coe introduced his legislation that there was any kick-along. I therefore congratulate Mr Coe and his office for the extraordinary amount of work they have put into this.

Mr Steel is also right: it is very difficult to draft legislation from opposition. It does not have the benefit of coordination, comments and the capacity to consult with agencies in the way the cabinet process does. That being said, the legislation brought forward by Mr Coe's office was very good. I was marvelling at this the other day, because after Mr Barr introduced the legislation I went to the legislation register to print a copy of the bill and I inadvertently printed a copy of Mr Coe's bill, reading it as if I thought it was the Chief Minister's bill. I was reading along thinking, "Gee, they've done all these things we wanted them to do. This is really good legislation," until one of Mr Coe's staff assured me I was reading the wrong piece of legislation. After that the level of elation dropped off and there was a little bit of disappointment.

The question of funding is very important. Mr Coe touched on this and it caused me to have a little palpitation whilst sitting in the Speaker's chair because it made me wonder whether the provisions for the Speaker to make a budget bid on behalf of the commissioner as an officer of the Legislative Assembly are set out in the legislation. They are not, but I think that the interaction of clause 21 of the bill and section 20AB of the FMA make it happen. Before this debate is over I would like the Chief Minister and Treasurer to confirm that is the case.

This has been a great job of work as I have said, and a large amount of work is to be done by the Speaker and the yet-to-be-appointed committee overseeing this legislation in the next few months, and that is why the commencement issues are very important. It seems to me that chapter 1 and parts 2.1 and 2.2 need to commence almost immediately so as to allow the Speaker to commence the selection process. But we also need a guarantee from the government that this will be commencing on 1 July as indicated.

I commend members of the various select committees for the work they have done and the officers and drafters for the work they have done over the last little while. I suspect that over the weekend there was a lot of burning of the midnight oil. The bill is a great testament to the amount of work that is being done, but there may be some things that we will have to agree to amend later in the piece so we make sure that this is as workable as possible. I commend the legislation to the Assembly.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.03), in reply: I thank members for their contributions this afternoon on the bill, which establishes the first ACT integrity commission and allows for the inaugural integrity commissioner to be appointed.

The bill that we are considering this afternoon is, as we have heard, the result of numerous discussions and negotiations with all parties in the last week, the last month and the last year, and indeed since the formation of this parliament after the 2016 election, when the Assembly established the initial select committee to inquire into an independent integrity commission.

For the benefit of members, I will provide some further detail on components of the bill. As members know, the main focus of the commission will be to investigate corruption in the territory's public administration. The commission will have significant powers, including powers under warrant to enter and search premises, to seize and retain items, and to acquire information and hold examinations.

The new body will play an important role in ensuring the transparency and accountability of the ACT public sector and the Legislative Assembly. The commission will have wide-ranging scope to investigate alleged corrupt conduct in relation to all ACT public sector entities; their employees and contract staff in government directorates; statutory office holders, including boards and tribunals; members of the Legislative Assembly and their staff; the judiciary; and those performing functions of a public nature.

The commission has a specific remit to prioritise the investigation and exposure of serious corrupt conduct and systemic corrupt conduct. Members are aware that the territory already has a number of levels of independent oversight and transparency bodies. This includes the independent Auditor-General, the independent ACT Ombudsman, and the ACT Public Sector Standards Commissioner. The Assembly itself also has the Commissioner for Standards and the Ethics and Integrity Adviser.

The integrity commission will liaise and coordinate its activities with the activities of these other entities in order to avoid delays and unnecessary duplication of work. The commission will have the power to enter into a memorandum of understanding or agreement with these other entities to assist in meeting these requirements. The commission will be required to deliver education programs aimed at preventing corrupt conduct in public administration. This is a very important part of the commission's work, and it is anticipated that the commission will work with these other entities to deliver their preventative education programs.

As I outlined in my presentation speech earlier in the week, the definition of corrupt conduct in the bill has been changed from earlier exposure draft versions to align more closely with the New South Wales definition. The corrupt conduct definition continues to rely on the Criminal Code chapter 3, instead of listing matters that will be determined by common law. However, a footnote has been included in this section to

outline some of the relevant matters from the Criminal Code. The term “serious disciplinary offence” is included in the definition of corrupt conduct. “Serious disciplinary offence” uses the term “serious misconduct”, which is taken from the fair work regulations of 2009.

I appreciate some of the commentary made around where the government, in consultation with other parties and stakeholders, has set this threshold, but we are confident that we have got the threshold and scope at the right point. The new commission’s effectiveness would be at risk if it were inundated with very low-level complaints and misconduct matters. As I have previously made clear, such low-level misconduct is best dealt with by the Public Sector Standards Commissioner.

The amended definition of corrupt conduct is based on the New South Wales definition, with an emphasis on serious corrupt conduct and systemic corrupt conduct. This reflects the select committee’s view in 2017 that this definition should be focused on serious corrupt conduct and systemic corrupt conduct.

Unlike the ACT, New South Wales is not a human rights jurisdiction. When considering the definition, it was essential to consider the human rights implications and whether the bill would be in compliance with the territory’s Human Rights Act 2004. Why is this important? If the bill is not compliant with our Human Rights Act, then investigations by the commission may be at risk of legal challenge in the Supreme Court.

The bill provides for anyone to make a complaint to the commission about conduct that may be corrupt conduct. Complaints can be made orally or in writing. The commission is required to keep the complainant informed about the progress and outcome of their complaint, including where the commission has dismissed, referred, or investigated a complaint. These processes are based on provisions in the ACT Public Interest Disclosure Act 2012 and in another act that, as Mr Rattenbury indicated, we have drawn a lot of inspiration from: the Victorian Independent Broad-based Anti-corruption Commission Act 2011.

The bill also provides that mandatory reporters have a duty to notify the integrity commission of any information or allegation that raises a corruption issue. The mandatory reporters are heads of public sector entities and senior executives, all members of the Legislative Assembly, ministers’ chiefs of staff, and the Leader of the Opposition’s chief of staff.

In addition to the commission’s education role, the commission will be required to develop guidelines to assist the mandatory reporters to identify the type of information that should be reported to the integrity commission. As I mentioned on Tuesday, the select committee recommended that an offence of failing to make a mandatory corruption notification be provided in the bill. Failure to notify the commission is an act of omission under the bill, which is an offence.

It is worth noting that no other jurisdiction in this nation has an offence of omission provision for mandatory corruption notification. In practice this will probably mean that reporters will err on the side of reporting, given the relatively broad nature of

corrupt conduct and the penalty imposed, which will undoubtedly result in many more referrals to our integrity commission.

This further reinforces the need to have an appropriate threshold for corrupt conduct. The government understands that this is a significant responsibility being placed on individuals in the public sector and that, beyond a large offence penalty, being convicted could have significant ramifications for their career. It also reflects the government's determination that strong governance be everyone's responsibility, and that every senior official must act if they suspect corrupt conduct is taking place.

The commission possesses wide discretion to accept or reject complaints or notifications, and to undertake an investigation or refer a matter to another entity. The bill provides that the commission should triage all complaints and notifications based on criteria to dismiss, refer or investigate. These provisions ensure that the commission can refer complaints to other entities more suitable to handle them.

As part of its investigatory functions, the commission will have extensive coercive powers: surveillance operations, wire-tapping, and search and seizure powers; and the ability to compel individuals to self-incriminate. These coercive powers will limit human rights that are normally available to all persons. Where human rights are limited through the use of extraordinary powers, the government is of the belief that this should only be done to address the most serious corrupt conduct or systemic corrupt conduct.

The bill also has a low threshold for commencing investigations: "suspects on reasonable grounds that the conduct in the corruption report may constitute corrupt conduct". The threshold for investigation is critical to the effectiveness of the integrity commission. If it is too high, the commission is limited in its ability to act. If it is too low, it can be argued that it permits the commission to commence an investigation using investigative and coercive powers on the basis of limited evidence, and can be accused of contravening procedural fairness and natural justice requirements and also of breaching human rights.

The select committee recommended that the legislation prohibit the use of summons in preliminary inquiries. Instead of a preliminary inquiry summons, the bill includes a preliminary inquiry notice to produce requirement, which is similar to the powers used by other bodies, including the Auditor-General and the Ombudsman. The commissioner is still able to give a notice to someone to produce a document or a thing before the commission. Failure to comply with a preliminary inquiry notice is an offence under chapter 7 of the Criminal Code. However, a person does not have to comply with a preliminary inquiry notice if they have a reasonable excuse.

All privileges, including privilege against self-incrimination, are available to be claimed during a preliminary investigation. It is useful to note that, prior to relying on the use of a preliminary inquiry notice, there are other avenues that the commission can take, including asking the relevant entity for information or documents to assist with the inquiry. If this information is not forthcoming, a formal request can then be made under the bill. The head of the public sector entity has seven days to comply with the request.

The bill provides that the commission may decide to hold a public examination with corresponding powers to compel the attendance of witnesses. In doing so, this again may limit a number of rights under the Human Rights Act, including to privacy, freedom of movement, a fair trial, and rights in criminal proceedings.

After considering the submissions received and the experiences of other bodies tasked with investigating corruption, the 2017 select committee concluded that the integrity commission should be able to hold public examinations to discharge its legitimate objectives. The 2018 select committee reiterated the view that the legislation should be neutral as to whether a public or private examination could be conducted. In deciding whether to hold an examination in public or in private, the commission must consider whether it is in the public interest to hold a public examination, and whether a public examination can be held without unreasonably infringing a person's human rights.

A proportionality test must be undertaken where human rights are proposed to be limited. General precedence exists within the ACT context for what the courts will consider in determining whether the limitation on a person's human rights is justified. It is likely that the integrity commissioner will undertake a similar approach in determining whether a public examination is beneficial.

I draw members' attention to the bill's provisions that punish acts of contempt committed against the commission. An act of contempt includes conduct such as failure to comply with a preliminary inquiry or an examination, for example, refusing to provide information to the commission, produce a document or other thing, or answer a question.

A contempt power is necessary to persuade uncooperative witnesses to change their mind and provide information to answer questions required to further the commission's investigation. However, experience in other jurisdictions indicates that witnesses may not cooperate until the late stages of a court prosecution, that is, in the weeks immediately prior to trial.

Referring contempt to the Supreme Court is the preferred approach, given the commission's inquisitorial function. The commission will punish acts of contempt by referring the matter to the ACT Supreme Court, which will deal with the matter as though the act of contempt committed against the commission were an act of contempt against the Supreme Court.

The majority of existing Australian integrity commissions are vested with the power to certify and refer acts of contempt to the Supreme Court. This contrasts with the normal criminal process, where offences are reported to police, investigated, charged, and prosecuted by the DPP after a length of time.

The expedited trial procedure used by most commissions in Australia provides integrity commissions with timely resolution of issues of contempt. If the Magistrates Court were to determine whether contempt of the commission has taken place, the status of contempt proceedings in the Supreme Court would be lost. Appeals from the

Magistrates Court to the Supreme Court would also be a likely result, which would then cause further delay.

We understand that there will be some amendments put forward by the opposition relating to the role of, and the level of information provided to, the inspector. The government considers that the inspector provides crucial oversight of the integrity commission's powers conferred by the bill, particularly in relation to the significant coercive powers the commission will have. The inspector's main role is to provide effective oversight of the integrity commission, particularly to assess and report on the commission's legislative compliance.

The inspector will handle complaints about the commission and provide annual reports to the relevant Assembly committee. The inspector has an important role (*Extension of time granted.*) in ensuring that the commission's intrusive powers are not being abused.

The bill provides for the ACT Ombudsman to be the inspector until such time as an appointment is made. The Ombudsman is well placed to be the inspector, as the inspector's functions substantially correspond to the functions of the ACT and Commonwealth Ombudsman. The inspector does not have the coercive powers that the integrity commissioner has to investigate corrupt conduct. The inspector will be able to access the commission's record to ensure that they are acting within their legislative power.

Throughout each year, the commission will be required to report to the inspector on the use of their powers. The government considers that the monthly reporting requirements from the commission to the inspector are appropriate. This level of reporting does not make the inspector a line manager. It does not mean that they will be second-guessing the commission's actions in real time, and it does not create an undue burden on the commission. But it does ensure that regular updates are made and that there is contact between the bodies.

The bill contains a requirement for the commission to report to the inspector seven days prior to a public examination, with sufficient reasons. We anticipate that an amendment will come forward from the opposition on this point. But, given the extreme potential ramifications of being called to be examined publicly, the government considers this step to be an extremely important safeguard for all parties involved, including for the commission itself.

On an annual basis the inspector will undertake an operational review to assess the commission's compliance with the act and will prepare a report on this review, which will be contained within the inspector's annual report.

The government reiterates its determination to include ACT police within the scope of the commission. As I have outlined, and in tabling a separate exposure draft containing the police provisions, we are unable to legislate on this matter at the moment. But I am hopeful that the Prime Minister or his successor will expedite amendments to the self-government act to allow this inclusion.

Funding in the order of \$8.4 million over four years has been provided in the budget to establish the commission, which also includes funding for the inspector. The new entity will have approximately 10 staff, including the integrity commissioner, a chief executive officer, counsel assisting and investigative personnel. This reflects the staffing of commissions in other similarly sized jurisdictions, such as Tasmania. I note, responding to the opposition leader's point earlier on, that this resourcing is very consistent with the election commitment costings that were put forward by parties in the lead-up to the 2016 election. The bill provides for the integrity commission to obtain the services of other specialised personnel or agencies where needed, including policing services in other jurisdictions.

The bill delivers on our election commitment from 2016 and meets the requirements of the parliamentary agreement. I am pleased that we have arrived at this point with, on the bulk of the legislation, tripartisan support. I am confident that with the highest levels of oversight this commission will provide for the ACT community's confidence in public administration to be further strengthened.

As we go into the detail stage, we will look forward to considering the amendments. But I trust that, wherever the Assembly lands on these specific components, there will continue to be tripartisan support for the bill as a whole. I commend it to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clause 1 agreed to.

Clause 2.

MR COE (Yerrabi—Leader of the Opposition) (5.23): I seek leave to move amendments to this bill that have not been circulated in accordance with standing order 178A.

Leave granted.

MR COE: I move amendment No 1 circulated in my name [*see schedule 1 at page 5200*]. I understand that there is broad support for this amendment. It will introduce a fixed start date of 1 July.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.23): The government is happy to support this amendment to demonstrate our commitment to having the commission operational by 1 July. I note, though, that the government does not obviously have control over the recruitment process for these positions. The commencement date is highly contingent upon the successful recruitment processes that sit in your hands, Madam Speaker.

MR RATTENBURY (Kurrajong) (5.24): The Greens support this as well. We think it is good to have a locked-in start date. If there are unavoidable delays with recruitment, as the Chief Minister has flagged, we can revisit this at a later time. I think it is best to set a time frame so we know what the start date is.

MRS DUNNE (Ginninderra) (5.24): Along with everybody else I support this amendment, I want to flag the issue of whether you, Madam Speaker, can legally act to recruit before the commencement date and whether after you recruit a commissioner the commissioner can legally act to appoint a CEO et cetera down through that. While I support the amendment I ask the government to consider whether they will have to separately commence parts 1 and the early parts of part 2, chapter 2.

MR COE (Yerrabi—Leader of the Opposition) (5.25): My very diligent adviser has just texted a response to that very question, Mrs Dunne, and she advises that under section 81 of the Legislation Act it will be possible.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clauses 3 to 7, by leave, taken together and agreed to.

Clause 8.

MR COE (Yerrabi—Leader of the Opposition) (5.26): I move amendment No 2 circulated in my name [*see schedule 1 at page 5200*]. This amendment seeks to prevent the legislation unduly restricting the commission from looking into matters that involve judicial officers. In practice the commissioner will likely dismiss the complaints that only involve the merits of a decision made by a judicial officer, an order made by a judicial officer or a judgement given by a judicial officer. However, there may be occasions where these matters intersect, for example, where a judgement is undermined or influenced by corrupt conduct or behaviour of a judicial officer or another person.

Whilst we are not talking about the decision in isolation; we are talking about when that decision has been influenced by something else. We do not want to risk unintentionally restricting the commissioner because the legislation requires him to dismiss complaints that relate to these circumstances. Therefore we think it is an important amendment.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.27): The government will not be supporting Mr Coe's amendment as this is a fundamental issue of the separation of powers. The commission cannot be investigating and calling into question judicial judgements based on only the fact that the complainant disagrees with the outcome.

There must be some reasonable suspicion of corrupt conduct beyond the judgement itself, and if a party to court proceedings disagrees with the judgement the appropriate action is to appeal. For those reasons we will not be supporting this amendment.

MR RATTENBURY (Kurrajong) (5.28): The Greens will not be supporting this amendment. Whilst we wholeheartedly support the inclusion of the judiciary in the remit of the integrity commission and believe that it is fundamentally important that no public official be excluded from being investigated for corruption, we share the view of the Chief Minister that this infringes on issues related to the separation of powers. We hold the view that we should only look at judges if the issue relates to their conduct and not the merits of their decisions. As the Chief Minister has rightly pointed out, the merits of the decisions can be dealt with through the normal appeals process in the legal system.

MRS DUNNE (Ginninderra) (5.28): The Assembly should be supporting this amendment. During the discussions on this I have noticed a couple of times the government has said, “Oh, we can’t do this in relation to the judiciary because it’s a separation of powers issue.” On a number of these issues they have stepped back from that and this is another occasion where the government has blandly said this is a separation of powers issue. It is not. The amendment is very carefully worded. It does not say they must investigate these matters; it says the commission need not investigate these matters. It leaves it open to the discretion of the commission to investigate something where corrupt conduct may be indicated by the sort of judgement a judicial officer has given.

This is the sort of thing you would find in civil cases, rather than criminal cases. But the fact that once you point to a judgement you make it impossible for the commissioner to investigate is a retrograde step. It is clear that the government and the crossbench—so the government and the government—will not support this amendment and I think the committee and other people overseeing this will have to look at it very carefully. I suspect that this is one of the ones that will come back at some stage in the future for review and revision.

Amendment negatived.

MR COE (Yerrabi—Leader of the Opposition) (5.31): I move amendment No 3 circulated in my name [*see schedule 1 at page 5200*]. This amendment deals with whether a previous investigatory body should bar future investigations by the commission. The select committee’s report was very clear that previous investigations should not be a bar to the commission deciding to investigate a corruption report.

While the bill has improved from the original exposure draft there is still a risk that previous investigations may be seen to be a bar through the inclusion of this provision. We need an integrity commission because other investigative bodies, like the Auditor-General, do not do the work of an ICAC. Therefore, we should not put any restriction on past investigations impacting possible future investigations.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.32): The government will not be agreeing with Mr Coe's amendment. That is not because we do not think the commission should have the power to open new investigations into matters that have already been investigated. Under the government's preferred clause 8 the commission has the power to open a new investigation into a matter that has been investigated by another body. But it also should have the capacity to consider the effectiveness of a previous inquiry or investigation in making that determination. The requirements under section 8(3) are not a bar or restriction on the ability of the commission to investigate a matter previously investigated but are, instead, matters for the commission to consider.

While the commission, as has been recommended by the two committee reports and examinations, should primarily focus on prospective and current matters it has the power to go all the way back to 1989, and that is as it should be. But Mr Coe's amendment would knock out the capacity of the commission to consider the effectiveness of a previous inquiry or investigation in making that determination.

We do not believe that this provision is a bar or a restriction on the ability of the commission to investigate past matters, so for that reason we will not be supporting Mr Coe's amendment.

MR RATTENBURY (Kurrajong) (5.33): I agree with Mr Coe that there should not be a bar to looking at a matter that has already been investigated by another organisation, the point being that the integrity commission will have different powers. However, my reading of the legislation—and we have looked at this quite carefully given that it is a dispute point—is that a previous investigation may be a matter the commissioner should consider. If there has been a previous investigation that has made a finding and the commissioner does not see any new evidence or does not feel that there are new angles to bring to the matter or a range of other factors they may consider, the commissioner should have the ability to consider that. We will not be supporting the amendment; we do not believe that this is a bar to investigation in the way it is currently framed.

MRS DUNNE (Ginninderra) (5.34): For me this is probably the most important amendment in this tranche. It is clear from successive committee reports that this was not a matter that should be part of the legislation. There could have been many ways for the government to deal with this and I do not believe the way it is drafted is clear enough. If I were in the commissioner's position I would be relying on the extrinsic material that was produced in the debate where the government has said it is not its intention to do this, but this a very difficult and ham-fisted way of doing it. If it is not the government's intention to prevent the commissioner from investigating things already investigated, we need to agree to Mr Coe's amendment to remove this provision.

MR COE (Yerrabi—Leader of the Opposition) (5.36): To provide additional clarity, it is worth looking at amendment No 3 in conjunction with amendment No 4. Amendment No 4 inserts a new catch-all clause which is almost identical to what the government has in 71(3)(k), that is, having regard to all the circumstances further

investigation of the conduct is not justified. Exactly what Mr Rattenbury raised as a concern is addressed by amendments Nos 3 and 4 read together.

Question put:

That the amendment be agreed to.

Ayes 9

Noes 12

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

Amendment negatived.

MR COE (Yerrabi—Leader of the Opposition) (5.41): I move amendment No 4 circulated in my name [*see schedule 1 at page 5200*]. As I just mentioned, this amendment sets out a new catch-all clause, similar to 71(3)(k), where it states, having regard to all the circumstances, further investigation of the conduct is not justified.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.42): Given that the two were linked, and, as Mr Coe has indicated, we have voted not to omit the other one, just for consistency of drafting purposes the government will not support this. Once all of the amendments are determined and we look at the totality of the bill, something like this may need to be inserted at a later date, possibly. But I am not going to agree to it on the run, given that amendments Nos 3 and 4 were together—

Mr Coe: No, it was just the context—

MR BARR: Yes, they have context. We will not support it at this point, but we will reserve the right to do so at some later point, once we have completed our analysis of all of the amendments, because there are a lot. I do not want to let this one slip through on the run. My advice is not to support it, so I will not at this point.

MR RATTENBURY (Kurrajong) (5.42): We formed the view that this was linked to the previous one as well. On that basis we do not intend to support it.

MRS DUNNE (Ginninderra) (5.43): If the Chief Minister is concerned about the wording, I refer him to clause 71(3)(k), which has exactly the same wording; it is the same catch-all which has been picked up and replicated here. It is the same drafting. Although these two amendments sort of go together, this one, as did the previous one, also stands alone. There is a connection, but they are not consequential, one on the other.

Mr Barr: As I say, I am not going to do it on the run, Mrs Dunne. I am not going to do it this way, because we will be back to tidy them up time and time again. It is too complicated to try to do it this way.

MRS DUNNE: Diddums.

Mr Barr: You agreed with me in the hearings the other day—that exact reason.

Amendment negatived.

Clause 8 agreed to.

Clause 9.

MR COE (Yerrabi—Leader of the Opposition) (5.44): I move amendment No 5 circulated in my name [*see schedule 1 at page 5200*]. This very important amendment seeks to bring the definition of corrupt conduct in line with that of New South Wales, a definition that was confirmed to be the preferable definition by both select committees.

The amendment allows the commission as much scope for discretion as possible. The commission should not be restricted from looking into anything that is potentially corrupt. I think that the argument that this would make the commission a clearing house for complaints is flawed. The commissioner will not waste his or her time looking at petty issues. We are trusting this commissioner with a huge amount of responsibility, yet somehow we do not seem to trust the commissioner with the ability to dismiss such vexatious complaints.

The commission will take complaints from anyone, with the distinction being that a serious disciplinary offence and a simple disciplinary offence will not prevent people from reporting minor misconduct. The same complaints are still going to come in, so the same discretion is still going to have to be exercised. Each one is still going to have to be analysed regardless of where that line is. I do not think that there is really any great efficiency by having a different line.

The mandatory reporting requirements apply only to serious and systemic corruption, which means that this change would not impose an onerous burden on the public service or on members of the Assembly. I think this amendment is appropriate and it strikes the right balance, as we have seen in other jurisdictions.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.46): The government prefers the amendment that is to be moved by Mr Rattenbury in relation to this matter. Obviously, this has been the subject of a discussion back and forth between the parties over not just weeks but months. Our view remains that misconduct is dealt with by the Public Sector Standards Commissioner and the threshold needs to be set at a point so that the commission avoids being inundated with minor infractions and complaints that would reduce its effectiveness.

I will signal that the government will agree with the Greens amendment to define a serious disciplinary offence as one that warrants a serious employment penalty, such as demotion, suspension or probation. That, I think, sets the appropriate benchmark here, not something that would result in an employee receiving counselling or some other form of support to rectify their performance.

MR RATTENBURY (Kurrajong) (5.47): This is an issue that we have given some very careful thought to. We have wanted the integrity commission to have sufficient scope to look at matters that may relate to corruption. What we do not want is to have the commission stepping into the role of essentially doing what a manager should be doing in the public service where there has been some relatively minor level of misconduct.

In light of that, it is also reflected in the fact that there is clear agreement across the table that we want the commission to focus on serious and systemic corruption. That is one benchmark that we have all agreed to, and I think there is scope that misconduct could point to that serious and systemic corruption at times. But we are very clear here that, with the minor misconduct, there have been all sorts of examples talked about, whether it is somebody repeatedly coming to work under the influence of alcohol or pilfering stationery from the stationery cupboard; they are the sorts of examples that have been thrown around a little bit.

For me, the notion of bullying is a good example. You could see bullying of the variety that we do see in the workplace, which can be very destructive for an individual, but it is not corruption. It should be dealt with as a matter of human resources and as a matter of discipline. However, if bullying moved into the territory of seeking to influence the outcome of a tender, by using bullying to influence that process, that would fall into this category.

For me, that is the distinction that we have sought to draw. I think it is a line that can be appropriately defined. When we get to it in a moment, I will move an amendment which describes the definition of serious disciplinary offence. We believe that that will suitably address what the Assembly is seeking to address.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 9

Mr Coe	Mr Milligan
Mrs Dunne	Mr Parton
Mrs Jones	Mr Wall
Mrs Kikkert	
Ms Lawder	
Ms Lee	

Noes 12

Mr Barr	Ms Le Couteur
Ms Berry	Ms Orr
Ms J Burch	Mr Pettersson
Ms Cheyne	Mr Rattenbury
Ms Fitzharris	Mr Steel
Mr Gentleman	Ms Stephen-Smith

Amendment negatived.

MR COE (Yerrabi—Leader of the Opposition) (5.53): I move amendment No 6 circulated in my name [*see schedule 1 at page 5200*]. This is consequential to amendment No 5, based on the definition of “misconduct”.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.53): The government will not be supporting this amendment, consistent with our position on the previous one.

Amendment negatived.

MR RATTENBURY (Kurrajong) (5.54): I seek leave to move an amendment to this bill that has not been circulated in accordance with standing order 178A.

Leave granted.

MR RATTENBURY: I move amendment No 1 circulated in my name [*see schedule 2 at page 5208*]. As flagged in the earlier discussion, this is the proposed alternative definition of a “serious disciplinary offence” which we believe allows for sufficiently wide scope by referring to any serious misconduct or any other matter that constitutes or may constitute grounds for termination action under any law, or a significant employment penalty. This speaks to the sorts of matters that we would all agree fit under that notion of serious and systemic corruption. The employment penalty could include a range of measures, such as demotion and all the sort of things that one would anticipate would be related to a serious corruption matter.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.55): As I have indicated previously, the government will support Mr Rattenbury’s amendment.

MR COE (Yerrabi—Leader of the Opposition) (5.55): The opposition will also be supporting Mr Rattenbury’s amendment. Whilst, of course, we preferred our proposed amendment, given that it will not get up, Mr Rattenbury’s amendment is certainly an improvement on what the government proposed.

Amendment agreed to.

MR COE (Yerrabi—Leader of the Opposition) (5.56): I move amendment No 8 circulated in my name [*see schedule 1 at page 5201*].

Amendment negatived.

Clause 9, as amended, agreed to.

Clauses 10 to 25, by leave, taken together and agreed to.

Clause 26.

MR COE (Yerrabi—Leader of the Opposition) (5.57): I move amendment No 9—of 94, by the way—circulated in my name [*see schedule 1 at page 5201*]. We are of the view that the bill is flawed in allowing for preferential treatment of judges to the exclusion of other qualified or more suitable candidates. There may be circumstances where a lawyer of more than 10 years standing is a better candidate, based on their experience, than a judge, and because of this section, the judge is selected by virtue of the fact that they have been a judge, regardless of all other considerations.

This, to me, sounds absolutely crazy. We should be able to appoint the best person for the job, regardless of whether they have been a judge, a magistrate or otherwise. The appointment process should be based on merit, and it should simply allow for the best person to get the job.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.58): The government will not be supporting this amendment. It is our view that the nature and importance of the integrity commissioner role mean that this structured selection process is justified. But the government is of the view that if you, Madam Speaker, are unable to find a suitable former judge to be appointed as the commissioner, the selection committee can expand the pool to consider a lawyer of 10 years practice.

MR COE (Yerrabi—Leader of the Opposition) (5.59): There are many people who could fit the bill that are quite eminent. For instance, imagine somebody who has been special counsel at a royal commission, somebody who has led a prosecution service or somebody who has led other similar bodies elsewhere in the country. They must be excluded if any judge or magistrate applies for the job. They cannot get this job if any of them put an application in. It is absolutely crazy that we would do that.

Further to this, it is also a potential excuse to delay the establishment of the commission. Whilst I have no problem with a judge or magistrate being looked at favourably by the commission because of their skill set, I do not think it should be to the detriment of any other candidate.

MR RATTENBURY (Kurrajong) (6.00): We will not be supporting this amendment by Mr Coe. We have reflected on this. I think that, given the seriousness of the role and the general acceptance that a former judge would be the most suitable candidate, the wording does require the Speaker to consider applicants first and, if there is no suitable applicant, consider other applicants. I think this provides guidance as to the expectations of the legislature. I do not know that it goes as far as Mr Coe has described it. This is the nature of some of the amendments. A subtle reading of the legislation obviously will be important, but I do not think it is as severe as Mr Coe has described it, and we will not be supporting the amendment.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 9

Noes 12

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

Amendment negatived.

MR COE (Yerrabi—Leader of the Opposition) (6.04): I move amendment No 10 circulated in my name [*see schedule 1 at page 5201*].

At 6.04 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.

MR COE: Amendment No 10 is still relevant despite No 9 going down. Section 26(1) states that the Speaker may appoint a person who has been a judge, et cetera. Section 26(2) says that in appointing a person as commissioner, the Speaker must consider applicants mentioned in subsection (1) first and then, if there is no suitable applicant, consider other people.

I think it makes sense that they are all considered at the same time rather than having to have a recruitment process, then determine that none of them is appropriate and then do another recruitment process. It is quite possible that there could be a recruitment process at the same time. That is why I think amendment 10 is worth pursuing.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (6.06): Again, my advice was that these were consequential, so again, at the risk of doing drafting on the run, I am not in a position to support this at this point in time. We are opposing 9 and 10.

MR RATTENBURY (Kurrajong) (6.06): The Greens will not be supporting this. The actual proposal is to omit the words “In addition” and substitute the word “However”. I had understood this to be consequential to the previous one, and I do not think it stands in its own right.

Amendment negatived.

Clause 26 agreed to.

Clause 27.

MR COE (Yerrabi—Leader of the Opposition) (6.07): I move amendment No 11 circulated in my name [*see schedule 1 at page 5201*]. This amendment specifies the appointment process. It should be a competitive one. We should not have a situation where the commissioner is essentially hand-picked or the pool is unnecessarily restricted. Any appointments should be open, accountable and competitive to ensure that the best person gets the job.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (6.07): I am happy to agree with Mr Coe on this point. It is somewhat superfluous, but there is no harm in adding this in, so we support this amendment.

MR RATTENBURY (Kurrajong) (6.08): We also support this amendment. We think it is a valuable addition to the wording.

Amendment agreed to.

Clause 27, as amended, agreed to.

Clauses 28 to 36, by leave, taken together and agreed to.

Clause 37.

MR COE (Yerrabi—Leader of the Opposition) (6.08): I move amendment No 12 circulated in my name [*see schedule 1 at page 5201*]. Madam Speaker, just as the Assembly requires a two-thirds vote to appoint the commissioner, we think a two-thirds vote should be required to suspend the commissioner. Therefore it would be consistent on exit and on entry.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (6.09): The government will not be supporting this. Whilst it might be consistent on entry and exit, it would not be consistent with any other statutory office holder, for there is no requirement for a two-thirds majority to suspend or end the appointment of any other statutory office holder. Imposing this requirement would mean that it would be more onerous to remove a commissioner than it would be to remove a judge, which would make the process unjustifiably different from existing statutory office holders. We will not be supporting this amendment.

MR RATTENBURY (Kurrajong) (6.10): The Greens will not be supporting this amendment. The two-thirds majority is required for the appointment of the commissioner, but there is a requirement for consultation with all parties and the committee in place for a suspension. As Mr Barr has just noted, if we did pass this, it would create a higher bar for suspension than exists for judges, and I do not think that is a standard the Assembly needs to set. There is an extensive process in there, and we will not be supporting this amendment.

Amendment negatived.

MR COE (Yerrabi—Leader of the Opposition) (6.10): I move amendment No 13 circulated in my name [*see schedule 1 at page 5201*]. Just as we spoke about the suspension of a commissioner, if we are to terminate a commissioner's appointment, we should have two-thirds of this place; otherwise it could be, albeit in an extreme situation, that somebody does not like the way that the commissioner is investigating a certain issue and that issue could be stalled before an election or for any other reason without going before this place. So I think it is reasonable that we have a two-thirds vote of the Assembly before we allow for an investigation to be interrupted by the termination of a commissioner.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (6.11): For the same reasons that were outlined on the previous amendment, the government will not be supporting this one.

MR RATTENBURY (Kurrajong) (6.12): I refer to my earlier comments. I listened to what Mr Coe just said. To be honest, I think that if the majority of this parliament removed an integrity commissioner just before an election to try to cover something up, the Canberra community would see right through that. We take the view, as I said earlier, that this sets a different bar that we do not see as necessary.

MRS DUNNE (Ginninderra) (6.12): Madam Speaker, as we go through this legislation, there are a whole lot of bars which are different in this legislation from other places. The suspension process is much more complex than it is for the Clerk of the Assembly or any other officer of the Legislative Assembly. By drafting the legislation the way we have, we have said that this is special, this is different, this is a cut above.

This is one of the areas in relation to the sacking of a commissioner where we need to be very careful. It is not beyond the realms of possibility that a majority government would move to do away with the commissioner because he is inconvenient, he is doing inconvenient things.

We have seen in the past how governments have responded to inconvenient Auditor-General's reports. We saw a previous Chief Minister lose his temper with an Auditor-General and say, "Okay, we are going to have a performance audit of the Auditor-General's Office." That was clear retaliation against the performance of the Auditor-General. It is not beyond the realms of possibility that a desperate government would use its simple majority to do away with this.

A two-thirds majority means that there has to be substantial cross-party support. Essentially, the government and the opposition will have to agree. In the same way that they have to agree to the appointment, they would have to agree that the conduct of this person is sufficiently egregious that they need to be removed. This means that the commissioner would not be the subject of the whim of the government of the time. As we see the way the votes coalesce in this place at the moment, it is not beyond the realms of possibility that the minor party supporter of a government might come on board even if there were a minority government.

This is a very important safeguard to ensure the integrity of the commissioner and that he is safeguarded.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (6.14): Equally, a corrupt opposition could keep a corrupt commissioner in place, Madam Speaker. That is the same reality. Mrs Dunne’s argument can be inverted. A small minority of the Assembly could block the sacking of a commissioner who had done the wrong thing.

Amendment negatived.

Clause 37 agreed to.

Clause 38.

MR COE (Yerrabi—Leader of the Opposition) (6.15): I move amendment No 14 circulated in my name [*see schedule 1 at page 5201*]. As with amendments Nos 12 and 13, we believe that a two-thirds majority should be required. This amendment seeks to omit the following text: “otherwise resolves to require the Speaker to end the commissioner’s appointment”. We would rather it read: “by resolution passed by a majority of at least two-thirds of the members, to require the Speaker to end the commissioner’s appointment”. We think this makes sense.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (6.16): The same rationale applies to this amendment as to the previous one, so the government will not be supporting it.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 9

Noes 12

Mr Coe
Mrs Dunne
Mrs Jones
Mrs Kikkert
Ms Lawder
Ms Lee

Mr Milligan
Mr Parton
Mr Wall

Mr Barr
Ms Berry
Ms J Burch
Ms Cheyne
Ms Fitzharris
Mr Gentleman

Ms Le Couteur
Ms Orr
Mr Pettersson
Mr Rattenbury
Mr Steel
Ms Stephen-Smith

Amendment negatived.

Clause 38 agreed to.

Clause 39 agreed to.

Clause 40.

MR COE (Yerrabi—Leader of the Opposition) (6.18): I move amendment No 15 circulated in my name [*see schedule 1 at page 5201*]. The amendment we are putting forward, we think, is a simpler and better version. This allows for consultation with the relevant committee for the Speaker's appointment of an acting commissioner. This may be relevant where the commissioner is acting for an extended period of time; for example, we have not had a permanent successor appointed to the A-G position for some time. Or where the acting appointment is for approved leave—for example, annual leave—the commissioner may appoint someone in consultation with the Speaker. That is similar to the process used by other statutory office holders.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (6.19): We are happy to support this. I do not think there is any particular issue with the provision as currently drafted, but if removing the consultation requirements of the Chief Minister, the Opposition Leader and another party leader is something that the opposition leader and the Liberals are particularly focused on, I am not sure that it necessarily adds to the scope of consultation—it restricts it—but I am not going to have a fight over that particular matter.

MR RATTENBURY (Kurrajong) (6.20): We are happy to support this. We believe that it does clarify the wording. I do not think it substantially changes the meaning, but we are happy to support this one.

Amendment agreed to.

Clause 40, as amended, agreed to.

Clause 41.

MR COE (Yerrabi—Leader of the Opposition) (6.20): I move amendment No 16 circulated in my name [*see schedule 1 at page 5202*]. The amendment we are putting forward here will exclude all former politicians from being appointed as the CEO of the commission. We are not talking about the commissioner here, but we are talking about the CEO of the commission. There are only two SES level positions, or executive level positions, within the commission. If the CEO is intended to be the acting commissioner, if at any point the CEO becomes the acting commissioner we should have, therefore, a very high standard for that CEO. So we do not think it is appropriate that we could have former politicians in this role.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (6.21): We are happy to agree to this amendment, as obviously it is already in the bill in relation to the role of the commissioner. Yes, Malcolm Turnbull, Brendan Nelson or any other people who may have had ambitions to be the CEO—

Mr Coe: Joe Tripodi.

MR BARR: Yes, will not be able to, Madam Speaker.

MR RATTENBURY (Kurrajong) (6.22): We will be supporting this. I think it is one of those things where the perception of these matters is quite important. I will also take the opportunity to speak to the next amendment, because that then requires that a person cannot be appointed as a CEO if they have been a member of a political party in the past five years. We will not be supporting that. I think there is a distinction there where we need to acknowledge that in the public service people are allowed to belong to political parties.

There is an extensive process in this legislation for people to have to declare potential conflicts of interest, just as people do in all sorts of jobs. I think that distinction is the right one to draw here. It should not be the case that people cannot have views on things, but we certainly need to be very clear about this if they do. I think we have the appropriate provisions later in the legislation to deal with those matters. We are supporting Mr Coe's amendment No 16.

Amendment agreed to.

MR COE (Yerrabi—Leader of the Opposition) (6.23): I move amendment No 17 circulated in my name [*see schedule 1 at page 5202*]. I thank Mr Rattenbury for speaking to this one earlier. In actual fact, I think he gave a compelling case why this amendment should be supported, because he spoke of the need to ensure that the perception and the standards of the commission are upheld. The reality is that if we have people who have been members of a political party working in this commission, I think we risk tainting its reputation.

We are not actually supporting them in their role if we allow one, two or several of their colleagues to have been members of a political party with an obvious political bias, a declared political bias—this is what being in a political party is—in the past five years. We are not saying “ever”. We are not saying this in respect of someone who was a member of a political party during university. We are just saying that if you have been a political party member in the past five years, you probably should not be in an organisation called the integrity commission that is, in part, overseeing politicians. We think it is pretty reasonable.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (6.24): I guess this is an issue where a balance must be struck. The Human Rights Commission has been quite clear in their advice that precluding someone on the basis of a political party membership would be breaching their democratic rights. It is a line ball call; I acknowledge that. We fell on the side of agreeing with a ban of former politicians but we do not agree in this instance. So we will not be supporting Mr Coe's amendment.

MR RATTENBURY (Kurrajong) (6.25): I will add a couple of further comments in light of Mr Coe's observations. I think this is where you have to look at this piece of legislation in totality. I think you can be potentially outraged by this line ball decision,

but there is a whole other set of processes here. There is a selection process that you, Madam Speaker, will lead. If somebody had overtly been a member of a political party for the past few years and had been really out there—that kind of thing—that is one thing. But if they sort of had a flutter with a new party that boiled up five years ago and they had belonged to it for six months, but they have moved on to do a bunch of other things, that would be an entirely different consideration.

Firstly, there is a selection process. Then there is the two-thirds of the Assembly that has to make this decision as well. I think you need to see these things in totality, not as singular matters. That is where I think simply to apply this sort of strict condition would be too strict, too absolutist. There are various other safeguards built into this legislation. That is how we have thought about this legislation. This legislation is a tapestry. There are quite a few elements that militate against the point that Mr Coe was making.

MRS DUNNE (Ginninderra) (6.26): This is one of those pub test things. Yes, the Chief Minister might call it a line ball issue, but this is not a line ball issue. This is someone who has had political involvement becoming the CEO of an integrity organisation that oversees, amongst other things, people who are members of political parties. I think that Mr Rattenbury is incorrect. The appointment is made by the commissioner and not by the Assembly. There is not any public scrutiny of the appointment in the same way that there is public scrutiny of the commissioner.

We have introduced legislation today that says that certain sorts of property developers cannot make donations to political parties. So we are being very stringent in some places. Here, where someone may have political involvement and may get through the process, I think it just does not pass the pub test.

We are actually here addressing community concerns about whether or not people in the ACT, in ACT government organisations and in the Assembly are conducting themselves with probity. Then you have somebody—it does not matter which political party they belong to; they will have a bias—who, if given the chance, might exercise those functions.

Despite exercising the wisdom of Solomon, the perception will always be that if they make a decision or act in a particular way that disadvantages someone from another party, that they have acted in a politically biased way and it does reputational harm to the organisation. That is why Mr Coe's amendment must be supported.

MR RATTENBURY (Kurrajong) (6.28): I must acknowledge that Mrs Dunne is right. I did get my appointment processes wrong there. It seemed inevitable that somewhere in this complex debate we would eventually get one of them confused. Nonetheless, I make this point: in recruiting the CEO, we are entrusting the commissioner with substantial responsibility. This is actually a discussion we have had in the discussions in the last few days. Where does one draw the line? We have given the commissioner broad powers and we are giving someone significant responsibilities. This is a matter they will need to weigh up in their consideration of who would be recruited as the CEO.

That is why I am reluctant to go for an absolutist test on this one. That is why we will not be supporting this amendment. It is about the absolutism of it. These are matters of judgement and we expect the judgement to be carefully used in these circumstances.

MR COE (Yerrabi—Leader of the Opposition) (6.29): If we are going to try to avoid absolutisms, why do we have criteria in there? It says, “Is, or has, in the five years immediately before the day of the proposed appointment been a public servant”. Why do we have that in there? We should strike that out. Obviously, we are trying to protect the integrity of the integrity commission here. That is why it is not reasonable that the CEO, who also becomes the acting commissioner, could be a member of a political party in the past five years.

I cannot imagine any circumstance where that is actually permissible in the eyes of the public. I just cannot imagine any circumstances where you could say that somebody who has been a party member in the past five years is suddenly making the call on whether or not to investigate politicians. We might say that these are extreme circumstances. Well, they are not, really.

This is about upholding the integrity of a new body. This is a special body. We do not have precedent here; we do not have form. We have to make sure that we put in place certain standards that ensure the reputation of this organisation. To that end, I think it is very important that we at least maintain political impartiality by way of the CEO and the commissioner.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 9

Noes 12

Mr Coe
Mrs Dunne
Mrs Jones
Mrs Kikkert
Ms Lawder
Ms Lee

Mr Milligan
Mr Parton
Mr Wall

Mr Barr
Ms Berry
Ms J Burch
Ms Cheyne
Ms Fitzharris
Mr Gentleman

Ms Le Couteur
Ms Orr
Mr Pettersson
Mr Rattenbury
Mr Steel
Ms Stephen-Smith

Amendment negatived.

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

Sitting suspended from 6.33 to 7.30 pm.

Integrity Commission Bill 2018

Clause 41.

Debate resumed.

MR COE (Yerrabi—Leader of the Opposition) (7.31): I move amendment No 18 circulated in my name [*see schedule 1 at page 5202*]. This amendment simply specifies that the appointment process should be a competitive one.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (7.31): We can start off this session in agreement; for the same reasons that we outlined when a similar amendment was moved, I am happy to support this.

MR RATTENBURY (Kurrajong) (7.32): Similarly, we will agree to this amendment.

Amendment agreed to.

Clause 41, as amended, agreed to.

Clauses 42 to 49, by leave, taken together and agreed to.

Clause 50.

MR COE (Yerrabi—Leader of the Opposition) (7.32): I move amendment No 19 circulated in my name [*see schedule 1 at page 5202*]. This is just a minor and technical amendment that will add clarity.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (7.33): I agree that it will add clarity. We will support it.

MR RATTENBURY (Kurrajong) (7.33): We also believe this offers clarity and is an improvement to the bill. We will be supporting it.

Amendment agreed to.

Clause 50, as amended, agreed to.

Clauses 51 to 70, by leave, taken together and agreed to.

Clause 71.

MR COE (Yerrabi—Leader of the Opposition) (7.34): I move amendment No 20 circulated in my name [*see schedule 1 at page 5202*]. This amendment seeks to prevent the legislation unduly restricting the commission in looking into matters that involve judicial officers. In practice, the commission will likely dismiss complaints that only involve the merits of a decision made by a judicial officer. However, there will still be time when a decision may well be linked to corrupt conduct. Therefore, we do not want to risk unintentionally restricting the commission.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (7.34): This touches on issues that we debated before the dinner break. If this amendment were to be accepted, it would be impinging on the separation of powers, but it would also put the functions of the integrity commission at a higher risk of challenge in the High Court. The integrity commissioner is an officer of the Legislative Assembly and so cannot inappropriately investigate judicial decisions, and the commission cannot be an avenue for unsatisfied litigants to appeal or review decisions made by judicial officers.

MR RATTENBURY (Kurrajong) (7.35): As we discussed earlier, Madam Speaker, whilst the Greens absolutely believe that the judiciary should be covered by the remit of the integrity commission, we do not support the amendment that Mr Coe is proposing. I think it goes beyond looking at matters of corruption and goes to matters of judicial decisions. We do not believe that should be the remit of the integrity commission.

Amendment negatived.

MR COE (Yerrabi—Leader of the Opposition) (7.36): I move amendment No 21 circulated in my name [*see schedule 1 at page 5203*]. This amendment relates to the section about when a corruption report should be dismissed. Sections 71(2) and 73(3)(i) should be omitted to comply with recommendation 19 of the select committee report.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (7.36): The government disagrees here that the commission should be investigating a corruption report even if satisfied that it does not justify investigation. Its finite resources should be directed to cases which, on reasonable grounds, do require a closer look. That is what the expert investigators and the commissioner will be hired to do. Again, Madam Speaker, it is reasonable for the commission to consider a range of factors, including whether there has been a previous investigation, in deciding whether to investigate, but that does not preclude a further investigation.

Amendment negatived.

MR COE (Yerrabi—Leader of the Opposition) (7.37): I move amendment No 22 circulated in my name [*see schedule 1 at page 5203*].

Amendment negatived.

MR COE (Yerrabi—Leader of the Opposition) (7.37): I move amendment No 23 circulated in my name [*see schedule 1 at page 5203*].

Amendment negatived.

Clause 71 agreed to.

Clause 72.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (7.38): I seek leave to move amendments to this bill that have not been circulated in accordance with standing order 178A and, pursuant to standing order 182A(b), are minor or technical in nature.

Leave granted.

MR BARR: I move amendment No 1 circulated in my name [*see schedule 3 at page 5209*]. A supplementary explanatory statement covers those amendments. These are all minor and technical amendments, just renumbering clauses in order to align with changes and other cross-referencing that have occurred during the drafting of the bill. I present the supplementary explanatory statement to them.

MR RATTENBURY (Kurrajong) (7.39): Madam Speaker, we will be supporting this. There are a series of these technical amendments. They are the same as the ones that Mr Coe has brought forward, and they reflect the useful discussions that went on over the course of the past week or so, where these common matters were identified.

Amendment agreed to.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (7.40): I move amendment No 2 circulated in my name [*see schedule 3 at page 5209*].

Amendment agreed to.

Clause 72, as amended, agreed to.

Clause 73.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (7.40): I move amendment No 3 circulated in my name [*see schedule 3 at page 5209*].

Amendment agreed to.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (7.41): I move amendment No 4 circulated in my name [*see schedule 3 at page 5209*].

Amendment agreed to.

Clause 73, as amended, agreed to.

Clause 74.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (7.41): I move amendment No 5 circulated in my name [*see schedule 3 at page 5210*].

Amendment agreed to.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (7.41): I move amendment No 6 circulated in my name [*see schedule 3 at page 5210*].

Amendment agreed to.

Clause 74, as amended, agreed to.

Clauses 75 to 77, by leave, taken together and agreed to.

Clause 78.

MR COE (Yerrabi—Leader of the Opposition) (7.42): I move amendment No 30 circulated in my name [*see schedule 1 at page 5203*]. We have an interesting situation whereby we are moving a consequential amendment to clause 78 but it is dependent upon my amendment No 51, which is a change to section 205. So we might have a bit of a proxy debate about amendment 51, then that will inform us about these earlier amendments that are consequential.

The select committee report clearly states that the inspector notifications as per recommendation 45 should be removed. Page 66 of the select committee report states:

The Committee views the Inspector as having a powerful oversight role of the Commission's operations rather than a day to day involvement in the Commission's processes. The Committee did not envisage the legislation containing the kind of provisions described above ... The Committee is of that view that such provisions should be removed from the legislation as they are unnecessary if the Inspector's broad powers are stated as recommended above.

Amendment 51 is the omission of clause 205(a). Clause 205(a) states that the commissioner must give a written report to the inspector at the end of each month, including a copy of each confidentiality notice given to a person under sections 78 and 79. I really do not think that it is the role of the inspector to get involved in these day-to-day matters. I think there is a role for oversight, of course. There is a role for the inspector to follow the cases at large. But I do not think they should get involved in the nitty-gritty. The quarterly and annual reporting should be enough.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (7.45): These remarks will cover all of the amendments that go to this question of oversight and reporting. The government has acknowledged, from the initial exposure draft to this legislation, the views of the committee in relation to not wanting excessive oversight turning the inspector into a line manager for the commission. That is understood. That is why the changes have been made to move to monthly reporting, rather than effectively real-time reporting.

We think this strikes the right balance. The inspector is an important safeguard for all parties, including the commission itself, to remain within the scope of its extensive powers and functions. So it is our view to err on the side of caution here. Monthly reporting is not too arduous for the commission. And it acts as a very important safeguard not only for the commission itself but for all parties who may come within the commission's interest over time. This, we believe, strikes the right balance. Hence we do not agree with its removal as Mr Coe intends through the various amendments.

MR RATTENBURY (Kurrajong) (7.47): Equally, I am speaking to the broad issue that we are discussing here. This is one area that I have changed my mind on since the committee discussion. In the committee we talked about the fact that we did not want the inspector playing a line management role or an operational role. But persuasive arguments were put in the discussions over the last couple of weeks that, particularly in the early days of the commission, having some degree of at least reasonably frequent reporting offers an opportunity to, if there are concerning trends emerging, pick them up more quickly in this way.

Mr Coe talked about potentially quarterly reporting being more appropriate. I laughed because we often have the debate the other way about wanting more frequent reporting.

Mr Coe: We are not getting the reports.

MR RATTENBURY: I realise this. But often in this place we discuss the amount of reporting somebody should do, and it is an interesting role reversal here. In the early days of the commission, having a bit more frequent reporting will enable any flaws in the legislation or operational problems to be picked up. It might be that when we hit the review point for this legislation there is a view formed that less frequent reporting is required. But I am comfortable to err on the side of a bit more frequency at this point in the commission's history.

Amendment negatived.

Clause 78 agreed to.

Clause 79.

MR COE (Yerrabi—Leader of the Opposition) (7.49): I move amendment No 31 circulated in my name [*see schedule 1 at page 5203*].

Amendment negatived.

Clause 79 agreed to.

Clauses 80 and 81, by leave, taken together and agreed to.

Clause 82 agreed to.

Clause 83.

MR COE (Yerrabi—Leader of the Opposition) (7.50): These are all dependent upon amendments Nos 53, 54 and 55. Given that the government has already indicated that they are not going to be supporting those, there is very little need for me to move amendments Nos 33 and 34.

Clause 83 agreed to.

Clauses 84 to 89, by leave, taken together and agreed to.

Clause 90 agreed to.

Clauses 91 to 106, by leave, taken together and agreed to.

Clause 107.

MR COE (Yerrabi—Leader of the Opposition) (7.52): I was going to move amendment No 35 but, given that this amendment is consequential based on amendments 20 and 21, I will not be moving it.

Clause 107 agreed to.

Clauses 108 to 111, by leave, taken together and agreed to.

Clause 112.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (7.53): I move amendment No 7 circulated in my name [*see schedule 3 at page 5210*].

Amendment agreed to.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (7.53): I move amendment No 8 circulated in my name [*see schedule 3 at page 5210*].

Amendment agreed to.

Clause 112, as amended, agreed to.

Clauses 113 to 141, by leave, taken together and agreed to.

Clause 142.

MR COE (Yerrabi—Leader of the Opposition) (7.54): I move amendment No 38 circulated in my name [*see schedule 1 at page 5203*]. This is regarding examinations and the need for guidelines. We are proposing that “may” be replaced with “must”.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (7.54): We are happy to support that. It was the government’s intent that the guidelines become a notifiable instrument, so we are happy to support this amendment.

MR RATTENBURY (Kurrajong) (7.55): Yes, we consider this to be a worthwhile amendment. Given the seriousness of the examination program, and people’s nervousness about going into an examination, it is appropriate that the guidelines be published. So we will be supporting Mr Coe’s amendment.

Amendment agreed to.

Clause 142, as amended, agreed to.

Clause 143.

MR COE (Yerrabi—Leader of the Opposition) (7.55): Similar to amendments Nos 32 and 33, amendment No 39 is a consequential amendment based on changes to section 205 and in, particular, amendment No 56. Given that it seems there is no appetite to accept amendments Nos 51, 52, 53, 54, 55 and 56, there is no need to move amendment 39.

Clause 143 agreed to.

Clause 144.

MR COE (Yerrabi—Leader of the Opposition) (7.56): I move amendment No 40 circulated in my name, which omits clause 144 [*see schedule 1 at page 5203*]. The select committee report, at page 66, states:

The Committee views the Inspector as having a powerful oversight role of the Commission’s operations rather than a day to day involvement in the Commission’s processes. The Committee did not envisage the legislation containing the kind of provisions described above. The requirement to report 7 days prior to a public examination with reasons appears to invite the Inspector to intervene if they disagree with the Commissioner’s decision.

This goes from being an inspector to being a gatekeeper, and that is not the role. I do not think we should have this provision. That is why the committee was of the view

that such provisions should be removed from the legislation as they are unnecessary if the inspector's broad powers are as previously stated in the committee's report.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (7.58): The government will not be supporting the removal of this clause. We consider its provision an important safeguard for the commission itself and for all parties, given the very serious implications of a public examination process. We believe it is rightly the role of the inspector to determine whether the commission is using its coercive and intrusive powers in accordance with its legislative obligations. It would simply be too late to determine such a breach after a public examination has already taken place.

MR COE (Yerrabi—Leader of the Opposition) (7.58): Further to my earlier comments and in response to what Mr Barr just said, clause 144 states:

If the commission intends to hold a public examination, the commission must, not less than 7 days before the day of the public examination, give a written report to the inspector stating—

- (a) that the commission intends to hold a public examination; and
- (b) the reasons why the commission decided to hold a public examination.

What is the purpose of this? The inspector does not have all the evidence; the inspector does not have all the information. It is unclear, and nowhere else in the legislation does it state what the inspector is meant to do with this information once they receive it. It will potentially create a false expectation that the inspector is somehow approving or has somehow endorsed what is happening. That potentially puts the inspector in an awkward position. I do not think this is good. I do not mind the idea of having reporting, but doing so in advance potentially misleads everyone into a false sense of endorsement by the inspector.

MR RATTENBURY (Kurrajong) (8.00): Earlier in the conversation I indicated that I had changed my view on some of these matters, and this is another of those areas. This is an interesting provision. Mr Coe's comments are interesting, but this is also about that classic soft power thing. If the commissioner reports to the inspector and the inspector has a reservation, there is an opportunity for that conversation to take place. There is no formal power for them to stop it, and that would be concerning. That would bring in a second-guessing role and the like. But in this process there is room for a conversation that might be valuable. The commissioner can still proceed; there is no impediment if that is their view.

Equally, the other matter considered was whether a bar should be put in place to stop people who are being taken before a public hearing being able to take that to court to challenge it. Some of the witnesses appearing before the committee suggested we should remove the power for someone to challenge in the courts the fact that they have been called to a public hearing. My view, and ultimately the committee's view, was that people should have the ability to take that to court and challenge that.

That may happen in the beginning, and a body of case law will build up and make that reasonably clear. I do not think we will get the lawyers picnic the Bar Association fears we might get. We may have some early test cases. Again, it goes to how this legislation works as a tapestry, in the sense that quite a few bits of it weave together. I am comfortable that the balance is one that provides an opportunity to reflect without stymying the capabilities of the commission to conduct the necessary public hearings when they think it is right to do so.

MRS DUNNE (Ginninderra) (8.02): Firstly, Mr Rattenbury, I do not think the Bar Association thought the lawyers picnic was altogether a bad thing.

Mr Barr: Never a truer word has been said, Mrs Dunne.

MRS DUNNE: I often say truer words, Chief Minister; even true words the Chief Minister can agree with. This is a very important issue which goes to the question about how this legislation is balanced in favour of open or closed hearings. The Chief Minister consistently says that he thinks the legislation is neutral and that the legislation should be neutral. I think this is one of those hurdles put in the way of the commissioner which will make it less likely for the commissioner to have a public hearing.

Mr Rattenbury is right in that the inspector does not have the power to respond in any formal way as a result of this reporting. But the mere fact that you have to plan at least seven days ahead and that you have to then report your decision at least seven days ahead means that is another impediment. The view expressed quite eloquently by Ms Lee in the committee is that the default position will be a closed hearing because there are too many impediments.

I think it is a great shame Mr Rattenbury has changed his mind because in discussion in the committee the clear view was that we did not want to create a default position for closed hearings. The government made it clear that it did not want to create a default position the other way. We in the Canberra Liberals have a particular view about that and it is not going to prevail. However, I warn members that as a result of this provision it will be less likely that the commissioner will decide in favour of an open hearing because he has one more hurdle to cross.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 6

Mr Coe	Mr Wall
Mrs Dunne	
Ms Lawder	
Ms Lee	
Mr Parton	

Noes 9

Mr Barr	Ms Le Couteur
Ms J Burch	Mr Rattenbury
Ms Cheyne	Mr Steel
Ms Fitzharris	Ms Stephen-Smith
Mr Gentleman	

Amendment negatived.

Clause 144 agreed to.

Clauses 145 and 146, by leave, taken together and agreed to.

Clause 147.

MR COE (Yerrabi—Leader of the Opposition) (8.11): Again this relates to amendments Nos 51 through to 58, to section 205. Whilst we support amendment No 41, we will not be moving it, given that the government have already indicated their unwillingness to support amendment No 58.

Clause 147 agreed to.

Clauses 148 to 157, by leave, taken together and agreed to.

Clause 158.

MR COE (Yerrabi—Leader of the Opposition) (8.12): This is also consequential to section 205. For the record, I support all the amendments I have circulated, but I do not intend to move amendments Nos 42, 43 or 44 as they all relate to section 205.

Clause 158 agreed to.

Clause 159 agreed to.

Clauses 160 to 166, by leave, taken together and agreed to.

Clause 167 agreed to.

Clauses 168 to 183, by leave, taken together and agreed to.

Clause 184.

MR COE (Yerrabi—Leader of the Opposition) (8.14): I move amendment No 45 circulated in my name, which omits clause 184 [*see schedule 1 at page 5203*]. The opposition is firmly of the view that if the commission comes to a finding that someone or something is corrupt, they should not be prohibited from reporting it as such. Clause 184 states that the commission must not include in an investigation report a finding that a stated person has engaged in, is engaging in or is about to engage in corrupt conduct unless the corrupt conduct is serious corrupt conduct or systemic corrupt conduct. So we are going to have an integrity commission that is meant to investigate corruption, and they can find someone corrupt but they are not meant to do anything about it. It is just crazy.

Yes, we should be reporting systemic corruption and serious corruption. But, given that we have already drawn this line between misconduct and corruption, and misconduct and criminal activities, surely, if the commission say someone is corrupt, they have done their job and they should be reporting as such. What is going to be the line for what is serious and what is just corrupt? “Systemic” is probably going to be easier to define. Is a dodgy deal over a \$200,000 purchase serious corruption or not? Compared to a dodgy deal over a \$50 million purchase, maybe it is not. Who knows? But it is definitely corrupt, all the same. I do not think we should have this artificial restriction on when the commissioner can and cannot report corruption.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (8.16): This provision helps to prevent human rights violations by ensuring that the commission is aimed at addressing and preventing serious corrupt conduct or systemic corrupt conduct. As we have canvassed extensively, the threshold for the integrity commissioner to commence an investigation is so broad that findings made by the commission should be limited to a narrower scope of serious or systemic corrupt conduct. This is in line with New South Wales. The ACT is a human rights jurisdiction and must take into account the potential damage to a person which may have occurred through the investigation stage.

It is important to stress that section 184 does not limit the commission’s ability to report on matters that are not found to be serious or systemic corrupt conduct. The commission is still very free to, and I imagine would, comment on these matters. For example, they may choose to describe behaviour as inappropriate, dishonest or untrustworthy, and in this way the public transparency of the process and the outcome are still supported whilst providing adequate protections for individuals.

MR RATTENBURY (Kurrajong) (8.18): We will not be supporting this amendment. The bill does allow reports on any topic, but findings should only be made against the threshold that has been defined in the legislation, and that is the threshold that this Assembly has given a focus to the commission on. They can still make all sorts of reports, and will, I think, do so freely and appropriately. With this distinction, this is one of the areas where we are getting into real subtleties. I think the commission will have the right powers that it needs, but there is a legal consideration here, and we are persuaded that this is the right side of the line to fall on.

MR COE (Yerrabi—Leader of the Opposition) (8.18): Of course, the commission does have to consider natural justice, human rights and all other due process considerations. However, this is all dealt with in clause 204. Clause 204 sets out pretty clearly the overarching guidelines that the commissioner must factor in. To raise a specific clause in relation to proposed section 184 means you will then have umpteen points where you are meant to check someone’s reputation, as opposed to applying the proper process for coming to findings of fact; then, at the very end, working out what should be published or not. That is what proposed section 204 is for. If you start filtering it before you get to the end, you risk filtering already filtered findings. To that end I do not think you will actually get the best possible outcome that you would expect from a commissioner that we are already giving a lot of discretion to.

Question put:

That the amendment be agreed to.

A division being called and the bells being rung—

MADAM SPEAKER: While we are waiting, I thank the Deputy Speaker for bringing along the *House of Representatives Practice*, but I refer to the Assembly code of practice, at 18.41. It may be of interest, Mr Steel, that apparently our dress code for members is somewhat different from *House of Representatives Practice*. I am not encouraging gentlemen to take their coats off—let us be very clear—but 18.41 gives you some leeway. I will be watching the gentlemen’s dress code at the beginning of next year.

The Assembly voted—

Ayes 6

Noes 9

Miss C Burch
Mr Coe
Mrs Dunne
Ms Lee
Mr Parton

Mr Wall

Mr Barr
Ms J Burch
Ms Cheyne
Ms Fitzharris
Mr Gentleman

Ms Le Couteur
Mr Rattenbury
Mr Steel
Ms Stephen-Smith

Amendment negatived.

Clause 184 agreed to.

Clauses 185 to 192, by leave, taken together and agreed to.

Clause 193 agreed to.

Clauses 194 to 203, by leave, taken together and agreed to.

Clause 204.

MR COE (Yerrabi—Leader of the Opposition) (8.24): I move amendment No 47 circulated in my name [*see schedule 1 at page 5204*]. In speaking now, I will also speak to amendment 48. This is related to what I just mentioned—the exoneration guidelines. I think the term “exoneration” is not appropriate as it commonly implies or suggests innocence. The commission does not make findings of guilt or innocence; therefore I do not think it is the appropriate term to use. It also implies that exoneration occurs when it may not actually be the case.

For example, the commission is not bound by the rules of evidence. If there is a simple technical deficiency in evidence, it may mean that the prosecution is not pursued, despite the fact that the corrupt conduct did still occur. So you cannot say definitively that the person is innocent because they are not making such a finding.

The annual report clauses also imply that meeting the circumstances exonerates individuals. I think it would be better to leave the determination of exoneration to courts or other bodies that find someone guilty or innocent, and, as such, going back to reputational repair protocols, as per the first committee report, would be a good way to proceed.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (8.26): Similarly, my comments relate to amendments Nos 47 and 48. It is clear that proposed section 204 does not intend to exonerate someone in the terms that Mr Coe has outlined. It does not overturn the commission's finding. The section requires the commission to make guidelines that prescribe how the commission is to comment on the findings of subsequent investigations, disciplinary or prosecutorial action. On that basis the government is happy to agree with the retitling of this section to "reputational repair protocols".

MR RATTENBURY (Kurrajong) (8.27): I think Mr Coe has articulated the issue around this very well, and we are happy to support both of these amendments.

Amendment agreed to.

MR COE (Yerrabi—Leader of the Opposition) (8.27): I move amendment No 48 circulated in my name [*see schedule 1 at page 5204*].

Amendment agreed to.

MR COE (Yerrabi—Leader of the Opposition) (8.27): I move amendment No 49 circulated in my name [*see schedule 1 at page 5204*]. This simply replaces 1(b) of clause 204 with a new clause that states: "the person has subsequently been cleared of any wrongdoing (whether by a court or otherwise)". It is a little bit broader and, in effect, provides a catch-all rather than the more limited version that is in the bill at present.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (8.28): This is quite a late and new iteration of a proposed amendment. It is certainly unclear to my office why this version was submitted at such a late stage. We are perhaps not of a mind to support it tonight, but it could form part of a consolidated bill next year if, upon more reflection and after more time, people considered it worthy. The advice I have at the moment is not to support it at this stage.

MR RATTENBURY (Kurrajong) (8.29): We received this amendment quite late in the process which, of itself, is fine, but we have not had time to consider the implications of this, test it and think it through. We are not going to support this one this evening, either. Similarly to Mr Barr, we are happy to have a look at it later on. Each of these areas contains detailed questions. These are not unfair questions that Mr Coe is raising, but on this one we have simply not had the time to think this one through and consider what it may or may not mean.

Amendment negatived.

MR COE (Yerrabi—Leader of the Opposition) (8.30): I move amendment No 50 circulated in my name [*see schedule 1 at page 5204*]. This is similar to the case I made in amendment No 47 for going back to reputational repair protocols.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (8.30): I am happy to support this amendment.

Amendment agreed to.

Clause 204, as amended, agreed to.

Clause 205.

MR COE (Yerrabi—Leader of the Opposition) (8.30), by leave: I move amendments Nos 51 to 63 circulated in my name together [*see schedule 1 at page 5204*]. We have already discussed this. This is about the reporting regime. We think there is a real risk that the inspector is going to be perceived to—or, worse still, actually does—get involved in day-to-day operations. Obviously, there is no will in the Assembly to make these changes, so I will move them but note members' earlier comments.

Amendments negatived.

Clause 205 agreed to.

Clauses 206 and 207, by leave, taken together and agreed to.

Clause 208.

MR COE (Yerrabi—Leader of the Opposition) (8.32): I move amendment No 64 circulated in my name, which omits clause 208 [*see schedule 1 at page 5205*]. Clause 208 is similar to what we discussed earlier with regard to where the line is when the commission reports corruption as opposed to serious or systemic corruption, and we stand by the argument that no delineation is required.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (8.33): This is the issue we have debated before. Consistent with the position we took on the previous clauses, we will not be supporting this amendment.

MR RATTENBURY (Kurrajong) (8.33): For the same reasons I expressed earlier, we will not be supporting this amendment, either.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 6

Noes 9

Miss C Burch
Mr Coe
Mrs Dunne
Ms Lawder
Ms Lee

Mr Parton

Mr Barr
Ms J Burch
Ms Cheyne
Ms Fitzharris
Mr Gentleman

Ms Le Couteur
Mr Rattenbury
Mr Steel
Ms Stephen-Smith

Amendment negatived.

Clause 208 agreed to.

Clauses 209 to 217, by leave, taken together and agreed to.

Clause 218.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (8.36): I move amendment No 9 circulated in my name [*see schedule 3 at page 5210*].

Amendment agreed to.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (8.36): I move amendment No 10 circulated in my name [*see schedule 3 at page 5210*].

Amendment agreed to.

MR COE (Yerrabi—Leader of the Opposition) (8.37): I move amendment No 67 circulated in my name [*see schedule 1 at page 5205*]. This amendment is consequential to amendment 48, which Mr Rattenbury and Mr Barr supported.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (8.37): We are happy to support this amendment, Madam Speaker.

Amendment agreed to.

Clause 218, as amended, agreed to.

Clause 219 agreed to.

Clause 220.

MR COE (Yerrabi—Leader of the Opposition) (8.38): I move amendment No 68 circulated in my name [*see schedule 1 at page 5206*]. This seeks to omit clause 220.

Again, this is purely a clause that seeks to remove the ability for the commission to report annually on the finding of corruption. It seems to only be a case where, instead of being the best of the year, it is only the worst of the year, the lowlights of the annual report. I think we should broaden it slightly to include some of the less bad moments of the previous 12 months and therefore include all findings of corruption.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (8.38): We are not supporting this amendment. For the reasons that we have outlined before around the commission's focus, the reporting should be on instances of serious and systemic corruption. Again, this section places no limitation on the commission's ability to report on matters that are not found to be systemic or corrupt conduct; it can still comment on those matters.

MR RATTENBURY (Kurrajong) (8.38): For the reasons I expressed on amendment No 45, we will not be supporting this amendment.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 6

Noes 9

Miss C Burch
Mr Coe
Mrs Dunne
Ms Lawder
Ms Lee

Mr Parton

Mr Barr
Ms J Burch
Ms Cheyne
Ms Fitzharris
Mr Gentleman

Ms Le Couteur
Mr Rattenbury
Mr Steel
Ms Stephen-Smith

Amendment negatived.

Clause 220 agreed to.

Clauses 221 to 231, by leave, taken together and agreed to.

Clause 232.

MR COE (Yerrabi—Leader of the Opposition) (8.42): I move amendment No 69 circulated in my name [*see schedule 1 at page 5206*]. This amendment simply clarifies that the appointment process should be competitive.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (8.42): We are happy to support this amendment, consistent with our support of similar amendments elsewhere in the bill.

MR RATTENBURY (Kurrajong) (8.43): We will also be supporting this amendment, for the reasons stated earlier.

Amendment agreed to.

Clause 232, as amended, agreed to.

Clauses 233 to 241, by leave, taken together and agreed to.

Clause 242.

MR COE (Yerrabi—Leader of the Opposition) (8.43): I move amendment No 70 circulated in my name [*see schedule 1 at page 5206*]. For reasons similar to those already canvassed, we believe that a two-thirds majority vote is required for terminating and suspending the inspector's appointment. Please treat these comments as applicable to amendments Nos 71 and 72 as well.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (8.44): We are opposing these amendments. It is *deja vu* all over again in relation to the two-thirds majority issue, Madam Speaker.

MR RATTENBURY (Kurrajong) (8.44): Similarly, for the reasons we expressed earlier around this two-thirds question, we will not be supporting this amendment.

Amendment negatived.

MR COE (Yerrabi—Leader of the Opposition) (8.45): I move amendment No 71 circulated in my name [*see schedule 1 at page 5206*].

Amendment negatived.

Clause 242 agreed to.

Clause 243.

MR COE (Yerrabi—Leader of the Opposition) (8.45): I move amendment No 72 circulated in my name [*see schedule 1 at page 5206*].

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 6

Noes 9

Mr Coe
Mrs Dunne
Ms Lawder
Ms Lee
Mr Parton

Mr Wall

Mr Barr
Ms J Burch
Ms Cheyne
Ms Fitzharris
Mr Gentleman

Ms Le Couteur
Mr Rattenbury
Mr Steel
Ms Stephen-Smith

Amendment negatived.

Clause 243 agreed to.

Clauses 244 and 245, by leave, taken together and agreed to.

Clause 246.

MR COE (Yerrabi—Leader of the Opposition) (8.48): I move amendment No 73 circulated in my name [*see schedule 1 at page 5206*]. This is, we believe, a simplification of the text in the government's bill regarding when the inspector is acting as the commissioner.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (8.48): This removes the consultation requirements for the Chief Minister, opposition leader and other party leader and sees it with the committee, similar to the process we discussed earlier in relation to the commissioner. It is the same here as for the inspector, so we will support this.

MR RATTENBURY (Kurrajong) (8.49): We believe this amendment improves the section, and we are happy to support it.

Amendment agreed to.

Clause 246, as amended, agreed to.

Clauses 247 to 250, by leave, taken together and agreed to.

Clause 251.

MR COE (Yerrabi—Leader of the Opposition) (8.50): I move amendment No 74 circulated in my name [*see schedule 1 at page 5207*]. Just for additional clarity, we have a minor amendment which includes inserting a note.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (8.50): This is a note we are happy to see inserted, Madam Speaker.

MR RATTENBURY (Kurrajong) (8.50): We will also be supporting this note, as we believe it improves the clarity of the section.

Amendment agreed to.

MR COE (Yerrabi—Leader of the Opposition) (8.50): I move amendment No 75 circulated in my name [*see schedule 1 at page 5207*]. This important amendment means that the inspector must not appoint a person as a member of staff of the commission if the person had in the past five years immediately before that date been a public servant. The inspector's staff should not be held to different standards when dealing with substantially similar information, particularly if frequent reporting is

going to take place. Therefore, the same standards should apply as per the commissioner's staff.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (8.51): We are happy to agree to this. In the context of the increased reporting, this is a reasonable amendment and we are happy to support it.

MR RATTENBURY (Kurrajong) (8.51): This amendment applies the same requirement as would apply to commission staff. We think that this does help to avoid any perception of a conflict, so we are happy to support this amendment.

Amendment agreed to.

Clause 251, as amended, agreed to.

Clauses 252 to 257, by leave, taken together and agreed to.

Proposed new clause 257A.

MR COE (Yerrabi—Leader of the Opposition) (8.52): I move amendment No 76 circulated in my name [*see schedule 1 at page 5207*]. This amendment seeks to insert new clause 257A. The new clause would pretty much replicate the process that is in place for how to make a complaint to the commissioner; we think that for clarity it is worthwhile including it for the inspector as well.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (8.53): We are happy to support this amendment, on the basis that it does provide that clarity.

Amendment agreed to.

Proposed new clause 257A agreed to.

Clauses 258 to 281, by leave, taken together and agreed to.

Clause 282.

MR COE (Yerrabi—Leader of the Opposition) (8.54): It being the festive season, my gift to everyone is not moving amendments Nos 77 through 88.

Clause 282 agreed to.

Clauses 283 and 284, by leave, taken together and agreed to.

Clause 285.

MR COE (Yerrabi—Leader of the Opposition) (8.54): I move amendment No 89 circulated in my name [*see schedule 1 at page 5207*].

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (8.55): My understanding is that amendments Nos 89 and 90 are consequential to having agreed on amendment No 15, so we will be supporting them.

MR RATTENBURY (Kurrajong) (8.55): On the basis that these are consequential from the earlier discussion, we are happy to support these amendments as well.

Amendment agreed to.

MR COE (Yerrabi—Leader of the Opposition) (8.56): I move amendment No 90 circulated in my name [*see schedule 1 at page 5207*].

Amendment agreed to.

Clause 285, as amended, agreed to.

Clauses 286 to 301, by leave, taken together and agreed to.

Clause 302.

MR COE (Yerrabi—Leader of the Opposition) (8.56): I move amendment No 91 circulated in my name [*see schedule 1 at page 5208*]. This amendment puts in place a review on 1 July 2022. Whilst our preference would be 2021, we are happy with 2022. I gather that is acceptable to those opposite as well.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (8.57): That is correct, and we are happy to support this amendment.

MR RATTENBURY (Kurrajong) (8.57): We are happy to support this amendment as well. There was some discussion, as Mr Coe touched on, about whether we should do this after two years or three years. We took the view that three years was probably right. You could probably look at it either way, but we want to have enough material on which to base a worthwhile review. If, in the meantime, through the role of the commissioner, the inspector or the committee set up in the Assembly to have oversight, matters come up that are problematic, I do not think we need to wait till the review to fix things. This Assembly should be very open to that.

The other positive thing in Mr Coe's amendment is that this sets a review every five years. That is worthwhile because once these things are up and running they can just roll on. Having a review every five years is worthwhile. Times will change; expectations and practices will evolve. Having regular reconsideration for something so powerful and potentially so impactful is a good move. We are pleased to support this amendment.

Amendment agreed to.

Clause 302, as amended, agreed to.

Clause 303 agreed to.

Schedule 1.

MR COE (Yerrabi—Leader of the Opposition) (8.59), by leave: I move amendments Nos 92 to 94 circulated in my name together [*see schedule 1 at page 5208*]. These amendments tweak the schedule as it relates to the FOI Act. We are not going to allow the ability to FOI the commission but we are going to allow the ability to FOI the inspector. That potentially is a back door to getting information about the commission. As such, we do not think it is consistent.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (8.59): On balance we think there is some merit to this. We probably have not had time to give it full consideration, but in the spirit of Christmas and as a return favour to Mr Coe I do not think there are significant risks associated with accepting this amendment tonight. With the small caveat that if we are alerted to anything we may revisit it, for now I think it is reasonable to support it.

MR RATTENBURY (Kurrajong) (9.00): We will be supporting these amendments. We believe it is consistent that the same requirements apply to the commission and the inspector under the FOI provisions.

Amendments agreed to.

Schedule 1, as amended, agreed to.

Dictionary agreed to.

Title.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (9.01): This is the last opportunity to speak, so I will very briefly thank all those who have been involved in the drafting of this legislation—those who have worked many hours on the crossbench, the opposition and my own office. It is an extraordinary piece of work. I think we are all better versed in the fine detail of this legislation than we were when we began this process two years ago.

Thank you to all those who have contributed. I particularly want to acknowledge Minister Rattenbury for chairing both the select committees and for engaging in this process and being willing to change his mind on occasion, as was the government. I also acknowledge Mr Coe, in bringing forward 94 amendments this evening. That is a significant piece of work. That we were able to reach agreement on many of them is

testimony to the goodwill in this place. As others have commented and I will repeat, that stands in marked contrast to what is happening in the other parliament in this city on this very matter.

MR COE (Yerrabi—Leader of the Opposition) (9.02): Members can be reassured that I do not have an amendment to the title, but it will always be ICAC to me. I, too, want to thank numerous people who have helped bring about this significant piece of legislation. To parliamentary counsel, especially Felicity, Mary, David, Anne and Karen, thank you for all the work you did behind the scenes to get these amendments ready for us. It was an exceptional effort. I also put on the record my sincere thanks to Bronwyn for all she did in putting together the Anti-Corruption and Integrity Commission Bill 2018 which we brought into this place in budget week in June of this year. Of course, we will not be going forward with that, given the pending passage of this legislation.

The staff at PCO do an amazing job; nothing is ever too hard for them. They work extremely late into the night, they work on other people's timetables, and I am very grateful for all they do. Many of the amendments we put forward today are very significant. Others were technical but all are very important in making sure that we have the best possible integrity commission here in the ACT. I also thank the public servants and advisers from multiple directorates who devoted huge amounts of time to making sure that we were in a position to pass this by the end of the year.

I thank Janice, who helped put together the cheat sheet for today, and quite a cheat sheet it was. It was absolutely perfect. That is a pretty good effort, especially given that the amendments came in so late.

When we sat down with PCO back in February or March and we told them we wanted to draft legislation from opposition for an ICAC you could see that they were a little bit daunted. Then Ausilia presented this amazing document which pretty much laid it all out and PCO's response was that it was exactly what they needed. It gave them a huge amount of guidance.

Ausilia has been exceptional through this process. There have been many occasions where she has had a better grasp of both pieces of legislation than sometimes the government. She is always confident; she is always thorough. She has extreme attention to detail and she has done a wonderful job in documenting not just the amendments but also many of the issues surrounding them. Thank you very much, Ausilia. The work you have done has contributed enormously to the ICAC that will be in place on 1 July next year.

Finally, I thank my colleagues, particularly Vicki, Elizabeth Lee and Giulia, for their work in driving this in the committee processes. It has been a controversial piece of legislation. There has been a lot to digest. It has not been hyper-political but it has been hyper-technical. So you cannot bank on a philosophical approach to something and ride with it; you really have to know the details, and that is exactly what Giulia, Elizabeth and Vicki mastered.

It is a pleasure to have been part of this process. We have to make sure that this legislation is workable. There may be an amendment bill at some point in the first half of next year. There will also be an important role for the Assembly to make sure that we adhere to the standards that are set by this integrity commission but also that we ensure that it does the job that we expect it to. It is an honour to have been involved in this process, and I urge members to support the legislation.

MR RATTENBURY (Kurrajong) (9.08): This is a terrific outcome. In my time in the Assembly it has been usually only once or twice a term that something of such detail comes through and that you see such a lengthy debate, with so much effort that goes into it. It takes a whole lot of people to make that happen.

There have been a few thank-yous and I would like to add to that list. Earlier today I spoke of the committee processes and acknowledged my colleagues on those committees, and I thank them again. But I was remiss not to mention the two secretaries, Andrea and Hamish, who took us through those respective committee processes and did an excellent job of distilling large amounts of information into what became quite understandable reports that laid a solid foundation for both phases of the work.

I acknowledge Mr Coe and his team, particularly Ausilia, who have put a lot of time and detail into this. It has been a collective effort. Similarly, I thank the Chief Minister's team and, of course, in my office Lisa and Indra, who have put significant time into this, particularly over the last few weeks, when we have got into the really detailed stage. While I was off having my wisdom teeth extracted they were busy negotiating their way through some of the finer details, and I thank them for their attention to the detail.

As others have, I also acknowledge the ACT public service team who have worked on this from a number of directorates, predominantly Chief Minister's and JACS, led by Meredith Whitton. I saw them all coming downstairs during the dinner break tonight; they looked slightly weary but also hopeful that they were close to the end. They should go home tonight feeling satisfied that we have done a good piece of work.

Mr Coe mentioned Janice's work behind the scenes on this, and he was right. I got to a point in the script tonight where I thought, "No, there's a quicker way to get this done. I'll just skip through this bit." Of course, I should not have tried it because Janice was right. I thought I saw a better procedural way and I was frankly wrong and Janice was right, so there's a lesson for everyone in the chamber.

Mr Coe used a useful expression—he said this has not been hyper-political but it has been hyper-technical. For me this has been a process where all through the discussions I have been persuaded by others, and I like to think on occasion I have persuaded others of a way that we might work through various issues. This is not a piece of work for which there is one right answer; there are various permutations.

The committee went around in the first phase and visited the New South Wales ICAC, the Victorian IBAC and the Tasmanian Integrity Commission, both the organisations

and their parliamentary oversight committees. Out of that we gleaned some strong views and some quite different views. We were given warnings, we were given advice and we were given ways to do things and ways not to do things. That tells me that there is no single way through this.

I have mentioned this before, but in the first round of public hearings Tony Harris, a former New South Wales Auditor-General, gave very strong views on how we should shape this and what were the really important features of it. When he looked at the two bills—and it is important to mention that it was both—he said that between the two bills the ACT was set to come up with a state-of-the-art integrity commission. That was a very genuine comment. In the committee process that gave me great confidence that we were heading in the right direction. We have stuck true to the tenor of that feedback in getting through the bill.

Most importantly, this is about giving the citizens of Canberra something they deserve and that those who have been engaged in these discussions really want to see. I was due to speak at the Kingston-Barton residents group AGM tonight at 7 pm. Clearly I missed that. We rang them to tell them that the Assembly was still going and they said that they felt this was an absolutely appropriate excuse to miss their meeting. Those who know the residents of the inner south know they are perhaps the most focused on seeing this integrity commission delivered.

I was at another meeting with them a couple of months ago, as the chair of the committee, and I got 45 minutes of detailed and excellent questions from a very engaged audience on how it would work. I am happy to let them know tonight that we have confirmed this; I will probably text them shortly to say it is done. We should finish the debate now. I thank members for their work in putting this together.

MADAM SPEAKER: I appreciate and am heartened by members' recognition of OLA staff. Janice provided 27 pages of cheat sheets, and they were easy to follow, even though I got the numbers wrong occasionally.

Title agreed to.

Bill, as amended, agreed to.

Continuing resolution 5AA

MS J BURCH (Brindabella) (9.13): I move:

That Continuing Resolution 5AA be amended as follows:

- (1) in paragraph (6), omit “will”, substitute “may”;
- (2) in paragraph (5), add the following “The Integrity Commissioner established pursuant to the *Integrity Commission Act 2018* may also refer matters to the Commissioner for Standards for consideration via the Clerk of the Legislative Assembly about matters the Integrity Commissioner considers should be referred.”; and

- (3) in paragraph (6), add the following “If the Commissioner considers that the complaint is more properly the purview of the Integrity Commissioner, the Commissioner shall refer the matter to the Integrity Commissioner.”.

This motion makes some changes to continuing resolution 5AA. I commend it to the Assembly.

MR WALL (Brindabella) (9.14): The opposition will be supporting this motion as it provides an additional element of discretion to the Commissioner for Standards in that he may examine reports that are sent to him. It also allows for the newly created integrity commission to refer matters to the Commissioner for Standards and likewise for the Commissioner for Standards to refer matters to the integrity commission.

The language is consistent with the existing resolution, which is that all correspondence or issues that are to be referred to the Commissioner for Standards be referred by the Clerk of the Assembly. We will keep a close eye on how that operates, as we are continuing to monitor the changes that were made to this resolution earlier in this term.

We do still hold the view in the opposition that any complaints or issues should go directly to the integrity commissioner. I understand the Clerk’s position that he sees his role merely as a post box. But I think that the opposition would be more comfortable if the post box were actually to the commissioner himself rather than its going through an intermediary. Otherwise, the opposition will be supporting this change.

MR RATTENBURY (Kurrajong) (9.15): The Greens support this motion, particularly the element around the integrity commission. This is obviously a necessary follow-up to the legislation we just passed. What it does is embody the idea that we want a range of integrity agencies in the ACT: the Ombudsman, the Auditor-General, the Public Sector Standards Commissioner and the Commissioner for Standards here in the Assembly.

We want to see a seamless movement between those agencies. If an agency receives a complaint or an allegation that it considers not to be in its remit but which is seen to be in the remit of one of the others, we want to see those agencies collaborating and being able to transfer those issues between the different agencies so that where an issue does need to be looked at, it gets investigated quickly and in a timely way by the most appropriate agency. We are pleased to support this motion tonight.

Question resolved in the affirmative.

Integrity Commission—Standing Committee Establishment

MS J BURCH (Brindabella) (9.17): I move:

That:

- (1) a Standing Committee on the Integrity Commission be established to:

- (a) examine matters related to corruption and integrity in public administration;
 - (b) inquire into and report on matters referred to it by the Assembly or matters that are considered by the Committee to be of concern to the community;
 - (c) perform all functions required of it pursuant to the *Integrity Commission Act 2018*; and
 - (d) monitor, review and report on the performance of the Integrity Commission and the Inspector of the Integrity Commission or the exercise of the powers and functions of the Integrity Commission and the Inspector of the Integrity Commission, including examining the annual reports of the Integrity Commission and the Inspector of the Integrity Commission and any other reports made by the Commission;
- (2) nothing in this resolution authorises the Committee to investigate a matter relating to particular conduct or to reconsider a decision to investigate, not to investigate or to discontinue an investigation of a particular complaint made to the Commission, or to reconsider the findings, recommendations, determinations or other decisions of the Commission or the Inspector in relation to a particular investigation or complaint;
- (3) the Committee shall be composed of a Member nominated by the Government, a Member nominated by the Opposition and a Member to be nominated by the Crossbench;
- (4) the Chair shall be an Opposition Member;
- (5) the Committee be provided with the necessary staff, facilities and resources; and
- (6) nominations for membership of this Committee be notified in writing to the Speaker within two hours following the passage of this resolution.

I draw to everyone's attention the fact that this is a follow-on from the quite significant legislation we have passed. This will establish a standing committee. It will be a three-member committee. It will be chaired by the opposition. As I understand it, nominations for membership will be notified in writing within two hours following this, but I do not propose to be here in two hours. I suggest that things be done quickly. We have one more motion to be moved; so members have time to come to the Clerk and provide those names. I commend the motion to the Assembly.

Question resolved in the affirmative.

Parliamentary privilege

MS J BURCH (Brindabella) (9.18): I move:

That the following continuing resolution be adopted:

Dealing with claims of parliamentary privilege that arise during the exercise of the ACT Integrity Commission's powers and functions

Preamble

- (1) The Assembly:

- (a) reserves all its powers, privileges and immunities, and those of its Members, derived from all sources of law;
- (b) affirms that parliamentary privilege attaches to all words spoken and acts done in the course of, or for purposes of or incidental to, the transacting of the business of the Assembly or an Assembly committee, including to documents and information falling within the scope of “proceedings in Parliament” as provided for in article 9 of the Bill of Rights 1689 and section 16 of the *Parliamentary Privileges Act 1987 (Cwlth)*;
- (c) acknowledges that pursuant to the Integrity Commission Act 2018, statutory powers and functions have been vested in the ACT Integrity Commission to investigate and report on corruption in the ACT and that the Commission is empowered, subject to that Act, to investigate allegations of corrupt conduct involving a Member of the Legislative Assembly;
- (d) acknowledges that there may be occasions where the exercise of the Commission’s powers and functions gives rise to a claim, by a Member, of parliamentary privilege; and
- (e) resolves that where such a claim is made, it will be addressed and resolved in accordance with the arrangements and principles provided for in this continuing resolution.

Compulsory production of documents

- (2) Where the Integrity Commission or a person acting under the direction of the Commission purports to compulsorily inspect, examine, make a record of, copy, or take possession of a document held by a Member, the Member is entitled to claim that parliamentary privilege applies to the document. “Document” has the meaning provided for in the *Legislation Act 2001*.
- (3) The Commission must advise a Member that they are entitled to the opportunity to make a claim relating to parliamentary privilege prior to the purported exercise of a compulsory power to inspect, examine, make a record of, copy, or take possession of any document. Where a claim is to be made, it must be notified by the Member to: a) the Commission or a person acting under the direction of the Commission; and b) to the Speaker. In the first instance, a claim may be made in general terms and verbally.
- (4) Where a Member makes a claim in relation to parliamentary privilege, the Commission or a person acting under the direction of the Commission must not inspect, examine, make a record of, copy, or take possession of any document over which a claim has been made until such time as parliamentary privilege has been determined not to apply pursuant to this resolution or that claim has been withdrawn. Any document that is the subject of a claim must be placed in the secure custody of the Clerk of the Legislative Assembly.
- (5) Within five calendar days of a claim having been made by a Member that parliamentary privilege applies to a document, the Member must write to the Speaker and the Commissioner advising of the scope and basis of the claim. The Speaker must provide the Member’s written advice of a claim to the Standing Committee on Administration and Procedure within five calendar days of its receipt.
- (6) Where a Member makes a claim in relation to parliamentary privilege over a document, the Commissioner must notify the Member and the Speaker

whether or not the Commission intends to dispute the claim. The notification may be given verbally in the first instance. Where no such notification is given, any document the subject of the claim will be returned to the Member.

- (7) Within five calendar days of the receipt of the Member's written advice outlining the scope and basis of the claim, the Commissioner must either give notification that the claim is not disputed or write to the Speaker and the Member advising of the scope and basis of the dispute of the claim. The Speaker must provide the Commissioner's written advice of a dispute to the Standing Committee on Administration and Procedure within five calendar days of receipt.
- (8) The Speaker must appoint an Independent Legal Arbiter to adjudicate any claim that is disputed by the Commissioner. Upon the appointment of an Arbiter, the Clerk must hand over custody to the Arbiter any document that is the subject of the disputed claim. The Clerk must return any document to the Member over which there is an undisputed claim. The Speaker may make available to the Arbiter a secure space within the Legislative Assembly precincts to facilitate examination of any document that is the subject of a claim.
- (9) Upon appointment, the Speaker must make the Member's and Commissioner's written advices available to the Arbiter. The Arbiter may seek written submissions from the Member and the Commissioner in which any additional reasons for or against a claim or related information may be stated.
- (10) The Arbiter must review each document that is the subject of a claim and determine whether or not the document falls within the scope of the "proceedings in Parliament". Where there is a large volume of material that is the subject of a claim, the Arbiter may receive assistance from a person acting under the direction of the Arbiter to review the material.
- (11) Where the Arbiter determines that a document does fall within the scope of "proceedings in Parliament", it is protected by parliamentary privilege and it will be returned to the Member.
- (12) Where the Arbiter determines that a document does not fall within the scope of "proceedings in Parliament", it is not protected by parliamentary privilege and it will be provided to the Commissioner (subject to any other lawful requirement that may have been imposed).
- (13) The Arbiter's determination must: be in writing; include reasons; and be transmitted by the Arbiter to the Member, the Commissioner, and the Speaker. The Speaker is required to provide a copy of the Arbiter's determination to the Standing Committee on Administration and Procedure within five calendar days of its receipt.

Examination or questioning

- (14) Where a Member appears under summons to give evidence before the Commission, the Member is entitled to decline to answer a question on the basis that the information in answer to the question is protected by parliamentary privilege.
- (15) Where a claim is made by a Member that the information in answer to a question is protected by parliamentary privilege, it is open to the Commissioner to:

- (a) withdraw the question; or
 - (b) advise the Member that the Commissioner intends to dispute the claim of parliamentary privilege.
- (16) Where a Member makes a claim relating to parliamentary privilege under examination, the Member must advise the Speaker and the Commissioner in writing as to the scope and basis of the claim within five calendar days of the claim being made. The Speaker must provide the Member's written advice to the Standing Committee on Administration and Procedure within five calendar days of its receipt.
- (17) Where the Commissioner disputes a claim made by a Member under examination, the Commissioner must advise the Speaker and the Member in writing as to the scope and basis of the dispute of the claim within five calendar days of the receipt of the Member's written advice of a claim. The Speaker must provide the Commissioner's written advice to the Standing Committee on Administration and Procedure within five calendar days of its receipt.
- (18) Where the Speaker receives advice from the Commissioner that a disputed claim of parliamentary privilege has arisen in the course of an examination, the Speaker must appoint an Independent Legal Arbiter to adjudicate the claim. The Speaker must provide to the Arbiter the Member's written claim and the Commissioner's written dispute of the claim.
- (19) The Arbiter may seek written submissions from the Member and the Commissioner in which any additional reasons for or against a claim or related information may be stated.
- (20) Where the Arbiter determines that the information sought by the Commissioner, by way of a question asked under examination, does fall within the scope of "proceedings in Parliament", an immunity from the provision of that information to the Commission will operate by reason of parliamentary privilege.
- (21) Where the Arbiter determines that the information sought by the Commissioner, by way of a question asked under examination, does not fall within the scope of "proceedings in Parliament", no immunity by reason of parliamentary privilege will operate.
- (22) The Arbiter's determination must: be in writing; include reasons; and be transmitted by the Arbiter to the Member, the Commissioner, and the Speaker. The Speaker is required to provide a copy of the Arbiter's determination to the Standing Committee on Administration and Procedure within five calendar days of its receipt.
- (23) In determining a question of parliamentary privilege in relation to a question that is posed or information that is sought during an examination, the Arbiter may express the determination:
- by way of specific questions that, if asked, would or would not engage the privilege;
 - by way of more general areas of inquiry that, if explored, would or would not engage the privilege; or
 - in some other way that clarifies the limits of the operation of parliamentary privilege.

Making a determination

- (24) The Arbiter may, but is not bound to, apply the following test to determine whether or not a document that is sought pursuant to a compulsory production power or information that is sought pursuant to a compulsory examination falls within “proceedings in Parliament”.

STEP 1: Were the documents or information that is sought **brought into existence** in the course of, or for purposes of or incidental to, the transacting of business of the Assembly or an Assembly committee?

YES → Falls within the scope of “proceedings in Parliament” and parliamentary privilege applies.

NO → Move to step 2.

STEP 2: Have the documents or the information that is sought been **subsequently used** in the course of, or for purposes of or incidental to, the transacting of the business of the Assembly or an Assembly committee?

YES → Falls within the scope of “proceedings in Parliament” and parliamentary privilege applies.

NO → Move to step 3.

STEP 3: Is there any contemporary or contextual evidence that the documents or the information that is sought was **retained or intended for use** in the course of, or for purposes of or incidental to, the transacting of the business of the Assembly or an Assembly committee?

YES → Falls within the scope of “proceedings in Parliament” and parliamentary privilege applies.

NO → The document does not fall within the scope of “proceedings in Parliament” and is not immune from production / the information sought by the Commissioner in the course of an examination is not covered by parliamentary privilege.

- (25) In determining whether or not parliamentary privilege applies to a document or information that is sought, the Arbiter must have regard to:

- the written claim made by the Member;
- the written dispute of the claim by the Commissioner;
- any transcript of an examination of a Member in which a claim relating to parliamentary privilege has arisen;
- any written submission made by the Member or by the Commissioner;
- applicable law relating to parliamentary privilege;
- the Assembly’s standing orders and continuing resolutions;
- reports of an Assembly committee or of a committee of either House of the Commonwealth Parliament relating to parliamentary privilege; and
- any other matter that the Arbiter considers to be relevant.

- (26) Documents or information that may fall within the scope of “proceedings in Parliament” may include (but are not necessarily confined to): notes, draft speeches and questions prepared by a Member for use in the Assembly or an Assembly committee; correspondence received by a Member from a

constituent where the Member has raised or is intending to raise a matter in the Assembly or an Assembly committee; correspondence prepared by a Member where the Member has raised or intends to raise a matter in the Assembly or an Assembly committee; information as it relates to words said or actions done in the course of a proceeding of the Assembly or an Assembly committee; and submissions and other material provided to a Member as part of a Member's participation in an Assembly committee. **In some cases the question will turn on what has been done with a document or information, or what a Member intends to do with the document or information, rather than what is contained in the document or the substance of the information, or where the document or information is held.**

- (27) Documents or information that are unlikely to be within the scope of "proceedings in Parliament" include material relating to a Member's travel or entitlements, or party-political material.
- (28) In determining a claim, the Arbiter may speak with the Member who has made a claim or with the Commissioner. The Arbiter may permit the Member to view a document in the presence of the Arbiter.
- (29) The Arbiter must only determine the question of whether a document or information sought by the Commission is protected by parliamentary privilege and no other question.
- (30) The Arbiter must consider, determine and report on a determination relating to a claim of parliamentary privilege in a timely manner.

Requirements for appointing an Arbiter

- (31) The Independent Legal Arbiter must be a Queen's Counsel, Senior Counsel, or a retired judge or justice of the Supreme, Federal or High Court and the Speaker must consult with the Standing Committee on Administration and Procedure prior to making an appointment. The Arbiter will be paid a fee approved by the Speaker.

Memorandum of understanding

- (32) For the purposes of facilitating the effective administration of this resolution, the Speaker may enter into a memorandum of understanding with the Integrity Commissioner in relation to parliamentary privilege and the exercise of the Commission's powers. A memorandum of understanding must not be inconsistent with this resolution and must be tabled in the Assembly on the first available sitting day following its finalisation.

Recusal of the Speaker or a member of the Standing Committee

- (33) Where the Speaker makes a claim of parliamentary privilege in relation to the exercise of a power or function by the Commissioner, the Speaker must recuse herself or himself from the exercise of the Speaker's functions pursuant to this resolution and the Deputy Speaker will instead perform the functions.
- (34) Where a member of the Standing Committee on Administration and Procedure makes a claim of parliamentary privilege in relation to the exercise of a power or function by the Commissioner, the Member must recuse himself or herself from any consideration by the committee of the matter.

MR WALL (Brindabella) (9.18): The opposition is also supporting this continuing resolution. It provides a mechanism by which privilege can be contested should an issue be raised through the integrity commission. The process is very familiar to members and mirrors that in Standing Order 213A, one that has been test-proven a few times this term. I think the use of an independent arbiter is a sensible measure. Certainly, the qualifications of that arbiter ensure that it will remain a solid and robust process.

As I said, the opposition will be supporting this motion. We will see how it operates in practice. Ultimately, it is about ensuring that parliamentary privilege is maintained as a very solid and rigorous protection to all of us who carry out our functions in this place.

MR RATTENBURY (Kurrajong) (9.19): The Greens will support this motion tonight. As Mr Wall just touched on, it is framed around the construct of standing order 213A, which I think has been a useful mechanism since we set it up to resolve matters that have otherwise been intractable. It provides a mechanism, if the Assembly cannot agree, to have a definitive view formed on things.

This essentially creates a very similar mechanism. I think it is important that we have this. Matters of parliamentary privilege are very important traditions. They are very important to the functioning of this place. The Clerk, in his submission to the committee, was clear in drawing these questions out and providing advice on the direction to go. I think this is the right direction. We are happy to support the motion tonight.

Question resolved in the affirmative.

Integrity Commission—Standing Committee Membership

MADAM DEPUTY SPEAKER: The Speaker has been notified in writing of the following nominations for membership of the Standing Committee on the Integrity Commission: Ms Cheyne, Ms Lee and Ms Le Couteur.

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

That the Members so nominated be appointed as members of the Standing Committee on the Integrity Commission.

Adjournment

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

That the Assembly do now adjourn.

Valedictory

MR WALL (Brindabella) (9.21): In the interests of being a consistent parent, I should at this point announce belatedly the arrival of Piper Jane Wall on 23 May this year,

the new addition to our family. It is a bit late, but let us say that Sophia's birth was more conveniently located at the beginning of November. Piper arrived as a perfect little baby—10 fingers, 10 toes—and is, as we often deem her in our house, a unicorn. She is that mythical child that eats, sleeps and is absolutely content with life and causes very little trouble.

One of the challenges this year, and I would advise members against trying this, is chairing estimates with a three-week-old baby as both your staff members either fall ill or have family matters that take them away for the entirety of estimates.

Ms Cheyne: You were ably assisted by a good deputy chair.

MR WALL: And a not too modest one at all. It was, let us say, a slightly more challenging experience for estimates this year than it was in the year previous. Credit must be given for the prior preparations that were made by my staff, Kate Davis and Sally Skuse particularly, and also Jenna Drewitt, who was present in the office for part of the year. They have been the core team. I particularly thank Kate, who has been with me since my election in 2012. Without our staff, we would not be able to do the jobs that we do here.

I have now had the privilege of being the whip for the opposition for two years. It sometimes puts us at odds with our colleagues but overwhelmingly it is an absolute joy and pleasure to advocate on their behalf through admin and procedure, and on a daily basis in sitting weeks, engaging with the government whip, to whom I did say last year that I obviously had not done my job well enough if she still liked me at the end of the year. I tried a slightly different approach this year, Madam Speaker; apparently you do catch more bees with honey.

Surprising to say, Tara and I do at times get on, which makes the job that much easier and—

Mr Barr: Your secret is safe with us.

Ms Cheyne: You are so generous. You are as generous as last year. I cannot wait for next year.

MR WALL: This is the point in the term where everyone is at peak love-in. From here on in it degrades to an election.

I should add Mr Rattenbury and the role that he carries out on admin and procedure. It is, as chaired by Madam Speaker, a very collaborative committee, and the tenor that that committee operates in is similar to what we have seen with the preparation for the integrity commission. Often there are times when we have to go in to bat for our own sides but overwhelmingly the work that is done in that space is done for the benefit of and in the interests of the parliament rather than individuals.

I would like to place on the record again my great and continuing appreciation to all the electors in Brindabella for the opportunity to continue representing them. Likewise I thank the members of the Liberal Party, particularly the branch in

Brindabella, who provide a great deal of support, guidance and advice, and make this job all that it is.

To all members, I wish you a very merry Christmas. It has been a long year, and I am sure that next year will be no different. For those who are travelling, please stay safe. We look forward to doing battle again in 2019.

Valedictory

MS FITZHARRIS (Yerrabi—Minister for Health and Wellbeing, Minister for Higher Education, Minister for Medical and Health Research, Minister for Transport and Minister for Vocational Education and Skills) (9.25): It is the last sitting day of the year and we have made it. There are mixed thoughts and reflections on everything we have achieved this year, the highs and the lows. The prospect of being able to spend lazy summer days with our families is agonisingly close.

It has been a huge year. In my office, we farewelled Charlotte to great things, Judy and Blair to spread their wings and Blair to pick up the important planning advisory role. We welcome Georgia, Tom and Bethel, fantastic additions to my team who have already well and truly stepped up into challenging roles. I cannot thank my team enough for sharing with me our huge portfolio load and working so well as a team. A special thank you to Vanessa for her leadership, her organisation and her work with an incredibly wide group of people. She is held in universal regard and we are lucky to have her here. Claire has gone above and beyond for me and the government, again working with the media on the very high interest in my portfolios this year. Her promotion is well deserved. And a final shout out to Hanna, who will graduate in two weeks: yay Hanna! She is also the human on the other end of the phone or email who handles a huge amount every day, the bouquets and the brickbats. It can be a very tough job on the end of the phone of the Minister for Transport and the minister for health.

We were a little sad to hand over city services, but we did shed quite a bit of our daily load. We miss much in this portfolio and thank the very awesome team at TCCS. They do so much to keep our city going. I thank the team, led by Jim Corrigan, and make a special note of the team on better suburbs and their continuing work on dog management.

A massive thank you to the team at Transport Canberra—Emma Thomas, Duncan Edghill and the team—for delivering the bus network every day and for overseeing the delivery of our largest ever infrastructure project. Light rail is so close, and it has been huge. A special shout out to the bus network planning team, especially to Judith Sturman, Ian McGlinn and Peter Steele.

Thanks to Kareena Arthy and Leanne Cover and their teams for their work in higher ed and CIT, that fantastic public institution.

Thank you to the staff at ACT Health and now Canberra Health Services. It has been a challenging and rewarding year where much has been achieved. People will look back on this year and the achievements of staff. They have been amazing. I cannot thank

Michael De'ath enough for his strong and compassionate leadership. He has been assisted so well by his deputies, Karen Doran and, more recently, Leonie McGregor. And Vanessa Dal Molin is owed a very special thanks.

There are many people in Health to thank. I do not have time to thank all of them, but for huge pieces of work I thank Peter O'Halloran, Vanessa Brady and Emily Harper. I thank the clinical and support staff keeping our very good hospitals and health services running and Linda Kohlhagen and her team for opening UCH, a huge achievement. I thank Bernadette McDonald and all the team at CHS caring for patients. They see the extraordinary ups and downs in life-and-death situations every week. Our whole city thank you from the bottom of their hearts.

To the team at Calvary, we are very pleased to be working more closely with you.

I thank all my Labor colleagues and the Chief Minister for your support and advice this year. It has been a year when I have been especially grateful for both.

Thank you to the Greens for their support and to the opposition for keeping this place lively.

To the Yerrabi electorate, it is a privilege to represent this happy and diverse community. I love being part of the Gungahlin community, chatting to people at Casey shops or at Atlas coffee, or in the aisle of Woollies, which happens more than my kids would like. I am also very proud of how awesome Hibberson Street looks. Thanks to the Yerrabi electorate for their support.

I thank my family. Pierre, my rock, sacrificed much. I am glad he can delve into his love of history and start a new little business in the process. Thank you to Al, Esther and Eva for your love, support and humour and for making it real every day. We are very proud of you, and especially all of you who are making the ACT representative teams for basketball. We are just going to set up camp at Belconnen basketball stadium next year, and to hell with it. Next year will be a big year for all of us.

Merry Christmas to everyone here. I wish everyone a safe, peaceful and festive Christmas.

Valedictory

MR PARTON (Brindabella) (9.29): Here we are at the end of another year in this place. Doesn't time fly when you're having fun? I am here to tell you, Madam Speaker, that I am having fun. They say the best day in opposition is not a patch on the worst day in government. All I can say is: you guys must be having a ball! You guys, seriously, must be having a ball!

I love being an MLA. I love just about every part of it, and I feel genuinely privileged to be here in this place representing the people who voted for me and, I dare say also, as I say often when I am out on the streets, representing people who did not vote for me, because I think that is important as well.

There have been ups and downs for me this year. There is a bit of stuff written here about policy stuff, but I cannot really be bothered at this stage.

In farewelling 2018 in this chamber, I need to say a big thank you to my erstwhile staff, Rob Lovett and Bradley Clarke, who are genuine mates of mine and fabulous team members. They have contributed to a top-notch office environment. Thanks, guys, for everything you do. I must say thanks to my family, to Luisa and the kids, and the doggos, for putting up with the time that this place and my electorate suck out of me. I am sorry, and I will make it up one day.

I would like to express thanks to the staff of the committees that I have served on, EDT and PUR. I also thank the Clerk and his staff for their patience and persistence in making sure that my office stays on track, or part thereof.

I could not have functioned without the help and support of the chamber support staff, the Hansard team, the Library team, the business support team, including finance, HR and IT Services, and our marvellous attendants. Thank you, team.

I would also like to express my appreciation to government ministers and their staff for assistance and briefings when they were required. I must acknowledge the support of our leader, Alistair Coe, my team of MLA colleagues and all of their staff for working as a close-knit organisation, often in difficult circumstances. Our synergy is priceless. I know you blokes reckon all sorts of things but, whatever. Our synergy is priceless. I look forward to a productive year in 2019.

I would not be here if it were not for the trust and confidence placed in me by the people of Tuggeranong, and I will be working hard to serve them in 2019 and beyond.

In closing, I would like to leave with almost a Christmas wish, Madam Speaker, or at least a thought. I know that we have a somewhat robust chamber from time to time. I know that we toss barbs across this room, that we call each other names and genuinely engage in animated discussion that often is not nice to those who sit opposite us, whichever side we sit on. All I ask is that, as we move forward, we always consider that our political opponents are human. What we do in this chamber is adversarial and it is often combative, but it does not have to be personal.

I am not putting myself forward as a saint in this space, because I have said some diabolical things about a number of members opposite. On occasions I have even apologised to some members opposite because I felt that perhaps my words were a little too harsh. I know that this is a battle of ideas and that we are trying to win more seats than you guys at the next poll, and vice versa. But let us always remember that despite our differences I think we are all pretty good people, and we should give each other the respect that we deserve.

Along those lines, I would like to thank ACT Labor and the whip in particular, Tara, for allowing me the indulgence of the “family reasons 5 pm Wednesday” pair for the past two years. I will certainly not go into details of why, where and who; suffice to

say that the importance of that pair to me and the people close to me is enormous. For various reasons that pair is no longer required for me from next year, so I look forward to being a part of proceedings in this chamber until the close on Wednesdays. I know it is a little early, but Merry Christmas to all.

Valedictory

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Disability, Minister for Children, Youth and Families, Minister for Employment and Workplace Safety, Minister for Government Services and Procurement, Minister for Urban Renewal) (9.33): I rise to speak, I hope briefly, to reflect on the parliamentary year and also to give a note of thanks to those who have made it possible.

My second year in this place has been as busy and as fulfilling as the first. Marking Reconciliation Day as a public holiday, Australia's first public holiday celebrating the culture, contribution and resilience of Aboriginal and Torres Strait Islander people, and the delivery of the secure local jobs package to achieve better outcomes for Canberra workers, stand out as two of the highlights of the year.

I would like to thank all the hardworking officials who have made these, and so many other achievements, possible. In particular, I would like to take a moment to thank the front-line workers in child and youth protection services. We often thank front-line workers at the end of the year, and we talk about the firies, the ambos and the nurses who will be working on Christmas Day. Child protection workers and youth justice workers also work 365 days a year, 24 hours a day, and they deserve our thanks on behalf of all of the community as well.

I would also like to thank the attendants and the other OLA staff who keep this place going and ensure, as far as possible, that everything runs smoothly; when it does not, we accept full responsibility for that.

To my own staff, I do not think words could adequately express the depth of my gratitude to them. There is no group of people that I would rather have by my side in an escape room; and we managed to prove that at our planning day this year.

I thank my chief of staff, Mel, who is a tireless source of strength and humour, not always appropriate, but always appreciated; and Jonny, my office manager, who keeps the show on the road. We were quite surprised to learn that we could in fact operate without him recently. I also wish to thank Ellen and Safia for filling in and doing an outstanding job while Jonny was on leave.

I thank Tim, who previously had the toughest job in the office, as media adviser, and who has recently taken on a policy role. I really look forward to working with him in those areas that he is so passionate about. I thank Ash, who has been such a positive presence in the office since coming on board earlier this year.

Alex, James and Christina each made such a strong contribution, and I wish each of them the best with the new adventures that they have now embarked on. I say to the

always helpful DLOs who assist in my portfolios—Emma the swan, Gill, Kylie, Kylie, Rowena, Karley and Kim, and to the others who have supported all of the ministers over the year: thank you for your hard work, patience and good humour.

To the Chief Minister, Deputy Chief Minister and my cabinet and caucus colleagues, we are, as Mr Parton pointed out, a united team, and your support of me, in good times and bad, has been greatly appreciated.

To the wonderful people of Kurrajong, thank you for the conversations, support and sometimes your very frank feedback. I look forward to continuing our work together to ensure that the heart of Canberra is the very best it can be. To my family and friends, everything I said about them in my inaugural speech still stands, and then some.

Finally, to all the staff and every member in this place, including those opposite, to quote a well-known card, I wish you an environmentally conscious, socially responsible, low-stress, non-addictive, gender-neutral, winter solstice holiday, practised with the most joyful traditions of the religious persuasion of your choice, but with respect for the religious persuasion of others who choose to practise their own religion, as well as those who choose not to practise a religion at all. Merry Christmas.

Valedictory

MR RATTENBURY (Kurrajong—Minister for Climate Change and Sustainability, Minister for Corrections and Justice Health, Minister for Justice, Consumer Affairs and Road Safety and Minister for Mental Health) (9.36): I will take this opportunity to briefly join in the annual tradition to reflect on the year that has been. Mr Parton finished where I want to pick up. It is an extraordinary opportunity that we have to be in this place, particularly to work as a minister in a government. I thoroughly love my job, even though there are moments you cannot believe, things that go wrong. There are things that you manage to achieve at times but there are also the things that happen. I have said to people that if I was ever to write a book, the subject would be: you could not make these things up. Extraordinary things do happen and humans do things that we might never anticipate.

Nonetheless, it is a tremendous privilege to be here and to have the chance to work on issues that we really care about and also issues that our community really cares about. I have had the great privilege in my time in this place to have my eyes opened to a whole lot of things you would never otherwise come across. By dint of our role, people come and talk to us, almost confessionally sometimes. But they also ask us to come to events and they tell us their stories.

It has made me a richer human and has hopefully made me much better at my job as well, because all of these people have been willing to share their experiences, their hardships, their successes, their crazy ideas, their imaginative ideas with me. Of course, I could not do it without my staff, as each of us in this place experiences.

My chief of staff, Indra, has the most extraordinary corporate knowledge. She has been in this place for quite some time and I think is known to everybody. She is chief

of staff to both Caroline and me. She has an extraordinary ability to pull things together, to remember things and to remind us of things. We definitely could not do without her.

For my team—Mr Jarrah, Ms Jarrah, comms Lisa, policy Lisa, Matt, Veronica, Christian and Hal—and, of course, for my Assembly colleague Caroline and her team, it has been a great year. You are a fun bunch to work with. I would not want to work with anybody else. We do it our own unique way. I think we confound the other parties at times, but it seems to work. Yes, it works.

In respect of my colleagues in the ALP, particularly in cabinet, it is again always a fascinating discussion. I very much welcome the different perspectives that people bring to the table. I value the effort that each of the ministers puts in in trying to deliver on behalf of their vast array of portfolios and all the other responsibilities we have as ministers.

Of course, we are ably supported by our directorates. Again, each of us has a number we report to. For me, each of them is different. The directorates are full of amazing people. I really enjoy meeting with the staff from my directorates because they are expert at what they do. They are passionate about what they do. They have all sorts of experiences and, again, they really teach me a lot. They cope with the things that I ask of them. They take on board the suggestions that I make. I really appreciate that.

As ministers, we often largely interact with the senior staff but right through our agencies we have a lot of terrific people. Minister Stephen-Smith mentioned the DLOs. There is a whole network of them in this building. They have their own culture. They are an interesting crowd. But they are always cheerful; they are always helpful. I am very grateful to each and every one of them for the support they give us.

I do not see the Assembly staff as much as when I used to be the Speaker. But they are always super helpful and a fun bunch to work with. To our public servants, who do work over Christmas—Rachel just mentioned this—there are people who will work right through the Christmas period. I hope for them that Canberra is safe and quiet over Christmas, because that makes their jobs a bit easier. The community will be a whole lot better off if that is the case.

Finally, I must mention my wonderful partner, Louise. It has probably not been the finest year for her this year, on a range of fronts. But she continues to be both amazing in her own right and a wonderful support to me. I thank her for that. With that, I wish everyone a merry Christmas.

Valedictory

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (9.41): It has been a challenging but ultimately very rewarding year. At the end of a long day, a long sitting week and a long year of busy governance, tonight I simply wish to extend my very best wishes to all for a safe and happy festive

season. I look forward to seeing you all back here in 2019. It has been a long night. Good night, Madam Speaker.

Question resolved in the affirmative.

The Assembly adjourned at 9.42 pm until Tuesday, 12 February 2019, at 10 am.

Schedules of amendments

Schedule 1

Integrity Commission Bill 2018

Amendments moved by Mr Coe (Leader of the Opposition)

1

Clause 2

Page 2, line 5—

omit clause 2, substitute

2

Commencement

This Act commences on 1 July 2019.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

2

Clause 8 (2)

Page 5, line 1—

omit

must not

substitute

need not

3

Clause 8 (3) (f)

Page 5, line 21—

omit

4

Proposed new clause 8 (3) (h)

Page 5, line 23—

insert

(h) having regard to all the circumstances, further investigation of the conduct is not justified.

5

Clause 9 (1) (a) (ii)

Page 7, line 6—

omit clause 9 (1) (a) (ii), substitute

(ii) constitute a disciplinary offence; or

6

Clause 9 (3), proposed new definition of *disciplinary offence*

Page 9, line 18—

insert

disciplinary offence includes any misconduct, irregularity, neglect of duty, breach of discipline or other matter that constitutes or may constitute grounds for disciplinary action under any law.

8

Clause 9 (3), definition of *serious misconduct*

Page 9, line 22—

omit

9

Clause 26 (2)

Page 20, line 19—

omit

10

Clause 26 (3)

Page 20, line 23—

omit

In addition

substitute

However

11

Clause 27 (2) (b)

Page 22, line 6—

omit clause 27 (2) (b), substitute

(b) ensure the selection process is open, accountable and competitive; and

12

Clause 37 (3) (b) (i)

Page 29, line 13—

omit clause 37 (3) (b) (i), substitute

(i) the Legislative Assembly resolves, by resolution passed by a majority of at least 2/3 of the members, to end the suspension—the suspension ends on the passing of the resolution; or

13

Clause 37 (4) (a)

Page 29, line 20—

omit clause 37 (4) (a), substitute

(a) the Legislative Assembly may resolve, by resolution passed by a majority of at least 2/3 of the members, to require the Speaker to end the commissioner's appointment; but

14

Clause 38 (1) (b)

Page 30, line 7—

omit

otherwise resolves to require the Speaker to end the commissioner's appointment

substitute

otherwise resolves, by resolution passed by a majority of at least 2/3 of the members, to require the Speaker to end the commissioner's appointment

15

Clause 40

Page 31, line 18—

omit clause 40, substitute

40 Commissioner—acting appointment

- (1) The requirements in section 25 (2) (a) (i), (ii) and (iii), (2) (b) and (3) (b) do not apply to the appointment of an acting commissioner.
- (2) If the Speaker approves a period of leave under section 39—
 - (a) an acting appointment may also be made by the commissioner after consulting the Speaker; and
 - (b) the requirements in section 25 (2) (a) (iv) also do not apply to the appointment of an acting commissioner.
- (3) The appointment of a person to act as commissioner must not be for a term longer than 6 months.

Note For other provisions relevant to acting appointments, see the Legislation Act, pt 19.3.2.

16**Proposed new clause 41 (2) (aa)****Page 33, line 9—***insert*

- (aa) is or has been a member of—
 - (i) the Legislative Assembly; or
 - (ii) the Parliament of the Commonwealth; or
 - (iii) the legislature of a State or another territory; or

17**Proposed new clause 41 (2) (ba)****Page 33, line 11—***insert*

- (ba) is or has, in the 5 years immediately before the day of the proposed appointment, been a member of—
 - (i) a registered party; or
 - (ii) a political party registered under a law of the Commonwealth, a State or another territory; or
 - (iii) a political party; or

18**Proposed new clause 41 (2A)****Page 33, line 20—***insert*

- (2A) The appointment must be made in accordance with an open, accountable and competitive selection process.

19**Clause 50 (1), proposed new note****Page 36, line 25—***insert*

Note ***Staff of the commission***—see s 47.

20**Clause 71 (1)****Page 51, line 13—***omit*

must
substitute
may

21

Clause 71 (2)

Page 51, line 18—

omit

22

Clause 71 (3)

Page 51, line 21—

omit

For subsection (2), reasonable grounds may include 1 or more of the following

substitute

The commission may dismiss a corruption report if satisfied on reasonable grounds that the corruption report does not justify investigation for any of the following reasons

23

Clause 71 (3) (i)

Page 52, line 22—

omit

30

Clause 78 (2), note

Page 60, line 17—

omit

31

Clause 79 (2), note

Page 61, line 3—

omit

38

Clause 142 (2)

Page 104, line 24—

omit

may

substitute

must

omit

40

Clause 144

Page 105, line 23—

[oppose the clause]

45

Clause 184

Page 134, line 9—

[oppose the clause]

47

Clause 204 heading

Page 152, line 17—

omit the heading, substitute

204 Reputational repair protocols

48

Clause 204 (1)

Page 152, line 18—

omit

guidelines (the *exoneration guidelines*)

substitute

protocols (the *reputational repair protocols*)

49

Clause 204 (1) (b)

Page 153, line 1—

omit clause 204 (1) (b), substitute

(b) the person has subsequently been cleared of any wrongdoing (whether by a court or otherwise).

50

Clause 204 (2)

Page 153, line 16—

omit

exoneration guidelines

substitute

reputational repair protocols

51

Clause 205 (a)

Page 154, line 7—

omit

52

Clause 205 (b)

Page 154, line 11—

omit

53

Clause 205 (c)

Page 154, line 14—

omit

54

Clause 205 (d)

Page 154, line 16—

omit

55

Clause 205 (e)

Page 154, line 18—

omit

56

Clause 205 (f)

Page 154, line 23—

omit

57

Clause 205 (g)

Page 155, line 1—

omit

58

Clause 205 (h)

Page 155, line 6—

omit

59

Clause 205 (i)

Page 155, line 10—

omit

60

Clause 205 (j)

Page 155, line 13—

omit

61

Clause 205 (k)

Page 155, line 17—

omit

62

Clause 205 (l)

Page 155, line 22—

omit

63

Part 4.1

Page 154, line 2—

omit

Part 4.1

Commission—monthly reports to inspector

205

Commissioner—monthly reports to inspector

The commissioner must give a written report to the inspector at the end of each month including the following for the month:

64

Clause 208

Page 157, line 1—

[oppose the clause]

67

Clause 218 (1) (za) (ii)

Page 167, line 5—

omit clause 218 (1) (za) (ii), substitute

- (ii) reputational damage matters dealt with under section 204 (Reputational repair protocols);

68

Clause 220

Page 168, line 24—

[oppose the clause]

69

Clause 232 (2) (b)

Page 177, line 18—

omit clause 232 (2) (b), substitute

(b) ensure the selection process is open, accountable and competitive; and

70

Clause 242 (3) (b) (i)

Page 183, line 16—

omit clause 242 (3) (b) (i), substitute

(i) the Legislative Assembly resolves, by resolution passed by a majority of at least 2/3 of the members, to end the suspension—the suspension ends on the passing of the resolution; or

71

Clause 242 (4) (a)

Page 183, line 23—

omit clause 242 (4) (a), substitute

(a) the Legislative Assembly may resolve, by resolution passed by a majority of at least 2/3 of the members, to require the Speaker to end the inspector's appointment; but

72

Clause 243 (1) (b)

Page 184, line 13—

omit

otherwise resolves to require the Speaker to end the inspector's appointment

substitute

otherwise resolves, by resolution passed by a majority of at least 2/3 of the members, to require the Speaker to end the inspector's appointment

73

Clause 246

Page 186, line 9—

omit clause 246, substitute

246 Inspector—acting appointment

- (1) The requirements in section 230 (2) (a) (i), (ii) and (iii), (2) (b) and (3) (b) do not apply to the appointment of an acting inspector.
- (2) If the Speaker approves a period of leave under section 244—
 - (a) an acting appointment may also be made by the inspector after consulting the Speaker; and
 - (b) the requirements in section 230 (2) (a) (iv) also do not apply to the appointment of an acting inspector.
- (3) The appointment of a person to act as inspector must not be for a term longer than 6 months.

Note For other provisions relevant to acting appointments, see the Legislation Act, pt 19.3.2.

74

Clause 251 (1), proposed new note

Page 189, line 17—

insert

Note **Staff of the inspector**—see s 248.

75

Proposed new clause 251 (1A)

Page 189, line 17—

insert

- (1A) However, the inspector must not appoint a person as a member of staff of the inspector if the person is or has, in the 5 years immediately before the day of the proposed appointment, been a public servant.

76

Proposed new clause 257A

Page 194, line 2—

insert

257A How to make a complaint to the inspector

- (1) A complaint to the inspector may be made as follows:
 - (a) orally or in writing;
 - (b) using any form of electronic communication;
 - (c) anonymously.
- (2) However, if a complaint to the inspector is made orally, the inspector may—
 - (a) put the complaint in writing; or
 - (b) require the complainant to put the complaint in writing and, until the complainant complies with the requirement, decline to investigate the complaint.
- (3) In this section:

electronic communication means communication by telephone, email, fax or any other electronic means.

89

Clause 285 (4)

Page 216, line 22—

omit

and (2) (Commissioner—acting commissioner)

substitute

(Commissioner—acting appointment)

90

Clause 285 (4), example

Page 216, line 25—

omit the example, substitute

Example—application of s 40 (1)

the Speaker must consult the relevant Assembly committee under s 25 (2) (a) (iv)

91

Clause 302 (1)

Page 230, line 11—

omit clause 302 (1), substitute

- (1) The Minister must, in consultation with the Speaker, review the operation of this Act as soon as practicable after—
 - (a) 1 July 2022; and
 - (b) every 5 years after 1 July 2022.

92

Schedule 1, part 1.10

Amendment 1.74

Page 249, line 2—

*omit amendment 1.74, substitute***[1.74] Schedule 1, new section 1.1B***insert***1.1B Information in possession of integrity commission or inspector of the integrity commission**

Information in the possession of the integrity commission, or the integrity commission inspector, unless the information is administrative in nature.

93

Schedule 1, part 1.10

Amendment 1.75

Page 249, line 7—

*omit amendment 1.75, substitute***[1.75] Schedule 2, section 2.2 (a) (xiv)***substitute*

- (xiv) prejudice the conduct of considerations, investigations, audits or reviews by the ombudsman, auditor-general, integrity commission, integrity commission inspector or human rights commission;

94

Schedule 1, part 1.10

Proposed new amendment 1.76A

Page 249, line 14—

*insert***[1.76A] Dictionary, new definition of *integrity commission inspector****insert*

integrity commission inspector means the inspector of the integrity commission under the *Integrity Commission Act 2018*.

Schedule 2**Integrity Commission Bill 2018**Amendment moved by Mr Rattenbury

1

Clause 9 (3), definition of *serious disciplinary offence*

Page 9, line 19—

omit the definition, substitute

serious disciplinary offence includes—

- (a) any serious misconduct; or
- (b) any other matter that constitutes or may constitute grounds for—
 - (i) termination action under any law; or
 - (ii) a significant employment penalty.

Schedule 3

Integrity Commission Bill 2018

Amendments moved by the Chief Minister

1

Clause 72 (1) (a)

Page 54, line 6—

omit

section 71 (1)

substitute

section 71

2

Clause 72 (1) (a) (iii)

Page 54, line 11—

omit

section 71 (2)

substitute

section 71 (4)

3

Clause 73 (a)

Page 55, line 19—

omit

section 71 (1)

substitute

section 71

4

Clause 73 (a) (iii)

Page 55, line 24—

omit

section 71 (2)

substitute

section 71 (4)

5

Clause 74 (a)

Page 57, line 5—

omit

section 71 (1)

substitute

section 71

6

Clause 74 (a) (iii)

Page 57, line 10—

omit

section 71 (2)

substitute

section 71 (4)

7

Clause 112 (1)

Page 83, line 23—

omit

section 71 (1)

substitute

section 71

8

Clause 112 (2)

Page 84, line 2—

omit

section 71 (1) (b)

substitute

section 71 (3) (b)

9

Clause 218 (1) (f)

Page 164, line 1—

omit

section 71 (1)

substitute

section 71

10

Clause 218 (1) (f) (ii)

Page 164, line 5—

omit

section 71 (2)

substitute

section 71 (4)

Answers to questions

ACT Health—communications (Question No 1717—revised answer)

Mrs Dunne asked the Minister for Health and Wellbeing, upon notice, on 21 September 2018:

- (1) Why does the ACT Health Communications Branch not know where the 28.75 FTE ACT Health communications staff are located in relation to the answer given to question on notice No 1499; if the Communications Branch does know, why did it take so long to pull the information together for the answer to question on notice No 1033.
- (2) Why was the Communications Branch unable to ask Human Resources for the requested data.
- (3) Is the Minister satisfied that all data was captured in the answer to question on notice No 1033.
- (4) What is the staffing structure, including classifications, of the ACT health Communications Branch.
- (5) How much did ACT Health spend on external communications consultancy services in (a) 2017-18 and (b) 2018-19.
- (6) How many FTEs are employed in ACT Health's graphic design team.
- (7) What is the classification structure for the graphic design team.
- (8) In which work areas are members of the graphic design team located.
- (9) What is the classification structure for each work area in which members of the graphic design team are located.
- (10) How much did ACT Health spend on external graphic design services in (a) 2017-18 and (b) 2018-19.

Ms Fitzharris: The answer to the member's question is as follows:

1. While most communications staff and functions reside in the Communications Branch, some communications staff and functions are embedded in business areas. In the interest of accuracy, it was important to consult line areas.
2. Human Resources do not collect the specific data requested.
3. Yes.
4. The Communications Branch staffing structure including classifications post transition to two organisation is as follows:

ACT Health Directorate
 SOG A – 2 FTE
 SOG B – 2 FTE
 SOG C – 3 FTE
 ASO 6 – 3 FTE
 ASO5 – 1
 Canberra Health Services
 SOG A – 2 FTE
 SOG B – 4 FTE
 SOG C – 4 FTE
 ASO 6 – 2 FTE
 ASO 5 – 2 FTE

5. A) In 2017/18 ACT Health Communications Branch spent \$24,965 on external communications consultancy services.

B) In 2018/19 ACT Health Communications Branch has spent nil on external communications consultancy services.

6. 2 FTE

7. ASO6 x 2 FTE

8. Graphic design staff are currently located within the Online and Design Team within the Communications Branch in the ACT Health Directorate.

9. The Online and Design Team comprises of:

- SOG A – Senior Manager (1 FTE)
- ASO 6 – Web Developer (1 FTE)
- ASO 6 – Graphic Designer (1 FTE)
- ASO 6 – Graphic Designer (1 FTE)

10. A) In 2017-18, the Communications Branch spent \$83,388.66 on external graphic design services.

B) In 2018-19, the Communications Branch spent \$33,909 on external on graphic design services.

ACT Health—consultants (Question No 1734)

Mrs Dunne asked the Minister for Health and Wellbeing, upon notice, on 21 September 2018:

- (1) Can the Minister provide in relation to the answer to question on notice No 888 (a) a copy of the contract schedules that deal with the services provided, milestones, payment schedule, and any other relevant matters specific to the services provided, (b) was the contract completed on time; if not, why not and (c) what outcomes or improvements the delivery of the contract yielded for ACT Health for the following

contracts with (i) Cogent Business Solutions Pty Ltd worth \$420 000 described as domestic and environmental services contract RFT advisory services, which ended on 1 May 2017, (ii) Deloitte Touche Tohmatsu, two contracts described as strategic sourcing partner for ICT solutions phases 1 and 2, for \$150 390 and \$400 809.20 respectively, and which ended on 30 January 2018 and 24 February 2018 respectively, (iii) Ernst & Young, described as opportunities to better manage community health service provision for \$225 500, and which ended on 21 October 2016 and (iv) Health-E Workforce Solutions Pty Ltd, one described as workforce benchmarking exercise, for \$221 863.60, and which ended on 2 December 2015 and the other described as workforce modelling, for \$858 744.20, and which ended on 28 February 2017.

- (2) In relation to the answer to question on notice No 888 and the contract with KPMG, described as financial controller, for \$168,600, and which ended on 27 April 2017 can the Minister provide (a) a copy of the contract schedules that deal with the services provided, milestones, payment schedule, and any other relevant matters specific to the services provided, (b) was the contract completed on time; if not, why not, (c) what outcomes or improvements did delivery of the contract yield for ACT Health and (d) were any former employees of ACT Health involved in the delivery of the services; if yes what were the (i) employees' classifications at separation, (ii) separation processes and (iii) dates of the separations.
- (3) In relation to the answer to question on notice No 888 and the ACT Health's transformational reform program (a) what were the terms of reference for the program, (b) what outcomes were anticipated from the program, (c) how were those outcomes to be measured, (d) which consultants were contracted to deliver the program and at what cost for each, (e) what outcomes were achieved from the program and (f) what tangible benefits and improvements did the program deliver for ACT Health.
- (4) In relation to the answer to question on notice No 888 and the contract with Paxton Partners, described as UCH operating services budget development, for \$219 368, and which ended on 30 September 2016 (a) can the Minister provide a copy of the contract schedules that deal with the services provided, milestones, payment schedule, and any other relevant matters specific to the services provided, (b) was the contract completed on time; if not, why not, (c) what outcomes or improvements did delivery of the contract yield for ACT Health, (d) were any former employee of ACT Health involved in the delivery of the services: if yes (i) what were the employees' classifications at separation (ii) what were the separation processes, (iii) what were the dates of the separations and (iv) why could the work not be done using in-house expertise.
- (5) In relation to the answer to question on notice No 888 and the contract with PricewaterhouseCoopers, described as integrated project management office, for \$2 720 778.29, and which ended on 20 July 2017 can the Minister provide (a) a copy of the contract schedules that deal with the services provided, milestones, payment schedule, and any other relevant matters specific to the services provided, (b) was the contract completed on time; if not, why not, (c) what outcomes or improvements did delivery of the contract yield for ACT Health and (d) were any former employees of ACT Health involved in the delivery of the services; if yes (i) what were the employees' classifications at separation, (ii) what were the separation processes, (iii) what were the dates of the separations and (iv) why could the work not be done using in-house expertise.

Ms Fitzharris: The answer to the member's question is as follows:

(1) (i)

a. Please refer to contract H1433282 on the ACT Government Contracts Register for all contract information that is not considered confidential text in accordance with the Government Procurement Act 2001 (ACT).

b. Yes.

c. This consultancy provided ACT Health with advisory and technical support for the development of a tender for a new domestic and environmental services contract, as well as support in the evaluation and contract negotiation phases. ACT Health successfully negotiated the following contract clauses with the preferred provider:

- an agreed abatement schedule and process to deliver enhanced quality measures and Key Performance Indicators
- an enhanced waste management plan that is designed to increase recycling in all ACT Health facilities
- an enhanced ICT platform for the ISS Help Desk, and
- improved cleaning response times for operating theatres.

(ii)

a. Please refer to the work orders under panel contract 2012.15098.377 on the ACT Government Contracts Register for all contract information that is not considered confidential text in accordance with the Government Procurement Act 2001 (ACT).

b. Both contracts were completed on time.

c. Phase 1 delivered all planning, analysis and preparation to approach the market for multiple procurement activities for ICT Solutions for University Canberra Hospital.

Phase 2 delivered assistance for multiple procurement processes to approach market, gave in-depth advice on the vendors' products and provided tactical expertise and knowledge during vendor interactions, in particular during briefings and contract negotiations.

(iii)

a. Please refer to contract 2016-2074 on the ACT Government Contracts Register for all contract information that is not considered confidential text in accordance with the Government Procurement Act 2001 (ACT).

b. No the contract was not completed on time due to the inability of ACT Health to provide specific data to Ernst and Young.

c. ACT Health did not accept the report produced by Ernst and Young and therefore implemented no changes to community health service provision as a result of this report.

(iv)

a. For Phase 1 please refer to contract H1619481 on the ACT Government Contracts Register for all contract information that is not considered confidential text in accordance with the Government Procurement Act 2001 (ACT).

For Phase 2 please refer to contract DGC16/378 on the ACT Government Contracts Register for all contract information that is not considered confidential text in accordance with the Government Procurement Act 2001 (ACT).

- b. Phase 1 – Yes.
Phase 2 – Yes.
- c. Phase 1 – Understanding of the health service demand, supply and identifying the gaps in services.
Phase 2 – generation of alternate staffing models.

(2)

- a. Please refer to contract RFQ-ACTH-1617-001 on the ACT Government Contracts Register for all contract information that is not considered confidential text in accordance with the Government Procurement Act 2001 (ACT).
- b. Yes.
- c. This engagement was for managing ACT Health's financial policies, systems and processes to ensure:
 - Complete and accurate data;
 - The delivery of accurate monthly, quarterly and annual financial reports to support operation areas, particularly in relation to financial and statutory reporting, performance reporting, management reporting, budget development and coordination, and ensuring accounting policies and procedures remain current and comprehensive;
 - Banking, Taxation & Cash management, and capital works funding and reporting; and
 - Compliance with fiduciary and legal obligations.
- d. No former employees of ACT Health involved in the delivery of these services

(3)

- a. There were no specific Terms of Reference for the program.
- b. The Transformational Reform program was implemented to improve the efficiency and quality of health services in the ACT, focusing on system wide improvements to support patient centred care. The program evolved over time taking the form of the System Innovation Group (SIG) and the System Innovation Program (SIP). See *ACT Health Annual Report 2015-16* and *2016-17*.
- c. Outcomes were to be measured through results against strategic indicators as published in the *ACT Health Annual Report*.
- d. Refer to response to Question on Notice 45 – Inquiry into referred 2015–16 Annual and Financial Reports, 2 March 2017
- e. As per the *ACT Health Annual Report 2015-16 B.1 Organisational overview—System Innovation Group* and *2016-17 Section B.1 Organisational overview—Innovation Division Overview*.
- f. As per the *ACT Health Annual Report 2015-16 B.1 Organisational overview—System Innovation Group* and *2016-17 Section B.1 Organisational overview—Innovation Division Overview*.

(4)

- a. Please refer to contract 16/1208 on the ACT Government Contracts Register for all contract information that is not considered confidential text in accordance with the Government Procurement Act 2001 (ACT).
- b. Yes.

- c. The main objectives/deliverables of this engagement were:
- benchmarking of the service model and model of care;
 - develop the staff profile – clinical and non-clinical;
 - assess the impact of decommissioning existing services being transferred to UCPH, :
 - the cost of any duplication of services during the early operational phase for UCPH;
 - the Canberra Hospital and Health Services budget and operations including:
 - the cost of the quantum of budget to be transferred to the new facility
 - staff profiles (clinical and non-clinical);
 - existing physical facilities and equipment; and
 - existing contracts for services;
 - the Calvary Public Hospital budget and operations including:
 - the Performance Agreement and funding
 - staff associated with the delivery of services to be transferred (clinical and non-clinical); and
 - existing physical facilities.
- d. No former employees of ACT Health involved in the delivery of these services.

(5)

- a. Please refer to contract 2015.27424.210 on the ACT Government Contracts Register for all contract information that is not considered confidential text in accordance with the Government Procurement Act 2001 (ACT).
- b. Early in the engagement project timeframes were altered to allow the consultants to develop and gather incomplete project planning documentation and to support the organisation in development of Project Plans for key project priorities.
- c. The Integrated Program Management Office (IPMO) was established to support existing clinical areas in the delivery of organisational project priorities. The IPMO implemented a project management framework for delivery of projects, supported clinical areas in establishing good project management practice and assisted in the development of project management capability within the organisation. The intention of the IPMO scope was to develop in-house maturity and capability in project management which was assessed as an area requiring development.
- d. No former employees of ACT Health involved in the delivery of these services.

Canberra Hospital—radiology department (Question No 1738)

Mrs Dunne asked the Minister for Health and Wellbeing, upon notice, on 21 September 2018:

- (1) In relation to the answer given to a question without notice taken on notice on 31 July 2018 about staff shortages in the radiology department at The Canberra Hospital, how many additional nurses were recruited for the overnight nurse roster.
- (2) On what dates did those nurses start duties.

- (3) As of 21 September 2018 (a) were there any overnight nurse vacancies, (b) how many were there, (c) for how long have the positions been vacant and (d) what is the timeline to fill them.
- (4) As of 21 September 2018 (a) which specialist modalities offered rotations, (b) which specialist modalities did not offer rotations and (c) what is being done to offer rotations in all modalities.
- (5) What arrangements does the department have in place to facilitate rural rotations and since February 2017 how many rural rotations have taken place.
- (6) Since February 2017, (a) how many staff have held the position of Clinical Director of Radiology, (b) on what dates did they start duties, (c) for any resignations what were the dates of resignation and (d) for any who were otherwise separated from the role, what were the dates of separation.
- (7) As of 21 September 2018 (a) were any former clinical directors of radiology still on staff in the radiology department and (b) how many were there.
- (8) What is the required number of registrars for the radiology department.
- (9) As of 21 September 2018 (a) how many registrar vacancies were there and (b) what is being done to fill the vacancies.

Ms Fitzharris: The answer to the member's question is as follows:

- 1) Two nurse positions were recruited to in March 2017 to cover the implementation of a seven-nights-a-week medical imaging nursing roster.
- 2) 23 March 2017.
- 3)
 - a) No.
 - b) Not applicable.
 - c) Not applicable.
 - d) Not applicable.
- 4)
 - a) There are rotations through all modalities in medical imaging.
 - b) Not applicable.
 - c) Not applicable.
- 5) Canberra Health Services has successfully negotiated a rural rotation at Orange Base Hospital with the first trainee beginning rotation in early 2019.
- 6)
 - a) Since February 2017 to 25 October 2018, three staff members have held the position of Acting Clinical Director, Medical Imaging.
 - b) 7 April 2017, 12 June 2018 and 2 October 2018.
 - c) Not applicable.
 - d) June 2018.

- 7)
 - a) Yes.
 - b) Three.
- 8) There is no minimum requirement.
- 9)
 - a) Two registrars completed training in August 2018.
 - b) There is a recruitment process underway to fill any vacant position ready for the start of the training program in 2019.

**Government—directorate staffing
(Question Nos 1755-1785 and 1787-1793)**

Miss C Burch asked the Chief Minister; the Minister for Social Inclusion and Equality; the Minister for Planning and Land Management; the Minister for Justice, Consumer Affairs and Road Safety; the Minister for Education and Early Childhood Development; the Minister for the Environment and Heritage; the Minister for Housing and Suburban Development; the Minister for Mental Health; the Minister for Climate Change and Sustainability; the Minister for the Prevention of Domestic and Family Violence; the Minister for Health and Wellbeing; the Minister for Tourism and Special Events; the Minister for Trade, Industry and Investment; the Minister for Higher Education; the Minister for Medical and Health Research; the Minister for Transport; the Minister for Vocational Education and Skills; the Minister assisting the Chief Minister on Advanced Technology and Space Industries; the Minister for the Arts and Cultural Events; the Minister for Building Quality Improvement; the Minister for Business and Regulatory Services; the Minister for Seniors and Veterans; the Minister for Corrections and Justice Health; the Minister for Disability; the Minister for Children, Youth and Families; the Minister for Employment and Workplace Safety; the Minister for Government Services and Procurement; the Minister for Urban Renewal; the Minister for City Services; the Minister for Community Services and Facilities; the Minister for Roads; the Speaker; the Treasurer; the Minister for Aboriginal and Torres Strait Islander Affairs; the Attorney-General; the Minister for Police and Emergency Services; the Minister for Multicultural Affairs; the Minister for Sport and Recreation and the Minister for Women, upon notice, on 21 September 2018 (*redirected to the Chief Minister*):

- (1) For each directorate and agency for which the Minister is responsible, what is the total number of (a) allegations, (b) investigations and (c) adverse findings related to staff misconduct or poor behaviour during each financial year from 2007-08 to date, broken down by category of complaint, including but not limited to (i) bullying, (ii) harassment (iii) sexual harassment and (iv) any other relevant category of complaint.
- (2) In relation to each category of complaint identified in part (1) (a) allegations, (b) investigations and (c) adverse findings what were the ACTPS classifications for each employee making the allegations, and each employee against whom allegations were made during each financial year from 2007-08 to date.

- (3) In relation to adverse findings in each category of complaint identified in part (1), in how many instances were employees during each financial year from 2007-08 to date (a) dismissed, (b) temporarily demoted, (c) suspended, (d) financially penalised, (e) transferred to another position and (f) counselled.

Mr Barr: The answer to the member's question is as follows:

The ACT Public Service does not report to this level of detail. The information has been coordinated from Directorates and agencies. The answers to questions (1); (2); and (3) are provided in the attached spreadsheets. There is a spreadsheet for each Directorate and a combined spreadsheet for agencies. The agency data has been combined into one spreadsheet to protect the identification of individuals in those agencies.

In relation to the response to question (2), Directorates have provided the information which was readily available and some information has not been able to be sourced. In addition, some complainants are external to the ACT Public Service and have not been identified.

(A copy of the attachment is available at the Chamber Support Office).

Sport—ovals (Question No 1885)

Mr Milligan asked the Minister for Sport and Recreation, upon notice, on 21 September 2018:

- (1) Can the Minister provide detail on the timeline for the replacement of the synthetic sportsground at the Gold Creek School which is also used by Holy Spirit Catholic Primary School and other sport and recreation users in the Nicholls community.
- (2) When can these stakeholders expect to see the new surface operational and what are the Government's plans for the users of this facility during the construction and upgrade period.
- (3) Can the Minister confirm what the new surface on the Gold Creek Oval will be and give assurances about the type of synthetic infill that will be used.
- (4) Can the Minister provide an explanation for the use of synthetic infill rather than an organic material other than cost.
- (5) Has consideration been given to the environmental implications of using a synthetic infill; if so, what was the outcome of such an assessment.

Ms Berry: The answer to the member's question is as follows:

- (1) The ACT Budget provided \$50,000 for design and project initiation in the 2018-19 financial year with construction works to commence in 2019 – 20. Phasing of the works is expected to commence construction during the summer school holiday period and is expected to run for 6 -8 weeks.

- (2) Affected stakeholders will be consulted around time frames and opportunities to relocate to surrounding ovals during the construction period if required, the new surface is expected to be operational in February 2020 at the beginning of the school term.
 - (3) The replacement of the synthetic surface will be put out to tender requesting a safe high performing surface. Tenderers will be required to specify the type of infill crumb proposed and will be required to certify through testing that it is nontoxic. Material Safety Data sheets will be developed for the product.
 - (4) Organic material is still being experimented with in Australia. A requirement is for it to be kept moist with the use of water cannons which precludes it from open parkland settings. Industry feedback has indicated that the organic infill compound breaks down quickly and there is additional cost of continual replacement due to it being light weight and subject to washing and blowing away. Another down side to its use is that it compacts and allows the incursion of weeds and other foreign material.
 - (5) TCCS will engage in a due diligence process with synthetic turf experts to ensure best practice environmental industry standards and objectives are met by adopting new technologies and satisfying community needs.
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ACT Health—functions (Question No 1887)

Mrs Dunne asked the Minister for Health and Wellbeing, upon notice, on 26 October 2018:

- (1) In relation to the response to part (8) of question on notice No 1682, why was the meeting over-catered by more than 20 percent (170 catered versus 139 attended).
- (2) What catering was provided.
- (3) What was the menu.
- (4) Who was the keynote speaker.
- (5) What qualifications and experience made the keynote speaker suitable to address the meeting.
- (6) By what procurement method was the keynote speaker chosen and why was that method used.
- (7) What was the detail of any elements and costs that make up the total cost for the keynote speaker.
- (8) What was the topic of the keynote address.
- (9) Will the minister provide a copy of the keynote address.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) One week prior to the event, final attendee numbers must be provided to the venue for catering purposes. At that time, there were 169 confirmed acceptances, therefore the venue was asked to cater for 170.
 - (2) Morning tea, lunch and afternoon tea.
 - (3) Morning tea
Scones topped jam and cream
Fresh seasonal fruit
Lunch
Beef bourguignon w/ rice pilaff
Smoked paprika and herb marinated chicken w/ yoghurt dressing
Eggplant and ricotta crepe w/ roasted tomato and basil sauce
Green salad w/ avocado, cherry tomatoes and cucumber
Bread rolls w/ butter
Fresh seasonal fruit
Afternoon tea
Cheeses w/ crackers, dried fruits and lavosh
Assorted dips w/ fresh Turkish bread
 - (4) Dr Bruce McCabe.
 - (5) Dr Bruce McCabe is a futurist, writer and international keynote speaker who presents on the technologies changing our world. He has a PhD in organisational and technological innovation and for thirty years has explored how people innovate and how people adopt new technologies. He has served as advisor to a long list of multinationals, governments, universities, the CSIRO and National ICT Australia, and founded or co-founded several ventures, including KPMG's Innovation Advisory practice and a cloud-based disaster recovery start-up subsequently sold to Unitrends.

Bruce McCabe was chosen as a suitable speaker as the event focussed largely on the future of ACT Health as we transitioned to forming to two distinct organisations. As a futurist, Bruce McCabe's presentation focussed on research, innovation and technological developments impacting healthcare in the next 5 to 10 years. His presentation was grounded on research, evidence base and first-hand experience and 1 on 1 conversations with leading thinkers and scientists around the world.
 - (6) Three speakers were approached to provide a quote. Two quotes were received, one speaker was unavailable for the event and did not provide a quote. This method was used as it fell in the ACTPS Procurement Guidelines for a 'Basic Purchasing' (purchases under \$25,000).
 - (7) All costs are GST inclusive. Speaker fee \$10,450, airfares \$775.53, accommodation \$184.68, Airport parking \$122.00, Canberra Taxis \$28.40 and \$25.20. Total \$11,585.81.
 - (8) The topic was 'The healthcare opportunity'.
 - (9) Mr McCabe spoke ad lib using a number of slides, which are attached a Attachment A.

(A copy of the attachment is available at the Chamber Support Office).
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ACT Health—audits (Question No 1888)

Mrs Dunne: asked the Minister for Health and Wellbeing, upon notice, on 26 October 2018:

- (1) How many internal audits have been completed in ACT Health and Canberra Health Services in 2018 to the date on which this question was published in the Questions on Notice Paper.
- (2) What matters were audited.
- (3) In relation to the resultant internal audit reports, what (a) are the titles of the reports, (b) matters are covered in each report and (c) has been the Government's response to any recommendations made in each report.
- (4) How many internal audits are in progress as at the date on which this question was published in the *Questions on Notice Paper*.
- (5) What matters are being audited.
- (6) What internal audit arrangements are in place for each of the two administrative agencies following the health restructure introduced on 1 October 2018.
- (7) Are the Minister for Health and Wellbeing and the Minister for Mental Health advised of the outcome of internal audits; if so, what form does that advice take; if not, why not.
- (8) Are the outcomes of ACT Health internal audits publicly available; if so, where may they be accessed; if not, why not.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) Three internal audits were completed from 1 January 2018 to 26 September 2018.
- (2) Data integrity, project governance and contractor engagement were audited.
- (3) The below table answers questions (3)(a), (b) and (c).

(a) Title	(b) Matters covered	(c) Government response
<i>Internal Audit of the Effectiveness of ACT Health's Implementation of Recommendations Relating to Data Integrity: Phase Four Review</i>	Assess progress against recommendations from the <i>ACT Health System Wide Data Review</i> and provide evidence of the effective implementation of those recommendations	The audit consisted of a phased-audit to assess and complete a provided report on the implementation status of previous audit recommendations therefore no comments were made
<i>Internal Review of the University of Canberra Public Hospital (UCPH) Project Governance</i>	Review of project planning, governance and management of the University of Canberra Public Hospital construction project considering project management, budget planning and quality assurance management	Recommendations were accepted by the Government

<i>Internal Audit of Engagement of Consultants and Contractors</i>	Assess ACT Health processes and controls in place to engage contractors and consultants	Recommendations were accepted by the Government
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- (4) One internal audit is currently in progress as at 26 October 2018.
- (5) The current internal audit is a review of Senior Medical Officer (SMO) work practices, assessing the adequacy of system processes and controls.
- (6) ACT Health currently maintains governance assurance over the function of Internal Audit (IA) through the oversight provided by the Audit and Risk Management Committee (ARMC). Matters relating to future governance is currently with the Committee for consideration.
- (7) The terms of the ARMC Charter requires the ARMC to provide an annual report to the relevant Minister(s).
- (8) Standard practice prescribes that outcomes of internal audit findings provide are not generally released. Findings provide an internal assurance function to the Director General and are considered part of day to day business.

Health—ophthalmology services (Question No 1889)

Mrs Dunne: asked the Minister for Health and Wellbeing, upon notice, on 26 October 2018:

- (1) What public ophthalmology (a) general and (b) specialist medical services are available in the ACT.
- (2) What were the waiting lists for ophthalmology (a) general and (b) specialist medical services as at the date on which this question was published on the Questions on Notice Paper.
- (3) What is the level of demand for public ophthalmology (a) general and (b) specialist medical services in the ACT;
- (4) What contingency arrangements does ACT Health have in place to meet the demand when there are insufficient public ophthalmology (a) general and (b) specialist medical services to meet demand in the ACT.
- (5) If there are no contingency arrangements, (a) why not and (b) what is the Government doing to build the general and specialist medical ophthalmology services so they are sufficient to meet the demand.
- (6) What public ophthalmology surgical services are available in the ACT.
- (7) What were the waiting lists for ophthalmology surgical services as at the date on which this question was published on the Questions on Notice Paper.

- (8) What is the level of demand for public ophthalmology surgical services in the ACT;
- (9) What contingency arrangements does ACT Health have in place to meet the demand when there are insufficient public ophthalmology surgical services to meet demand in the ACT.
- (10) If there are no contingency arrangements, (a) why not and (b) what is the Government doing to build the surgical services so they are sufficient to meet the demand.
- (11) What alternatives (other than private services) are available to public patients requiring ophthalmology general or specialist medical services or ophthalmology surgical services.
- (12) What assistance, including but not limited to referrals and transport assistance, does the ACT Government provide to public patients needing to access these alternative (non-private) services.
- (13) What is the model of care for the ACT Health Eye Clinic, including, but not limited to, the scope of services provided.

Ms Fitzharris: The answer to the member's question is as follows:

- (1)
 - (a) General ophthalmology care and treatment is provided through GPs, Emergency Departments, Optometrists, and Private ophthalmologists.
 - (b) Specialist Ophthalmology includes vitreoretinal, intraocular lens replacements, macular degeneration, glaucoma surgery, complex paediatric ophthalmology, neuro-ophthalmology corneal replacement; oculoplastic and uveitis services and traumatic eye injury/acute eye ophthalmology services.
- (2)
 - (a) Not applicable.
 - (b) On 26 October 2018 there were a total of 735 patients waiting for a Specialist Ophthalmology appointment.

- (3)
 - (a) Not applicable.
 - (b)

		Actual 2017-2018		Predicted 2021-2022	
		CHS	CPHB	CHS	CPHB
Inpatient	Separations	276	1416	340	1886
Outpatients	Appointments	14321	0	17657	0

- (4)
 - (a) Not applicable.
 - (b) ACT Health has developed a business plan for outgoing years for specialist ophthalmology services. Given our small jurisdictional size, there will always be some subspecialty services that will need to be referred to Sydney, due to lack of sufficient local expertise; caused by a lack of critical patient load to make a service viable. The Ophthalmology department is looking into a shared care model with community based general ophthalmology services where applicable. The Eye Clinic attends to approximately 4000 Emergency Department attendances per

year, and has significant resourcing to provide eye casualty services, including weekends. This allows people who otherwise cannot access services to be seen by a tertiary service where applicable.

- (5)
- (a) Not applicable. These are provided in the community. Department of Ophthalmology is working to enhance the relationship between community-based services and specialist services.
 - (b) ACT Health is developing a Service Specialty Plan and Business Plan for Ophthalmology.
- (6) Intraocular lens replacement, vitreoretinal surgery, oculoplastic surgery, corneal transplant surgery, glaucoma surgery, retinopathy of prematurity screening and treatment, trauma eye surgery.

- (7) Waiting lists are as per table:

ACT Public Elective Surgery Waiting List Ophthalmology Ready for Care Patients as at 26/10/2018			
	Canberra Health Services	Calvary Public Hospital Bruce	Total
Category 1	2	1	3
Category 2	11	46	57
Category 3	1	735	736
Total	14	782	796

- (8) Demand continues to increase. The below table demonstrates growth in activity.

2016-2017	Additions to the list	Operations	Removed administrative reasons
CHS	148	126	12
CPHB	1568	1374	169
2017-2018	Additions to the list	Operations	Removed administrative reasons
CHS	118	126	5
CPHB	1606	1411	146

- (9) ACT Health has more than sufficient resources to meet current and predicted demand within its scope of services. It has already demonstrated in 2017-18 through the extra surgery initiative the ability to flex up within current resources considerably due to the high efficiency and throughput of the current services. ACT Health is currently looking at what further surgical service scope could possibly be added. The Ophthalmology department has developed a workforce plan into the future, to maintain current services, and enhance scope of services available as demand increases.

- (10) Not Applicable. Refer to Question 9.

- (11) Royal Australia and New Zealand College of Ophthalmologist is developing and ACT Health is in the process of exploring co-shared services between GPs, Optometrists, and tertiary services, with the increasing movement of screening services to the community. This is enabled by the enhanced screening technology now increasingly available in optometrist practices; where traditionally they were only available in public hospitals, and private ophthalmologists rooms; this aids in screening and identification of patients with chronic or acute eye problems. Optometry visits are covered under Medicare. This is taking a large burden of unnecessary appointments away from the Eye clinic, as attendance at optometrists, provide the necessary screening tools, to indicate that specialist eye services are not

required, and the patient can be reassured that no further action is necessary. Some subspecialty conditions outside the scope of current service in the ACT are referred to other tertiary centres most commonly the Sydney Eye Hospital. Being a small jurisdiction, the ACT is unable to create the critical clinical patient load to make some subspecialty services viable.

- (12) Referrals, transport assistance where applicable, follow-up appointments where appropriate and co-shared care, as requested.
- (13) The Eye Clinic is a tertiary level service which provides urgent eye assessment and treatment, as well as review of patients with potential eye problems from the Canberra Hospital Emergency Department, or referred by community optometrists, GPs, and private ophthalmologists.

In addition it provides subspecialty clinics for non-urgent eye disorders management including:-

- Corneal transplant
- Vitreoretinal
- Macular degeneration
- Uveitis
- Neuro-ophthalmology
- Complex paediatric ophthalmology assessment
- Retinopathy of prematurity
- Traumatic eye injury assessment and management.

Where applicable patients are returned to community-based care via GPs, Optometrists, or private ophthalmologists. Some disorders require ongoing management and treatment at the Eye Clinic. The Eye Clinic is configured to provide such care in an ongoing manner for its clinical scope of chronic eye conditions. This is particularly the case in macular degeneration, neuro-ophthalmology, uveitis, and retinopathy of prematurity.

Centenary Hospital for Women and Children—paediatric medical ward (Question No 1890)

Mrs Dunne: asked the Minister for Health and Wellbeing, upon notice, on 26 October 2018:

Has the paediatric medical ward at The Centenary Hospital for Women and Children been closed or otherwise in less than full-use operability since 1 July 2018; if so, (a) why, (b) during what period(s), (c) what is being done to return it to full-use operability, (d) what is it costing to return it to full-use operability, (e) when will it return to full-use operability, (f) what temporary arrangements are in place to care for and treat patients and (g) what is being done to ensure the safety and security of patients while the temporary arrangements are in place.

Ms Fitzharris: The answer to the member's question is as follows:

- (a) Yes. The Paediatric Medical Ward has been at less than full use capacity since two bedrooms were impacted by water leaks identified on 3 August 2018.

- (b) Since 3 August 2018, the two bedrooms have been closed and continue to be unavailable for use until all remediation works have been completed.
 - (c) Remediation works to return the ward back to full operating capacity include isolation of building services, replacement of bathroom walls, replacement of plumbing pipework and fittings, inspecting wall cavities, re-instatement of building services, and testing and re-commissioning.
 - (d) The expected cost to return the ward to full operating capacity is \$127, 000 (excluding GST).
 - (e) The ward is expected to return to operating capacity when the remediation works are completed in late December 2018.
 - (f) Paediatric services continue to operate as normal. There has been no change to the arrangements to care for and treat patients. A temporary arrangement has been to utilise the Paediatric Surge Ward for patients to minimise the impact of any remediation activities in the Paediatric Medical Ward.
 - (g) There is no change to the safety and security of patients from the temporary arrangement to utilise the Paediatric Surge Ward.
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Arts—consultants
(Question No 1892—revised answer)

Mrs Dunne asked the Minister for the Arts and Cultural Events, upon notice, on 26 October 2018:

- (1) How many consultancy reports were commissioned in the Arts portfolio from 1 January 2018 to the date on which this question was published in the Questions on Notice Paper.
- (2) Who were awarded consultancy contracts in the Arts portfolio from 1 January 2018 to the date on which this question was published in the Questions on Notice Paper.
- (3) For each consultancy contract, what was its (a) purpose and (b) value.
- (4) For each finalised consultancy report, (a) what was the title of the report and (b) was it released publicly; if not, why not.
- (5) For each consultancy report not yet finalised, will it be released publicly; if so, when; if not, why not.

Mr Ramsay: The answer to the member's question is as follows:

1, 2, 3, 4

Consultant	Title	Purpose	Value	Was it released publicly; if not, why not?
Maxim Consulting Services Pty Ltd - Public Art collection Maintenance Plan 2018	Public Art collection Maintenance Plan 2018	The delivery of a Maintenance Plan for the public art collection managed by artsACT. The Plan provides a schedule of routine maintenance and conservation activities for each artwork within the collection.	\$52,700 (ex GST)	No. The Plan is a working document for collection management. It provides the scope of work for specialist maintenance and conservation providers and cannot be publicly released because the content will be part of a tender process.
Follow up Review of Staffing Arrangements: ACT Historic Places and Canberra Museum and Gallery	Chris Salter	Review of shared services staffing arrangements between Canberra Museum and Gallery and ACT Historic Places	\$17,500 (GST incl)	No. The report is being used for preliminary internal planning only. The report was released to relevant staff and unions and formed part of ongoing consultations.
Lanyon Workshop Site Analysis	SAJE Consulting	To determine the most appropriate site for a new workshop facility at Lanyon Homestead consistent with the Conservation Management Plan	\$12,000 (GST incl)	No. The report is being used for internal planning and decision making only.
Security Consultancy Services – Stage 2	Lote Consulting	To use existing CFC Security Risk Assessments to develop CFC Protective Security Plans and Protective Security Policies	\$52,800 (GST incl)	No. The report is being used for internal planning and decision making only. The report contains sensitive security information about security risk.

5. N/A

Arts—ministerial briefings (Question No 1893)

Mrs Dunne asked the Minister for the Arts and Cultural Events, upon notice, on 26 October 2018:

- (1) How many briefs were prepared for the Minister for (a) Estimates hearings, (b) Question Time and (c) other matters, for each month from and including January 2018 to and including September 2018.
- (2) What topics did these briefs cover.

Mr Ramsay: The answer to the member's question is as follows:

- (1) Refer to response provided for Question Number 1732 of 21 September 2018.

- (2) The briefs covered topics in the normal course of business including grants and funding arrangements, background information on organisations for arrangements and meeting briefs, infrastructure, policy, engagement and events management.
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**ACT Health—functions
(Question No 1894)**

Mrs Dunne asked the Minister for Health and Wellbeing, upon notice, on 26 October 2018:

Was an event held for the nursing and midwifery awards in (a) 2013, (b) 2014, (c) 2015, (d) 2016, (e) 2017 and (f) 2018; if so, (i) on what date was the event held, (ii) where was the event held, (iii) was the event sponsored; if so, (A) by whom and (B) for what sponsorship amount, (iv) what benefits did sponsors receive in return for their sponsorship, (v) what were the costs for (A) venue hire, (B) catering and (C) other costs (specifying details for costs of \$500 or more, excluding GST), (vi) how many awards were presented, (vii) how many nurses and midwives attended, (viii) how many ministers and ministerial staff attended, (ix) how many non-executive MLAs and MLA staff attended, (x) how many executive ACT Health staff attended, (xi) how many non-executive ACT Health staff attended, (xii) how many community-based health-related representatives attended, (xiii) how many commercial sector health-related representatives attended, (xiv) how many other people attended, (xv) was there an event admission fee; if so, (A) how much was the fee and (B) who was exempt from paying the fee and (xvi) which MLAs were invited.

Ms Fitzharris: The answer to the member's question is as follows:

An event was held for nursing and midwifery awards in:

- (a) 2013
- (b) 2014
- (c) 2015
- (d) 2016
- (e) 2017
- (f) 2018

(i) Events were held on:

- 9 May 2013
- 8 May 2014
- 7 May 2015
- 12 May 2016
- 11 May 2017
- 10 May 2018.

(ii) The event has been held at the Hellenic Club in Woden on every occasion from 2013-2018.

(iii) The event has been sponsored every year. The table below details who sponsored the event and the sponsorship amount.

(A) Sponsor	(B) Year and amount					
	2013	2014	2015	2016	2017	2018
Canberra Hospital Foundation	\$5,000	\$5,000	\$6,000	\$7,500	\$7,500	\$7,500
HESTA	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000
ME Bank	\$1,000	\$1,000	x	x	x	x
University of Canberra	\$1,000	\$1,500	\$5,000	\$5,000	\$5,000	\$5,000
CIT	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000
Café Hoz	\$1,000	\$1,000	x	x	x	x
Medicare Local	\$1,000	x	x	x	x	x
ANMF ACT	\$500	\$800	\$500	\$500	\$600	\$600
Australian Catholic University	\$500	\$1,000	\$1,000	\$1,250	\$1,200	\$1,500
National Capital Hospital	\$500	\$750	\$500	\$250	\$250	\$250
Zouki	x	x	\$3,000	\$3,000	\$1,000	\$1,000
Nova Multimedia	x	Discount \$2,220	x	x	x	x
Australian College of Nursing	x	x	x	x	\$400	\$400

(iv) The table below outlines the benefits received in return for sponsorship.

Sponsor	Sponsorship Benefits									
	Logo on all event publication	Representative attendance at Awards	Banner displayed on awards night	Representative to assist presenting of awards	Logo displayed on projection at event	Verbal recognition of sponsor on evening	Award recipient photo displayed on ACT Health website	Award winner mentioned in ACT Health newsletter	Network opportunities during the evening	Copies of photos supplied
Hellenic Club	*	*			*	*			*	
Canberra Hospital Foundation	*	*	*	*	*	*	*	*	*	*
HESTA	*	*	*	*	*	*	*	*	*	*
ME Bank	*	*			*	*			*	*
University of Canberra	*	*			*	*			*	
CIT	*	*			*	*			*	
Café Hoz					*	*				
Medicare Local	*	*			*	*				
ANMF ACT	*	*	*		*	*			*	
Australian Catholic University	*	*	*		*	*			*	
National Capital Hospital	*	*	*		*	*			*	
Zouki	*				*	*				
Health Care Consumers Association	*				*	*			*	
Nova Multimedia	*				*	*				
Events AV	*				*	*				
Australian College of Nursing	*				*	*				

(v) The table below captures costs of venue hire, catering and costs over \$500.00.

Question number		Year					
		2013	2014	2015	2016	2017	2018
(A)	Venue Hire	*	Nil	Nil	Nil	Nil	Nil
(B)	Catering	\$18,316	\$19,355	\$20,925	\$19,500	\$19,733	\$21,187
(C)	Entertainment	*	\$5,500	\$5,526	\$19,253	\$18,827	\$1,500

* = This data is not available for 2013.

vi) The table below details the number of awards presented.

	Year					
	2013	2014	2015	2016	2017	2018
Awards	9	9	10	9	8	8

The table below records the attendees at the International Nurses and Midwives Week.

Question number	Attendees	Year					
		2013*	2014	2015	2016	2017	2018
(vii)	Nurses and Midwives	-	524	513	526	515	401
(viii)	Ministers and Ministerial Staff	-	1 + 0	1 + 0	1 + 1	2 + 2	2 + 2
(ix)	Non-executive MLAs and MLA staff	-	0	0	0	0	0
(x)	Executive ACT Health staff	-	4	13	5	9	3
(xi)	Non-executive ACT Health staff	-	0	1	2	11	3
(xii)	Community-based health-related representatives	-	16	21	11	14	10
(xiii)	Commercial sector health-related representatives	-	1	2	2	3	2
(xiv)	Other people	-	3	9	9	10	8

* = No data available for 2013.

(xv) (A) There has never been an event admission fee.
(B) Not applicable.

(xvi) The table below shows which MLAs were invited.

Attendees	Year					
	2013	2014	2015	2016	2017	2018
MLA invited	N/A	K. Gallagher	S. Corbell	M. Fitzharris	M. Fitzharris S. Rattenbury	M. Fitzharris S. Rattenbury

ACT Health—functions (Question No 1895)

Mrs Dunne asked the Minister for Health and Wellbeing, upon notice, on 26 October 2018:

Was an event held for the quality in healthcare awards in (a) 2013, (b) 2014, (c) 2015, (d) 2016, (e) 2017 and (f) 2018; if so, (i) on what date was the event held, (ii) where was the event held, (iii) was the event sponsored; if so, (A) by whom and (B) for what sponsorship amount, (iv) what benefits did sponsors receive in return for their sponsorship, (v) what were the costs for (A) venue hire, (B) catering and (C) other costs (specifying details for costs of \$500 or more, excluding GST), (vi) how many awards were presented, (vii) how many front-line health staff attended, (viii) how many ministers and ministerial staff attended, (ix) how many non-executive MLAs and MLA staff attended, (x) how many executive ACT Health staff attended, (xi) how many non-executive ACT Health staff attended, (xii) how many community-based health-related representatives attended, (xiii) how many commercial sector health-related representatives attended, (xiv) how many other people attended, (xv) was there an event admission fee; if so, (A) how much was the fee and (B) who was exempt from paying the fee and (xvi) which MLAs were invited.

Ms Fitzharris: The answer to the member's question is as follows:

Events were held for the quality in healthcare awards in:

- (a) 2013
- (b) 2014
- (c) 2015
- (d) No event was held in 2016
- (e) 2017
- (f) 2018

(i) The events were held on these dates:

- 13 September 2013
- 19 November 2014
- 25 November 2015
- 14 March 2017
- 19 February 2018

(ii) The events were held at:

- 2013, 2014 and 2015 at the Boat House
- 2017 at the National Arboretum
- 2018 at the National Gallery of Australia

(iii) In relation to sponsorship:

In 2013, 2014, 2015, 2017 and 2018 the events were sponsored.

(A) and (B). In 2013, it was sponsored by Hesta (\$1100), MKM, Unify, and Riskman (amount of sponsorship not in records). In 2014 it was sponsored by Hesta (\$1100),

MKM (\$3500), Unify (\$2000), and Riskman (\$3000). In 2015 it was sponsored by Hesta (\$1200), MKM (\$2500), Unify (\$3500), and Riskman (\$3000). In 2017 it was sponsored by Hesta (\$1200), MKM (\$2500), Unify (\$3500), and Riskman (\$3000). In 2018 it was sponsored by Hesta (\$2000), and MKM (\$2000).

(iv) What benefits did sponsors receive in return for their sponsorship?

2013:

Acknowledgement of sponsorship at the Awards presentation dinner

Display of banner at the Awards presentation dinner

Two invitations to attend the Awards presentation dinner.

Logo and a half page profile in the ACT Quality in Healthcare Awards booklet

2014:

Acknowledge the company's sponsorship at the Awards Presentation Dinner

Display of banner at the Awards Presentation Dinner

Two invitations to attend the Awards Presentation Dinner

Logo and a half page profile in the ACT Quality in Healthcare Awards 2014 booklet

Logo on Awards advertising materials.

2015:

Acknowledgment on promotional material: poster, invitation and booklet

Two invitations to the ACT Quality in Healthcare Awards

A brief company description in the commemorative booklet

Photograph opportunity with the overall winner

2017:

Acknowledgment on promotional material: poster, invitation and booklet

Two invitations to the ACT Quality in Healthcare Awards

A brief company description in the commemorative booklet

Photograph opportunity with the overall winner

2018:

Two invitations to the Quality in Healthcare ACT Awards

Acknowledge at the Awards Presentation Event

Display company banner at the Awards Presentation Event

(v) what were the costs for:

(A) venue hire:

In 2017 the awards changed from a sit down dinner to a cocktail event to allow increased number of attendees and increased networking and information sharing opportunities)

2013, 2014, 2015 - \$0

2017- \$1565

2018- \$2750

B) catering:

2013-\$16,058

2014-\$17,230

2015-\$16,500

2017-\$11,850

2018- \$17,775

C) other costs (specifying details for costs of \$500 or more, excluding GST).

2013

\$1308 Booklet (\$1308)

2014

\$2616 inclusive of Booklet (\$1519) and Trophies (\$1006)

2015

\$2795 inclusive of Booklet (\$1545) and Trophies (\$1000)

2017

\$4437 inclusive of Audio-visual (\$3420) and Trophies (\$1017)

2018

\$9038 inclusive of Booklets (\$2664), Posters for finalists (\$2409), Banners (\$1089) Audio Visual (\$1342) and Trophies (\$707).

In 2018 the categories were aligned to the ACT Health Quality Strategy, and Conference Posters were developed for the first time for each of the Finalists to facilitate sharing of successes.

(vi) How many awards were presented?

2013 – Seven Awards

2014 – Six Awards

2015 – Six Awards

2017 – Seven Awards

2018 – Seven Awards

(vii) How many front-line health staff attended?

2013 – 87

2014 – 60

2015 – 77

2017 – 81

2018 – 153

(viii) How many ministers and ministerial staff attended?

2013 – one

2014 – two

2015 – one

2017 – one

2018 – three

(ix) How many non-executive MLAs and MLA staff attended?

2013 – none

2014 – none

2015 – none 0

2017 – none

2018 – none

(x) How many executive ACT Health staff attended?

2013 – 19

2014 – 12

2015 – 16

2017 – 17

2018 – 27

(xi) How many non-executive ACT Health staff attended

2013 – 87

2014 – 60

2015 – 77

2017 – 81

2018 – 153

(xii) How many community-based health-related representatives attended

2013 – eight

2014 – eight

2015 - 10

2017 – nine

2018 – 16

(xiii) How many commercial sector health-related representatives attended

2013 – eight

2014 – seven

2015 – six

2017 – 10

2018 – five

(xiv) How many other people attended

2013 – 23

2014 – 36

2015 – 33

2017 – 32

2018 – 39

- (xv) Was there an event admission fee, if so (A) how much was the fee and (B) who was exempt from paying the fee?

No fee was charged in any of the years

- (xvi) Which MLAs were invited?

2013 – Minister for Health

2014 – Minister for Health

2015 – Minister for Health

2017 – Minister for Health and Wellbeing, Minister for Mental Health

2018 – Minister for Health and Wellbeing, Minister for Mental Health

Canberra Hospital—overdose statistics (Question No 1896)

Mrs Dunne asked the Minister for Health and Wellbeing, upon notice, on 26 October 2018:

- (1) How many people were admitted to The Canberra Hospital in (a) 2014, (b) 2015, (c) 2016, (d) 2017 and (e) 2018 (to the date on which this question was published in the Questions on Notice Paper) in relation to (i) alcohol abuse, (ii) an overdose of oxycodone or other pharmaceutical opioids, (iii) an overdose of benzodiazepines, (iv) heroin overdose, (v) methyl amphetamine or ice overdose, (vi) cocaine overdose, (vii) an overdose of MDMA or ecstasy, (viii) an overdose of fentanyl and (ix) an overdose of cannabis or cannabinoids.
- (2) How many patients died while in hospital for each year and in relation to each category referred to in part (1).

Ms Fitzharris: The answer to the member's question is as follows:

- (1) The number of people admitted to Canberra Hospital in relation to the following diagnosis codes for the years 2014 to 2018 were:

Diagnosis		Number of admissions				
		(a) 2014	(b) 2015	(c) 2016	(d) 2017	(e) 2018
(i)	Alcohol Abuse	843	923	1007	1028	814
(ii)	Overdose - Oxycodone or other pharmaceutical opioids	82	90	123	105	66
(iii)	Overdose - Benzodiazepines	87	77	93	121	97
(iv)	Overdose - Heroin	0	13	9	6	11
(v)	Overdose - Methylamphetamine or ICE	3	8	8	8	6
(vi)	Overdose - Cocaine	0	5	3	2	2
(vii)	Overdose - MDMA or Ecstasy	4	5	3	4	6
(viii)	Overdose - Fentanyl	7	20	6	13	13
(ix)	Overdose - Cannabis or Cannabinoids	5	3	4	5	10

It should be noted that overdose from a clinical coding perspective is poisoning due to a drug, not a determination of whether the patient was under the influence of a substance at the time of the overdose. Data for 2018 to the 31 October 2018 is preliminary and subject to medical record coding completion and finalisation of data entry.

- (2) The number of patients who died in hospital in relation to the following diagnosis codes for the years 2014 to 2018 were:

Diagnosis		Number of deaths				
		(a) 2014	(b) 2015	(c) 2016	(d) 2017	(e) 2018
(i)	Alcohol Abuse	27	21	25	31	15
(ii)	Overdose - Oxycodone or other pharmaceutical opioids	1	0	1	1	0
(iii)	Overdose - Benzodiazepines	0	0	1	0	1
(iv)	Overdose - Heroin	0	0	0	0	0
(v)	Overdose - Methylamphetamine or ICE	0	0	0	0	0
(vi)	Overdose - Cocaine	0	0	0	0	0
(vii)	Overdose - MDMA or Ecstasy	0	0	0	0	0
(viii)	Overdose - Fentanyl	0	0	0	0	0
(ix)	Overdose - Cannabis or Cannabinoids	0	0	0	0	0

It should be noted that overdose from a clinical coding perspective is poisoning due to a drug, not a determination of whether the patient was under the influence of a substance at the time of the overdose. Data for 2018 to the 31 October 2018 is preliminary and subject to medical record coding completion and finalisation of data entry.

Calvary Hospital—overdose statistics (Question No 1897)

Mrs Dunne asked the Minister for Health and Wellbeing, upon notice, on 26 October 2018:

- (1) How many people were admitted to the Calvary Public Hospital in (a) 2014, (b) 2015, (c) 2016, (d) 2017 and (e) 2018 (to the date on which this question was published in the Questions on Notice Paper) in relation to (i) alcohol abuse, (ii) an overdose of oxycodone or other pharmaceutical opioids, (iii) an overdose of benzodiazepines, (iv) heroin overdose, (v) methyl amphetamine or ice overdose, (vi) cocaine overdose, (vii) an overdose of MDMA or ecstasy, (viii) an overdose of fentanyl and (ix) an overdose of cannabis or cannabinoids.
- (2) How many patients died while in hospital for each year and in relation to each category referred to in part (1).

Ms Fitzharris: The answer to the member's question is as follows:

(1) Calvary Public Overdose Admissions by Specified Category

Admitted Overdoses by specified Category	Year					
Category	(a) 2014	(b) 2015	(c) 2016	(d) 2017	(e) to 31/10 2018	Total
(i) alcohol abuse	51	55	49	44	22	221
(ii) an overdose of oxycodone or other pharmaceutical opioids	49	45	51	47	29	221
(iii) an overdose of benzodiazepines	59	41	37	34	34	205
(iv) heroin overdose	4	10	8	11	5	38
(v) methyl amphetamine or ice overdose	2	4	8	3	2	19
(vi) cocaine overdose	2	5	2	2	3	14
(vii) an overdose of MDMA or ecstasy	5	0	4	2	2	13
(viii) an overdose of fentanyl	10	9	5	9	5	38
(ix) an overdose of cannabis or cannabinoids	1	1	2	3	9	16
Total	183	170	166	155	111	785
Unique Admissions	129	124	124	127	93	597

Note: Unique Admissions represents the count of distinct inpatient admissions. These patients may have taken one or more of the listed substances.

About the data:

- This data uses ICD-10-AM disease coding to identify patients admitted following ‘overdose’ of the various specified substances.
- This data does not include patients presenting to the Emergency Department who were not subsequently admitted to Calvary.
- If a patient ingested more than one substance, the patient has been counted against each specified category.
- The summary includes all patients who overdosed on the specified substance regardless of whether their intent was accidental, intentional or undermined but excludes those patients who suffered the adverse effects of a substance in therapeutic use.

- (2) There were four inpatient deaths due to overdose in the above categories during the sample period. Due to the small sample size and privacy legislation, this data has been suppressed in order to prevent potential re-identification of individuals.

ACT Health—policy documents (Question No 1898)

Mrs Dunne asked the Minister for Health and Wellbeing, upon notice, on 26 October 2018:

- (1) What is the title of any ACT Health (a) strategy and (b) policy document that is still in operation one year or more after expiry of the period the document covered.
- (2) Which of the documents identified in the response to part (1) are currently under review.

- (3) For the documents identified in the response to part (2), (a) when will the updated documents be released and (b) why were they not reviewed prior to the expiry of the period they covered.
- (4) For the documents identified in the response to part (1) that are not currently under review, (a) why are they not currently under review, (b) when will a review start and (c) when will updated documents be released.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) (a) There are no Canberra Health Service (CHS) or ACT Health Directorate Strategies still in operation one year or more after the expiry period that the document covered.

(b) There are four CHS procedure documents still in operation one year or more after the review date identified. These are:
 - Mobile Electrical Equipment including Clinical Equipment Operational Procedure;
 - Inter-Hospital Transfer – Patients Requiring Intensive Care (Adults, Paediatrics and Neonates) Clinical Procedure;
 - Medicare Provider Number Application by Senior Medical Practitioners Operational Procedure; and
 - Potassium Replacement Prescribing, Monitoring and Administration – Adult Clinical Procedure.
- (2) All four of the procedure documents listed above are currently under review, with regular updates on the status of these documents being provided to the CHS Policy Committee.
- (3) (a) Updates and anticipated submission dates on each of the documents are listed below:
 - Mobile Electrical Equipment including Clinical Equipment Operational Procedure – currently under review, with anticipated submission to the January 2019 CHS Policy Committee meeting.
 - Inter-Hospital Transfer – Patients Requiring Intensive Care (Adults, Paediatrics and Neonates) Clinical Procedure – currently under review. Anticipated to be submitted for the December 2018 CHS Policy Committee meeting.
 - Medicare Provider Number Application by Senior Medical Practitioners Operational Procedure – review has been completed, however requires sign-off by the Chief Financial Officer and Chief Executive Officer, CHS following the transition of ACT Health into two separate entities; CHS and the ACT Health Directorate.
 - Potassium Replacement Prescribing, Monitoring and Administration Clinical Procedure – was submitted to CHS Policy Committee in August 2018 with amendments requested by the Committee. Amended document anticipated to be re-submitted to Committee for final endorsement prior to end of 2018.
(b) The CHS Policy Committee has been assured by responsible clinical areas that all four documents are still safe and fit for purpose. The review of these documents was commenced, but not completed prior to their review dates in order to ensure appropriate organisation-wide consultation was conducted in line with policy governance requirements.

- (4). None. All CHS documents listed in response to question 1(b) are currently under review.

**Canberra Hospital—electrical systems
(Question No 1899)**

Mrs Dunne asked the Minister for Health and Wellbeing, upon notice, on 26 October 2018:

- (1) How many electrical and/or switchboard outages have occurred at The Canberra Hospital since 1 January 2018 to the date on which this question was published in the Questions on Notice Paper.
- (2) For the outages identified in part (1), (a) when did each incident occur, (b) what was the cause for the outage and (c) what was the consequence of the outage.
- (3) What is the status of the switchboard replacement program.
- (4) What components of this program (a) were or (b) are due for completion in 2018.
- (5) For each of the components identified in the reply to part 4(a), were they completed on (a) time and (b) budget; if not, why.
- (6) For each of the components identified in the reply to part 4(b), are they on track to be completed on (a) time and (b) budget; if not, why not.
- (7) What components of the program are due for completion in (a) 2019 and (b) 2020.
- (8) For each of the components identified in the reply to part (7), are they on track to be completed on (a) time and (b) budget; if not, why not.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) Three unplanned outages.

(2)

(a)	(b)	(c)
15 February 2018	Uninterrupted Power Supply (UPS) alarm fault	Temporary loss of power to Cardiac Catheter Laboratory in Building 1. No patient/staff impacts.
7 March 2018	Air handling unit isolator failure	Partial loss of power to food services areas in Building 1. No patient/staff impacts.
27 July 2018	Ballast in light fitting burnt out	Light switched off as a safety precaution in Building 3 – Ward 14B. No patient/staff impacts.

- (3) Building 2 works are currently in construction / installation and due for completion in July 2019. Building 12 works are currently in design and due for completion in December 2019.
- (4) (a) Building 2 substation upgrade works and installation of the first three (of six) new main switchboards.

- (b) Nil.
- (5) Both components were completed on time and on budget.
- (6) Not applicable.
- (7) Subject to operational constraints:
(a) Building 2: Installation of new submain cables and associated reticulation infrastructure, changeover of submains to first three new main switchboards (including removal of redundant existing main switchboards), substation 1918 upgrade, installation of the remaining three new main switchboards and changeover of submains to these new switchboards (including removal of redundant existing main switchboards).
- Building 12: Substation 5007 upgrade, installation of one new main switchboard and associated equipment, changeover of submains to this main switchboard (including removal of redundant existing main switchboard).
- (b) Not applicable.
- (8) All components are on track to be completed on time and on budget.
-

**ACT Health—staffing
(Question No 1900)**

Mrs Dunne asked the Minister for Health and Wellbeing, upon notice, on 26 October 2018:

- (1) How many staff were appointed to new (a) positions, (b) senior executive positions and (c) executive level positions (not including senior executive positions) in (i) ACT Health and (ii) Canberra Health Services during the period 15 September 2018 and the date on which this question was published in the Questions on Notice Paper.
- (2) For (a) ACT Health and (b) Canberra Health Services, as at the date on which this question was published in the Questions on Notice Paper, (i) how many positions remain unfilled, (ii) at what levels, (iii) how many staff are in positions that have ceased or will cease in the new structure and (iv) for those staff identified in the answer to part
- (2) (iii), (A) how many will not be offered a position in the new structure, (B) what options will be offered to them and (C) at what cost.
- (3) How many officers are on higher duties, as at the date this question was published in the Questions on Notice Paper, in (a) ACT Health and (b) Canberra Health Services.
- (4) As a result of the restructure, (a) which areas have had to relocate, (b) how many staff in each area have had to relocate and (c) for each area, what was the cost of relocation (specifying any costs of \$5 000 or more excluding GST).
- (5) In relation to (a) ACT Health and (b) Canberra Health Services, (a) which new areas have been created and (b) in each area, how many new positions have been created.

- (6) What is the budget for each new area following the restructure.
- (7) How many existing pre-restructure staff have been relocated to new areas in (a) ACT Health and (b) Canberra Health Services.
- (8) What was the (a) budget and (c) cost, of the restructure.
- (9) If the cost was more than the budget, why;
- (10) In relation to restructure refinements that have been identified, (a) what is the nature of the refinements, (b) when will they be implemented, (c) what is the budget and (d) is the refinement budget additional to the initial budget for the restructure; if so, why.

Ms Fitzharris: The answer to the member's question is as follows:

1. From 15 September to 26 October 2018, no staff were appointed to new positions in ACT Health; one non-executive staff member and one Senior Executive were appointed to new positions in Canberra Health Services.

During this period:

- In ACT Health, two non-executive staff were appointed to existing permanent positions, and two Senior Executive staff were appointed.
- 60 non-executive staff were appointed to existing permanent positions in Canberra Health Services.

2. (i) and (ii) The current and funded staffing establishment is still being finalised as a result of the transition, it is not possible to provide a definitive response to this question at this point in time.

(iii) and (iv) (A) Positions that are ceasing are those that were created as short-term or time limited positions. Six executive short term contracts (Innovation Partners) will expire on or before 31 January 2019 and the positions will be returned to CMTEDD as agreed when the positions were first established.

(iv) (B) Staff occupying these short term positions will return to their substantive roles where applicable, and are able to apply for any future vacancies within the organisations in line with ACT Government recruitment processes.

(iv) (C) There is no cost incurred as the contracts will cease per the contract provisions.

3. As at 2 November 2018 the number of officers on higher duties are:

- a) ACT Health – 110
- b) Canberra Health Services - 390

4. See response to Question on Notice 2022.

5. As at 2 November 2018 there have been no new operational areas created in either Canberra Health Services or ACT Health Directorate as a result of the restructure. Existing team structures have been realigned to fit within the new structures and ensure each organisation has the capability required to support delivery of core corporate functions. As a result each organisation has a structure that includes corporate support functions such as people and culture, finance, data and reporting, and governance. This has occurred as a cost neutral exercise within existing resources - no additional positions have been created.

6. The allocation of the existing ACT Health budget between the two entities continues to be refined as the transition process progresses as advised in the response to QON 1719.

The updated 2018-19 Budget figures for the two entities are:

	\$ '000
ACT Health Directorate	\$ 228,398
Canberra Health Services	\$ 1,215,576

7. As at 14 November 2018, the ACT Health Directorate comprises 560 (head count) staff and Canberra Health Services 7177 (head count) staff. This includes casual and unattached officers. No staff have been required to relocate as a result of the restructure.

8. The majority of costs associated with the restructure have been met from existing budget allocations and through the use of existing staff within the directorate.

	Budget	Expenses
	(1)	(2)
Salaries & Wages	236,172	189,523
Superannuation	24,789	26,590
Other Operating Expenses	31,290	29,016
Total	292,251	245,129

9. N/A.

10. The Stabilise and Refine phase of the transition enables the organisations to review their existing processes to ensure that they are effective and fit for purpose. This includes reviewing workloads to ensure the staffing balance across the corporate functions is sufficient. This phase allows the organisations to settle and adjust as required to meet operational needs. This process is managed through business as usual activities and supported where necessary by the organisation development unit and transition team. There is no additional funding for this work.

ACT Ambulance Service—overdose statistics (Question No 1901)

Mrs Dunne asked the Minister for Police and Emergency Services, upon notice, on 26 October 2018:

How many incidents did the ACT Ambulance Services treat in (a) 2014, (b) 2015, (c) 2016, (d) 2017 and (e) 2018 (to the date on which this question was published in the Questions on Notice Paper) in relation to (i) alcohol abuse, (ii) an overdose of oxycodone or other pharmaceutical opioids, (iii) an overdose of benzodiazepines, (iv) heroin overdose, (v) methyl amphetamine or ice overdose, (vi) cocaine overdose, (vii) an overdose of MDMA or ecstasy, (viii) an overdose of fentanyl and (ix) an overdose of cannabis or cannabinoids.

Mr Gentleman: The answer to the member's question is as follows:

The ACT Ambulance Service does not code incidents as specified in this question. It would also be very difficult to provide accurate figures as specified in the question. In

many instances it would need to be recorded as suspected use, and would rely on the patient being prepared to provide the information. The drug groups specified in the question are also not mutually exclusive – that is, one patient may be included in several parts of the requested information. This means that adding up the number for each drug group specified would not correlate with the number of patients involved.

Canberra—overdose statistics (Question No 1902)

Mrs Dunne asked the Attorney-General, upon notice, on 26 October 2018:

How many people died in (a) 2014, (b) 2015, (c) 2016, (d) 2017 and (e) 2018 (to the date on which this question was published in the Questions on Notice Paper) in relation to (i) alcohol abuse, (ii) an overdose of oxycodone or other pharmaceutical opioids, (iii) an overdose of benzodiazepines, (iv) heroin overdose, (v) methyl amphetamine or ice overdose, (vi) cocaine overdose, (vii) an overdose of MDMA or ecstasy, (viii) an overdose of fentanyl and (ix) an overdose of cannabis or cannabinoids.

Mr Ramsay: The answer to the member's question is as follows:

I have obtained data from the National Coronial Information System (NCIS) through the ACT Chief Magistrate that answers the member's questions.

The following table shows the number of deaths as recorded by NCIS, where the listed drug, either alone or with other drugs, was the primary cause of death.

		Number of deaths				
		(a) 2014	(b) 2015	(c) 2016	(d) 2017	(e) 2018
(i)	Involving alcohol	8	6	9	12	6
(ii)	Overdose – involving other Opioids	15	6	18	10	10
(iii)	Overdose – involving Benzodiazepines	11	3	12	12	9
(iv)	Overdose – involving Amphetamines	5		10	4	6
(v)	Overdose – involving Heroin	16	5	1	2	3
(vi)	Overdose – involving Fentanyl		1	1		2
(vii)	Overdose – involving MDMA or ecstasy (Included in iv above)					
(viii)	Overdose – involving Cocaine		1	1		1
(ix)	Overdose – involving Cannabis	2	2	8	5	2

Mental health—functions (Question No 1903)

Mrs Dunne asked the Minister for Mental Health, upon notice, on 26 October 2018:

Was an event held for the mental health awards in (a) 2013, (b) 2014, (c) 2015, (d) 2016, (e) 2017 and (f) 2018; if so, (i) on what date was the event held, (ii) where was the event held, (iii) was the event sponsored; if so, (A) by whom and (B) for what sponsorship amount, (iv) what benefits did sponsors receive in return for their sponsorship, (v) what were the costs for (A) venue hire, (B) catering and (C) other costs (specifying details for costs of \$500 or more, excluding GST), (vi) how many awards were presented, (vii) how many front-line mental health staff attended, (viii) how many ministers and ministerial staff attended, (ix) how many non-executive MLAs and MLA staff attended, (x) how many executive ACT Health staff attended, (xi) how many non-executive ACT Health staff attended, (xii) how many community-based health-related representatives attended, (xiii) how many commercial sector health-related representatives attended, (xiv) how many other people attended, (xv) was there an event admission fee; if so, (A) how much was the fee and (B) who was exempt from paying the fee and (xvi) which MLAs were invited.

Mr Rattenbury: The answer to the member's question is as follows:

	(a) 2013	(b) 2014	(c) 2015	(d) 2016	(e) 2017	(f) 2018
(i)	Yes. Event held on 8 October	Yes. Event held on 7 October	Yes. Event held on 6 October	Yes. Event held on 11 October	Yes. Event held on 10 October	Yes. Event held on 9 October
(ii)	Ann Harding Conference Centre	Woden Southern Cross Club	Woden Southern Cross Club	Legislative Assembly Reception Room	Legislative Assembly Reception Room	Legislative Assembly Reception Room

(iii) (A) (B) (iv) None of the events were sponsored. They have been administered by the Mental Health Community Coalition ACT with funding from the ACT Health Directorate as part of their contractual obligations. This year Mental Health Week became Mental Health Month. Mental Health Month is a global event held each October to raise awareness and reduce stigma.

(v) (A) (B) The Mental Health Community Coalition ACT (MHCC ACT) has advised that from 2013 to 2015, the Mental Health Week Awards were held as part of the Mental Health Week Launch event. This was held immediately prior to, and at the same venue as, the Mental Health and Wellbeing Expo. Therefore in 2013, 2014 and 2015 the venue and catering costs cannot be meaningfully divided between the three events. However, since 2016 the Awards events have been held in the Legislative Assembly Reception Room as a separate event for Mental Health Week/Month.

Please see the below table:

	2013	2014	2015	2016	2017	2018
(A)	Total cost for the combined events of Launch, Expo and Awards = \$4,720	Total cost for the combined events of Launch, Expo and Awards = \$4,275	Total cost for the combined events of Launch, Expo and Awards = \$8,681.47	\$61.00	\$196.70	\$102
(B)				\$517.50	\$510.40	N/A*

(*In 2018 the catering was donated by *Eat Your Words* Catering. The only benefit *Eat Your Words* received for their donation was a thank you during the Mental Health Awards Ceremony.)

(v) (C) and (vi) are captured in the below table:

	2013	2014	2015	2016	2017*	2018*
(C)	3 x \$500 for selected award recipients	4 x \$500 for selected award recipients	4 x \$500 1 X \$1000 for selected award recipients	10 x \$50 for selected award recipients		
(vi)	9	9	7	10	7	8

(*In 2017 and 2018, each Award winner received a \$50 gift voucher.)

(vii), (viii), (ix), (x), (xi), (xii), (xiii), and (xiv) MHCC ACT has advised that from 2013 to 2015 Expo stallholders were participants in the Launch and Awards event as well, putting total attendance at around one hundred and twenty people at the Mental Health Awards event. From 2016 onwards, the Mental Health Week/Month Awards were held as a separate event at the Legislative Assembly Reception Room and total attendance was approximately forty to sixty people. From 2016, the Mental Health Week/Month Awards event has been hosted by the ACT Mental Health Consumer Network, in association with Mental Health Community Coalition ACT.

No formal records of attendance were kept for these Award events. The aim of the Awards events is first and foremost to create a unique event for award recipients, at which their special efforts are acknowledged and honoured.

However, Mental Health Community Coalition ACT reports that attendance has always included two or three senior staff from Mental Health, Justice Health and Alcohol and Drug Services and two to three members of the ACT Health Directorate Mental Health Policy team. As some awards go to service providers, or workers in the ACT mental health sector, there is also always attendance from a number of frontline and management level staff of the Canberra Health Services, or community mental health sector organisations. On occasion, commercial health-related organisations (such as a pharmacy) have been award recipients and in such instances staff from these commercial organisations have attended.

(xv) (A) (B) There has never been an attendance fee for the events.

(xvi) Formal invitations have been extended to the Minister for Health and Wellbeing and myself, as the Minister for Mental Health, to participate in the Mental Health Month Awards event and to present the Awards to recipients. A small number of MLAs, including the Chief Minister, have attended over the years. In 2016, the Mental Health Week Awards event was held during the caretaker period prior to the ACT election and no MLAs attended.

Mental health—policy documents

(Question No 1904)

Mrs Dunne asked the Minister for Mental Health, upon notice, on 26 October 2018:

- (1) What is the title of any mental health (a) strategy and (b) policy document that is still in operation one year or more after expiry of the period the document covered.

- (2) Which of the documents identified in the response to part (1) are currently under review.
- (3) For the documents identified in the response to part (2), (a) when will the updated documents be released and (b) why were they not reviewed prior to the expiry of the period they covered.
- (4) For the documents identified in the response to part (1) that are not currently under review, (a) why are they not currently under review, (b) when will a review start and (c) when will updated documents be released.

Mr Rattenbury: The answer to the member's question is as follows:

1. There are no Canberra Health Services Mental Health Strategies or Policy Documents that are still in operation one year or more after expiry of the period the document covered.
2. N/A
3. N/A
4. N/A

**ACT Health—executive salaries
(Question No 1905)**

Mrs Dunne asked the Minister for Health and Wellbeing, upon notice, on 26 October 2018:

- (1) What is the period of the contract for the interim Chief Executive Officer (CEO) of Canberra Health Services;
- (2) How much will the interim CEO of Canberra Health Services be paid for the period of her contract.
- (3) As to the components of the interim CEO's contract payments, (a) what comprises salary, (b) detail any allowances and associated costs, including but not limited to fringe benefits tax, (c) detail any other entitlements and associated costs, including, but not limited to, fringe benefits tax and (d) detail any other non-cash entitlements, including, but not limited to, fringe benefits tax.
- (4) How much would the former CEO-designate of Canberra Health Services have been paid each year had she not resigned her position before taking up the appointment.
- (5) As to the then-intended components of the former CEO-designate's annual payments (a) what comprises salary, (b) detail any allowances and associated costs, including but not limited to fringe benefits tax, (c) detail any other entitlements and associated costs, including, but not limited to, fringe benefits tax and (d) detail any other non-cash entitlements, including, but not limited to, fringe benefits tax.
- (6) How much will the Director-General (acting or otherwise) of ACT Health be paid each year.

- (7) As to the components of the Director-General's annual payments (a) what comprises salary, (b) detail any allowances and associated costs, including but not limited to fringe benefits tax, (c) detail any other entitlements and associated costs, including, but not limited to, fringe benefits tax and (d) detail any other non-cash entitlements, including, but not limited to, fringe benefits tax.
- (8) What salary package, providing details as outlined in part (7), will be paid to the CEO of Canberra Health Services when he or she is recruited.
- (9) How much did it cost to transport the former CEO-designate to and from Canberra including, but not limited to, airfares, accommodation, travel allowance and other entitlements.
- (10) Did ACT Health pay any salary or other entitlements to the former CEO-designate; if so, what was paid, providing details as outlined in part (7).
- (11) How was the interim CEO of Canberra Health Services recruited.
- (12) Were other people considered to fill the position; if no, why not.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) 1 October 2018 – 31 March 2019.
- (2) See response to Question No. 1992.
- (3) See response to Question No. 1992.
- (4) See response to Question No. 1992.
- (5) See response to Question No. 1992.
- (6) See response to Question No. 1992.
- (7) See response to Question No. 1992.
- (8) See response to Question No. 1992.
- (9) See response to Question No. 1992.
- (10) See response to Question No. 1992.
- (11) See response to Question No. 1992.
- (12) See response to Question No. 1992.

**ACT Health—elective surgery
(Question No 1906)**

Mrs Dunne asked the Minister for Health and Wellbeing, upon notice, on 26 October 2018:

What was the percentage of elective surgery patients admitted on time in (a) July, (b) August, (c) September and (d) October 2018 in the (i) urgent, (ii) semi-urgent and (iii) non-urgent categories.

Ms Fitzharris: The answer to the member's question is as follows:

The percentage of elective surgery patients admitted on time in (a) July 2018 was (i) 94 per cent for urgent, (ii) 82 per cent for semi-urgent and (iii) 77 per cent for non-urgent categories. The percentage of elective surgery patients admitted on time in (b) August 2018 was (i) 95 per cent for urgent, (ii) 80 per cent for semi-urgent and (iii) 81 per cent for non-urgent categories. The percentage of elective surgery patients admitted on time in (c) September 2018 was (i) 97 per cent for urgent, (ii) 77 per cent for semi-urgent and (iii) 78 per cent for non-urgent categories. The percentage of elective surgery patients admitted on time in (d) October 2018 was (i) 96 per cent for urgent, (ii) 83 per cent for semi-urgent and (iii) 78 per cent for non-urgent categories.

Health—consultants (Question No 1907)

Mrs Dunne asked the Minister for Health and Wellbeing, upon notice, on 26 October 2018:

- (1) How many consultancy reports were commissioned in the health portfolio from 1 January 2018 to the date on which this question was published in the Questions on Notice Paper.
- (2) Who were awarded consultancy contracts in the health portfolio from 1 January 2018 to the date on which this question was published in the Questions on Notice Paper.
- (3) What was the (a) purpose and (b) value of each consultancy contract.
- (4) For each finalised consultancy report, (a) what was the title of the report and (b) was it released publicly; if not, why not.
- (5) For each consultancy report not yet finalised, will it be released publicly; if so, when; if not, why not.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) 13.
- (2) Please see the table at Attachment A.
- (3) Please see the table at Attachment A.
- (4) Please see the table at Attachment A.
- (5) Please see the table at Attachment A.

(Copies of the attachments are available at the Chamber Support Office).

Health—ministerial briefings (Question No 1908)

Mrs Dunne asked the Minister for Health and Wellbeing, upon notice, on 26 October 2018:

- (1) How many briefs were prepared for the Minister, for each month from and including January 2018 to and including October 2018 for (a) Estimates hearings, (b) Question Time and (c) other matters.
- (2) What topics did the briefs referred to in part (1) cover.

Ms Fitzharris: The answer to the member's question is as follows:

(1)

Month	(a) Estimates Hearing Briefs	(b) Question Time Briefs	(c) Other Briefs
January 2018		-	47
February 2018		41	45
March 2018		41	60
April 2018		45	52
May 2018		56	83
June 2018	93	61	58
July 2018		67	56
August 2018			64
September 2018		64	47
October 2018		68	46

- (2) Briefs provided by ACT Health and Canberra Health Services referred to a range of topics including but not limited to accreditation, organisational reform, performance, program delivery, budget, clinical services, infrastructure, contract management, maternity, alcohol and drugs, palliative care, end of life, population health matters, workforce matters and work health and safety. Further to these topics, the briefs prepared for Estimates hearings also included information on strategic indicators, budget initiatives, community budget and staffing profiles and key statistics.

Canberra Hospital—radiology department (Question No 1909)

Mrs Dunne asked the Minister for Health and Wellbeing, upon notice, on 26 October 2018:

- (1) In relation to The Canberra Hospital (TCH) medical imaging or radiology department for (a) 2013-14, (b) 2014-15, (c) 2015-16, (d) 2016-17 and (e) 2017-18, (i) what was the expenditure budget, (ii) what was the actual expenditure and (iii) for any years in which the actual expenditure exceeded the budget, what were the reasons;
- (2) In relation to TCH medical imaging or radiology department for 2018-19, (a) what is the budget, (b) what was the actual expenditure for the period July September 2018 and (c) is that expenditure on track against the budget; if not, why not.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) See Attachment A.
- (2)
 - a. \$37,351,818
 - b. \$8,837,549
 - c. Yes

(A copy of the attachment is available at the Chamber Support Office).

ACT Health—quarterly reporting (Question No 1910)

Mrs Dunne asked the Minister for Health and Wellbeing, upon notice, on 26 October 2018:

- (1) When will the July-September 2018 quarterly performance report be presented to the Assembly.
- (2) When will the outstanding performance reports for the period between December 2016 and June 2018 be presented to the Assembly.
- (3) What is the target date for each of the remaining quarterly performance reports for 2018-19 to be presented to the Assembly.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) The July-September 2018 Quarterly Performance report is available on the ACT Health website <https://www.health.act.gov.au/about-our-health-system/data-and-publications/reports/act-public-health-services-quarterly>
- (2) The performance reports for the period between December 2016 and June 2018 will be available on the ACT Health website by end of 2018.
- (3) The remaining quarterly performance reports for 2018-19 will be available on the ACT Health website within two months of the end of the quarter.

ACT Health—workplace culture (Question No 1911)

Mrs Dunne asked the Minister for Health and Wellbeing, upon notice, on 26 October 2018:

- (1) Did the Minister interpret question on notice No 1872 as being in the context of the *Inquiries Act 1991*, when no mention of that Act was made in the question; if so, why.
- (2) Why did it take 480 minutes, at a cost of \$696, to provide an answer that was based on an incorrect and irrelevant premise.

- (3) Will the Minister now answer the questions as below, giving them the context of inquiries, reviews, investigations, surveys or any other form of evaluation of any nature; if not, why not;
- (4) How many inquiries have been held into issues of organisational culture, bullying and harassment in ACT Health since 2008;
- (5) When were these inquiries held.
- (6) Who conducted them.
- (7) What powers did these inquiries have.
- (8) What protections were in place for witnesses giving evidence before them.
- (9) What were the (a) findings and (b) recommendations.
- (10) What were the Government's responses.
- (11) Which recommendations were (a) implemented and (b) not implemented.
- (12) What was the reason for not implementation those recommendations referred to in part (11)(b).
- (13) What on-going and sustainable improvements did the implemented recommendations yield.
- (14) Which inquiry (a) reports and (b) Government responses were made public.
- (15) For any reports and Government responses that were not made public, why not.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) The question on notice No 1872 was interpreted in the context of the *Inquiries Act 1991* due to the use of the word inquiries in the question. From a Human Resources perspective, People and Culture interpreted 'inquiry' to mean a formal investigation under the *Inquiries Act 1991*.
- (2) Given the question related to a ten year period, People and Culture needed to consult across the organisation and peruse all relevant historical records in this ten year period to ascertain if any inquiries had been undertaken during this period.
- (3) It is not operationally viable to answer questions 4 to 15 to answer the questions in the context of 'inquiries, reviews, investigations, surveys or any other form of evaluation of any nature'. Answering would be resource intensive, requiring significant time to review ten years' worth of data on and information on issues of organisational culture, bullying and harassment with the potential of not necessarily answering the questions.

Mental health—ministerial briefings (Question No 1914)

Mrs Dunne asked the Minister for Mental Health, upon notice, on 26 October 2018:

- (1) How many briefs were prepared for the Minister, for each month from and including January 2018 to and including October 2018 for (a) Estimates hearings, (b) Question Time and (c) other matters.
- (2) What topics did the briefs referred to in part (1) cover.

Mr Rattenbury: The answer to the member's question is as follows:

(1)

Month	(a) Estimates Hearing Briefs	(b) Question Time Briefs	(c) Other Briefs
January 2018		-	12
February 2018		27	27
March 2018		20	22
April 2018		21	28
May 2018		25	16
June 2018	46	23	12
July 2018		22	11
August 2018			28
September 2018		22	12
October 2018		23	10

- (2) Briefs provided by ACT Health and Canberra Health Services referred to a range of topics within the Mental Health portfolio including but not limited to accreditation, organisational reform, performance, program delivery, budget, clinical services, infrastructure, contract management, alcohol and drugs, workforce matters and work health and safety. Further to these topics, the briefs prepared for Estimates hearings also included information on strategic indicators, budget initiatives, community budget and staffing profiles and key statistics.

Planning—Narrabundah (Question No 1915)

Mrs Dunne asked the Minister for Planning and Land Management, upon notice, on 26 October 2018:

- (1) What is the nature of the lease for block 40, section 34, Narrabundah.
- (2) What is the date of expiry of the lease.
- (3) What are the ACT Government's intentions for the future lease arrangements on this block.
- (4) Has the Minister received requests from the leaseholders to meet with him to discuss the future of the lease; if so, over what period have these requests been made.
- (5) If the Minister has met with the leaseholders, what were the dates of those meetings.

- (6) If the Minister has not met with the leaseholders, why not.
- (7) What undertakings did the Minister give to the leaseholders arising from those meetings.
- (8) Have those undertakings been actioned; if so, what actions were taken and on what dates; if not, why not.
- (9) On what dates and with which relevant directorate officials have the leaseholders met to discuss the future of the lease.
- (10) What undertakings did officials give to the leaseholders arising from those meetings.
- (11) Have those undertakings been actioned; if so what actions were taken and on what dates; if not, why not.
- (12) What formal undertakings has the ACT Government given to the leaseholders in relation to the future of the lease; if none, why not.
- (13) What formal action has the ACT Government taken to implement its intentions for this lease; if none, why not.
- (14) Which other leases of a similar nature is the ACT Government considering as to their future.
- (15) What is the expiry date for each lease referred to in part (14).
- (16) What negotiation and consultation processes is the ACT Government following with the relevant leaseholders.

Mr Gentleman: The answer to the member's question is as follows:

I am not prepared to answer questions about my or my directorates interactions with an individual constituent/leaseholder.

**Arts—consultants
(Question No 1916)**

Mrs Dunne asked the Minister for the Arts and Cultural Events, upon notice, on 26 October 2018:

- (1) How many consultancy reports were commissioned in the arts and cultural events portfolio from 1 January 2018 to the date on which this question was published in the Questions on Notice Paper.
- (2) Who was awarded consultancy contracts in the arts and cultural events portfolio from 1 January 2018 to the date on which this question was published in the Questions on Notice Paper.
- (3) What was the (a) purpose and (b) value of each consultancy contract.

- (4) For each finalised consultancy report, (a) what was the title of the report and (b) was it released publicly; if not, why not.
- (5) For each consultancy report not yet finalised, will it be released publicly; if so, when; if not, why not.

Mr Ramsay: The answer to the member's question is as follows:

1, 2, 3, 4, 5

Refer to answer Question on Notice 1892.

Government—indemnity (Question No 1917)

Mrs Dunne asked the Chief Minister, upon notice, on 26 October 2018:

- (1) In relation to the answer given by the Minister for Health and Wellbeing to a question without notice taken on notice on 18 September 2018 about indemnities available to members of the health culture inquiry panel, what powers does the Executive have under the Australian Capital Territory (Self-Government) Act 1988 to provide indemnities to the individual members of the panel inquiring into the culture of ACT Health.
- (2) Has or will the Executive take legal advice on the matter; if not, why not.
- (3) Has or will the Executive exercised those powers; if not, why not.
- (4) If the Executive has exercised that power, what are the terms of the indemnity.
- (5) By what instrument will or has the Executive exercise(d) that power.
- (6) If the Executive is yet to exercise that power, when will it do so.

Mr Barr: The answer to the member's question is as follows:

- (1) The Territory is able to indemnify members of the Review Panel against civil claims. The source of that power is the *Australian Capital Territory (Self-Government) Act 1988*.
- (2) Legal advice has been obtained by the ACT Health Directorate.
- (3) Yes. The ACT Health Directorate has indemnified Panel members.
- (4) Appropriate contracts for Panel members have been prepared that state that Panel members are indemnified in respect of all claims, costs and expenses and for all loss, damage or injury incurred as a result of anything done or omitted to be done honestly and without recklessness in the exercise of functions as a member of the Independent Review. The liability that would attach to Panel members attaches instead to the Territory and survives despite the termination of the contract or members ceasing to be members of the Review Panel.

(5) A contractual arrangement has been entered into between the ACT Health Directorate and the individual Panel member.

(6) N/A.

ACT Health—graphic design services (Question No 1918)

Mrs Dunne asked the Minister for Health and Wellbeing, upon notice, on 26 October 2018:

- (1) What projects were referred to external graphic design services in relation to the answer given to question on notice No 1717 during (a) 2017-18 and (b) 2018-19 to the date on which this question was published in the Questions on Notice Paper.
- (2) For each project (a) who provided the service, (b) what was the cost and (c) why was it not completed in-house, when ACT Health has its own graphic design team.

Ms Fitzharris: The answer to the member's question is as follows:

Year	(1) Project	(2)(a) Provider	(2)(b) Cost (excl GST)
2017-18	ACT Health Brand Guidelines – Stage 2	Tank Pty Ltd	\$6,493.33
2017-18	ACT Health Brand Guidelines – Stage 1	Tank Pty Ltd	\$3,500.00
2017-18	Communications products v2, templates and mastering	Tank Pty Ltd	\$6,493.33
2017-18	Brand and graphic standards manual	Tank Pty Ltd	\$3,500.00
2017-18	Templates and mastering, project management, project disbursements	Tank Pty Ltd	\$4,562.00
2017-18	Create colour variation options of the visual language/design system test in, project management, project disbursements	Tank Pty Ltd	\$3,150.00
2017-18	Expand your Career - Recruitment	The Trustee for Inklab Trust	\$4,550.00
2017-18	Expand your Career – Recruitment - amendments	The Trustee for Inklab Trust	\$1,425.00
2017-18	Expand your Career – Recruitment – version 2	The Trustee for Inklab Trust	\$4,387.50
2017-18	Expand your Career – Recruitment - amendments	The Trustee for Inklab Trust	\$487.50
2017-18	Expand your Career – Recruitment - amendments	The Trustee for Inklab Trust	\$870.00
2017-18	University of Canberra Public Hospital graphic design products	Screencraft	\$43,970.00
Total:			\$83,388.66
2018-19	Layout of office for mental health brochure, mastering and output, project management, project disbursements	Tank Pty Ltd	\$4,890.00
2018-19	Adult Mental Health Rehabilitation Unit & Adult Mental Health Day Service Brochures - Design	Screencraft	\$2,009.50
2018-19	Adult Mental Health Rehabilitation Unit & Adult Mental Health Day Service Brochures - Design	Screencraft	\$2,009.50
2018-19	Emergency department diversion	Couch Creative Pty Ltd	\$25,000.00
Total:			\$33,909.00

- (2)(c) During February 2018 – June 2018 only a 0.8 FTE graphic designer was working in the Communications Branch. Due to the reduced graphic design capacity during this period, some projects were outsourced.

**Canberra Hospital—radiology department
(Question No 1919)**

Mrs Dunne asked the Minister for Health and Wellbeing, upon notice, on 26 October 2018:

- (1) In relation to the answer given to question on notice No 1870, how many CT scans in total (the total of those analysed in-house and those sent offsite for analysis) were taken at The Canberra Hospital between 1 January 2018 and 21 September 2018.
- (2) Why was the contract with the offsite provider, Everlight, not listed on the contract register.
- (3) What are the long-term plans to bring CT analysis and reporting back on site.
- (4) What is the target date for that strategy to be implemented.

Ms Fitzharris: The answer to the member's question is as follows:

1. 14,949 CT scans in total. Of these, 14,116 were reported by Canberra Hospital radiologists and 833 were reported by the offsite radiology provider.
2. This was an oversight on the part of ACT Health, and has since been corrected.
3. Canberra Hospital plans to have CT scanning back on site as soon as possible.
4. As soon as possible.

**Canberra Hospital—operating theatres
(Question No 1920)**

Mrs Dunne asked the Minister for Health and Wellbeing, upon notice, on 26 October 2018:

- (1) What are the normal “business” hours for each operating theatre at The Canberra Hospital (TCH).
- (2) During the period 1 November 2016 to the date on which this question was published in the Questions on Notice Paper (a) which operating theatres at TCH were unavailable for surgery, (b) on what dates were they unavailable for surgery, (c) why were they unavailable for surgery, (d) what did it cost to return them to service, (e) how many surgeries were (i) delayed or (ii) cancelled and (f) what was the average daily “business” hours per operating theatre.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) There are no normal business hours for each of the 13 operating theatres at Canberra Hospital.
 - (2) During the period 1 November 2016 to the date on which this question was published in the Questions on Notice Paper
 - a. Theatre 14 was unavailable short term, and other theatres were unavailable sporadically.
 - b. Theatre 14 was unavailable between 14 June 2018 until 8 August 2018, and 27 August 2018 until 13 September 2018. Other theatres were sporadically unavailable on:
 - 5 May 2017 until 8 May 2017 inclusive – 4 theatres
 - 19 May 2017 until 22 May 2017 inclusive – 3 - 4 theatres intermittently
 - 2 June 2017 until 5 June 2017 – 4 theatres
 - c. Theatre 14 was unavailable to allow for remediation works on the air conditioning unit. Other theatres were sporadically unavailable to facilitate construction works to upgrade the hydraulic system within the Peri-operative Unit.
 - d. To date, there have been no costs attributable to ACT Health in relation to these issues.
 - e.
 - i. no surgical procedures were delayed;
 - ii. no surgical procedures were cancelled.
 - f. Each theatre utilised on a non-public holiday weekday will be planned to facilitate an average of two 4 hours sessions of surgery each day. In addition, some theatres will be utilised for emergency surgery outside of these sessions.
-

Schools—violence (Question No 1921)

Ms Lee asked the Minister for Education and Early Childhood Development, upon notice, on 26 October 2018:

- (1) How many teachers reported workplace injury for each of the calendar years (a) 2014, (b) 2015, (c) 2016 and (d) 2017.
- (2) How many schools are involved in relation to each of the reported incidents and for each of the years at part (1).
- (3) In relation to each of the reported incidents for each of the years at part (1), (a) what was the nature of the injury, (b) how was the injury sustained, (c) who caused the injury, (d) in respect of any students identified in part (3)(c), what (i) school did/does the student attend and (ii) class/year level, and (e) what was the treatment and/or outcome.

- (4) In relation to any student identified in part (3)(c), how many are/were students in (a) learning support units and (b) mainstream classes.
- (5) For each of the reported injuries at part (1), how many resulted in (a) time off work and for how long, (b) workers compensation payments and how (i) many are ongoing and (ii) much has been paid, and (c) redeployment within the Directorate or the ACT Public Service into non-teaching roles.

Ms Berry: The answer to the member's question is as follows:

- (1) The table below shows the number of incidents reported by teachers in the years 2014 – 2017, and where there was an injury recorded. Note that in mid-2015 the rollout of electronic incident reporting was finalised and in 2016 and 2017 the importance of reporting work health and safety incidents was strongly promoted across the Directorate, resulting in an increase in reporting:

Year	Number of incidents
2014	434
2015	508
2016	694
2017	1286

- 2) The number of schools that reported one or more of the incidents documented in response to question one is:

Year	Schools
2014	78
2015	80
2016	84
2017	85

- (3) (a) the nature of injuries sustained as a result of the incidents documented in response to question one and in each of the years is as follows:

Injury type	2014	2015	2016	2017
Cuts, bruising and other superficial injuries	201	257	357	747
Musculoskeletal disorders	167	177	215	303
Psychological injuries/illnesses	26	34	63	162
Other and unknown injuries	43	42	60	76

- (b) the mechanisms of incident related to the incidents documented in the response to question one are:

Mechanism of incident	2014	2015	2016	2017
Being hit by moving objects	216	295	449	902
Slips, trips and falls	103	80	101	134
Mental stress	22	31	53	143
Body stressing	41	56	46	45
Hitting objects with part of the body	32	29	26	30
Other	23	19	20	34

- (c), (d) and (e) these questions are unable to be answered due to privacy reasons. The breakdown of this data could lead to individuals being identified.
- (4) (a) and (b) these questions are unable to be answered due to privacy reasons. The breakdown of this data could lead to individuals being identified.
- (5) Note that data on the length of time off for all injuries is not available. Data is instead provided in relation to the number of incidents documented in the response to question one that were reported as resulting in one or more days off work.

Year	Reported incidents resulting in one day or more of lost time	Compensation claims for injuries sustained in the year	All claims costs to date	Average claims costs to date	Claims currently open
2014	74	96	\$1,605,410	\$16,723	9
2015	71	67	\$1,838,718	\$27,444	9
2016	109	85	\$2,085,140	\$24,531	13
2017	122	79	\$1,140,464	\$14,436	20

Planning—Campbell (Question No 1922)

Mr Parton asked the Minister for Planning and Land Management, upon notice, on 26 October 2018:

- (1) In relation to the community representations made to the Minister regarding the development at the Campbell shops, Block 1, Section 49 (a) what consultations and discussions did the Minister or the Minister's Directorate undertake with Campbell residents in regard to this proposed development including the variation to the Crown Lease, (b) what feedback was received in relation to the Development Application consultation period, (c) what feedback was conveyed by the Campbell community directly to the Minister's office or other offices of the government, (d) what community representations does the Minister or the Minister's government colleagues have yet to respond to, (e) what was the Minister's response or responses to the community representations and feedback on the Development Application, on the Crown Lease, and on any other concerns that were made to the Minister or the government, (f) does the government consider that all action on this issue has been concluded and (g) do those in the Campbell community that are still concerned with this development have any further avenues for redress or feedback.
- (2) What is this block currently zoned for and what structures and purposes are permitted under this category.
- (3) What are the Minister's intentions in relation to future zone categorisation for this site and what would these changes permit.

Mr Gentleman: The answer to the member's question is as follows:

- (1) (a) Pre-Development Application lodgement, community consultation for a proposed mixed-use development on Block 1, Section 49 Campbell was undertaken by the

applicant in December 2017. The development application for this proposal was publicly notified on 7 June 2018 for comment until 28 June 2018.

- (1) (b) There were thirty-six (36) written representations made by members of the community during the public notification period. Feedback was primarily about the proposed removal of trees, access to parking, proposed height (four storeys) being too high, appropriateness of the proposed development for the existing zoning of the site, noise, and potential site contamination from previous use of the site as a service station.
- (1) (c) There has been several representations made by members of the Campbell community to Chief Minister's office, my office and other MLAs about the proposed redevelopment.
- (1) (d) There are no current matters that need responding to.
- (1) (e) The Chief Minister and I, as the Minister for Planning and Land Management have responded to concerns made directly to us by concerned community members. This occurred by way of a formal, written Ministerial response to those community members about the matters they had raised concerning the proposed development.
- (1) (f) The development application has been assessed and determined by the independent planning and land authority. As the application has now been decided there is no further role for government to be involved with the development of the site.
- (1) (g) The decision on the development application may have been appealed (with time limits for the appeal period applying) to the ACT Civil and Administrative Tribunal by a representor, should they not agree with the decision on a development application made by the planning and land authority.
- (2) Block 1 Section 49 Campbell is zoned CZ4 – Local Centre Zone. The development permitted in the CZ4 zone is set out in the CZ4 – Local Centre Zone Objectives and Development Table in the Territory Plan. The types of development permitted for CZ4 sites include:

ancillary use	NON RETAIL COMMERCIAL USE
car park	parkland
COMMUNITY USE	pedestrian plaza
consolidation	RESIDENTIAL USE
demolition	recyclable materials collection
development in a location and of a type identified in a precinct map as additional merit track development	restaurant
guest house	service station
home business	SHOP
indoor entertainment facility	sign
indoor recreation facility	subdivision
industrial trades	temporary use
light industry	varying a lease (where not prohibited, code track or impact track assessable)
minor road	veterinary hospital
minor use	

- (3) I do not have any intentions to make any changes to the zoning for this site from CZ4.
-

**Health—abortion
(Question No 1923)**

Ms Le Couteur asked the Minister for Health and Wellbeing, upon notice, on 26 October 2018:

- (1) What data is available about how many abortions are performed in the ACT and (a) who collects this data and how is it reported to the Government, (b) what are the limitations of the data, and (c) can the Minister provide a copy of the available data for the last two financial or calendar years.
- (2) Is the Government taking any steps to improve what data about abortions is available in the ACT; if so, what are they.
- (3) Does the Government have any information or statistics about the number of abortions carried out (a) by private providers in the ACT and (b) on ACT residents outside the ACT.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) The ACT Government does not collect data on abortions performed in the ACT as abortions in the ACT are conducted by a private organisation, and there is no Medicare number that is specific to abortions (the Medicare number used for abortions is the same used for other female reproductive health matters). By improving access to services here in the ACT, it is hoped that people will access abortions in a location that best suits them.
 - (2) Not at this time.
 - (3) The Government does not have any information or statistics about the number of abortions carried out by private providers in the ACT, or on ACT residents outside the ACT. See response to question (1) above.
-

**Animals—cat containment
(Question No 1924)**

Ms Le Couteur asked the Minister for City Services, upon notice, on 26 October 2018:

- (1) How is cat containment enforced.
- (2) How many people have been fined and (a) what were the amounts that each person was fined and (b) which suburbs did these offences occur.
- (3) How many cats have been picked up in cat containment suburbs.
- (4) Have people been submitting complaints; if so, which suburbs did the complaints reference.

Mr Steel: The answer to the member's question is as follows:

- (1) Managing cats is the responsibility of the pet owner and TCCS takes an educational approach to managing cat containment through providing advice to residents via individual inquiries and through the TCCS website. Residents of cat containment suburbs are made aware of the status of their suburb in the early stages of considering whether to purchase a home. Signage is provided in all cat containment suburbs.

Requests for compliance action in relation to cat containment are triaged according to the 'risk of harms' model whereby threats to public safety are given the highest priority. Residents with concerns about non-compliance are advised to speak to their neighbours if the identity of the cat is known and are also advised of the option to trap cats on their own land.

TCCS supports RSPCA ACT in its efforts to manage cat populations through education and de-sexing programs and provides funding to support the RSPCA for cat management activities including rehoming.

- (2) Zero.

- (3) Zero.

- (4) Ten complaints in relation to breaches of declared cat containment areas have been recorded, from Forde (4), Crace (3), Moncrief (1), Bonner (1) and Coombs (1).

Taxation—rates (Question No 1925)

Ms Le Couteur asked the Treasurer, upon notice, on 26 October 2018 (*redirected to the Acting Treasurer*):

- (1) How does the Government determine the amount of rates to be collected from residential and non-residential sources.
- (2) How does the Government determine the value of the property for rating purposes for non-residential property.
- (3) How many objections to non-residential property valuations did the Government receive each year for the past three years and how many were upheld.

Ms Berry: The answer to the member's question is as follows:

- (1) In any given year, the proportion of total rates is affected by growth in the number and value of new properties and increases in general rates revenue due to the ACT tax reform program. As such, the change in residential and commercial rates revenue from the previous financial year in each sector is a function of the new properties that entered the sector during the previous financial year and the average increase under tax reform. In 2018-19, growth in the number and value of new properties contributed around a third of the increase in total commercial rates revenue.

- (2) The *Rates Act 2004*, requires an annual land valuation for all rateable property in the ACT. Valuations are determined on the basis of unimproved value as at 1 January and take effect following determination by the Commissioner for ACT Revenue on 1 July of the same year.

The valuation approach is ‘direct comparison’ whereby sales of commercial land are considered and a broad adjustment to all properties is made if there is evidence of a change in general commercial property values across the Territory. There has not been a blanket increase in unimproved values across commercial property for the past five years as there has been an insufficient volume of sales evidence (across the commercial property types) to support a change.

However, the unimproved values for some properties have been adjusted for pockets of commercial land in the precincts of Braddon (2017, 2018), Phillip (2017), Fyshwick (2017) and part of Civic (2018). This has been necessary as unimproved values of some properties in these areas were out of alignment with market values, relativities within the precinct, and in comparison with properties outside of the precinct. The revaluation of a property will be determined by location, block size, rights under the crown lease and an appropriate rate per square metre as determined by comparable sales evidence.

- (3) The following tables show the number of objections to non-residential unimproved land valuations received during 2015-16, 2016-17 and 2017-18 and then the number of each type of outcome.

	2015-16	2016-17	2017-18
Total Received	27	28	39

	2015-16	2016-17	2017-18
Total Decided	22	29	37
Allowed	1	4	2
Part allowed	1	4	16
Disallowed	19	21	13
Withdrawn	1	0	6

Children and young people—disabled parents (Question No 1926)

Ms Le Couteur asked the Minister for Children, Youth and Families, upon notice, on 26 October 2018:

- (1) How many children or young people who have been removed from their families where one or more parents has a disability in the past two financial or calendar years and (a) of these parents, how many are identified as having a physical disability, (b) how many are identified as having a non-physical disability, (c) of these children, how many are on temporary or short term orders and (d) how many are on long term or permanent orders.

- (2) How many children or young people have been removed from their families where one or more parents have a mental health condition in the past 2 financial or calendar years and (a) of these children, how many are on temporary or short term orders and (b) how many are on long term or permanent orders.

Ms Stephen-Smith: The answer to the member's question is as follows:

- (1) Child and Youth Protection Services (CYPS) does not hold robust data regarding the number of parents with disability or mental health conditions involved in the ACT child protection system. Such data would require manual extraction through case by case analysis, however any information of this nature that CYPS collects is voluntary and self-reported, and therefore limited. As the new Client Management System is built, CYPS is exploring how to improve the collection of data in relation to parents with disability involved in the child protection system.
- (2) Please refer to Question (1).

Health—Queen Elizabeth II Family Centre (Question No 1927)

Ms Le Couteur asked the Minister for Health and Wellbeing, upon notice, on 26 October 2018:

- (1) Did the opening of six new beds at the Queen Elizabeth II Family Centre (the Centre) in 2015 mean the facility was at capacity; if so, does the Centre have enough capacity to meet the current needs of the Canberra and region community.
- (2) How many (a) beds are currently available at the Centre, (b) admissions does the Centre take each year, (c) admissions are requested each year, (d) people are currently on the waitlist for admission to the Centre and (e) people have been on the waitlist at peak demand periods since July 2015.
- (3) Are all admissions to the Centre publically funded.
- (4) What is the highest number of people who have been on the waitlist since July 2015 and can the Minister provide figures for each reporting period, and (a) what is the frequency of reporting of this information and (b) is there a seasonal pattern of demand for admissions to the Centre.
- (5) How long does it take from being placed on the waitlist to being admitted to the Centre on average, and can the Minister provide mean and median figures.
- (6) What is the longest period someone has been on the waitlist for.
- (7) Has anyone's waitlist place been removed because the issues for which they are seeking admission are no longer relevant (given that sleep and feeding needs change quickly in the early months and years of infancy).
- (8) Does the Centre need to be extended or relocated.
- (9) Are there currently any plans or sites identified to extend or relocate the Centre.

- (10) Are there any publically released plans or studies into the relocation or expansion of the current facility.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) No. Canberra Mothercraft Society (CMS), who manage the Queen Elizabeth II Family Centre, report that it operates consistently at approximately 85 per cent capacity. This remained unchanged after the additional beds became operational.
- (2) a) 26.
b) CMS reported 2020 admissions in the 2016-17 Financial Year (according to the most recent available Annual Report).
c) ACT Health understands that all requests that meet the eligibility criteria are met.
d-e) ACT Health does not require that CMS report a wait list.
- (3) No. CMS operate a split of approximately 70:30 Public/Private.
- (4) This information is not currently available. The contract with CMS does not require them to report wait list information.
- (5) This information is not currently available. The contract with CMS does not require them to report wait list information.
- (6) This information is not currently available. The contract with CMS does not require them to report wait list information.
- (7) This information is not currently available. The contract with CMS does not require them to report wait list information.
- (8) ACT Health Directorate has no plans to extend the centre as it currently operates at approximately 85 per cent of capacity.
- (9) No.
- (10) No.

**Environment—balloons
(Question No 1928)**

Ms Le Couteur asked the Minister for the Environment and Heritage, upon notice, on 26 October 2018 (*redirected to the Minister for Business and Regulatory Services*):

- (1) What is the level of enforcement with regard to offenders in regard to the Environment Protection regulation making it an offence to release more than 10 balloons at a time.
- (2) Has anyone ever been fined; if so (a) how many people have been fined and (b) for each offence what were the (i) circumstances and (ii) fine amounts.

Mr Ramsay: The answer to the member's question is as follows:

- (1) Under Section 16(1) of the *Environment Protection Regulation 2005*, it is an offence to release 20 or more balloons at or about the same time. The Environment Protection

Authority (EPA) would investigate a report of the release of 20 or more balloons. Where the EPA identifies an offence against section 16(1), regulatory action would be considered in line with the EPA's Compliance and Enforcement Guidelines.

(2) No.

Housing—strata regulation (Question No 1929)

Ms Le Couteur asked the Minister for Urban Renewal, upon notice, on 26 October 2018 (*redirected to the Minister for Planning and Land Management*):

- (1) When will the legislation be introduced and what will it cover in relation to strata regulation in light of the then Minister for Urban Renewal's response to the Select Committee on Estimates 2017-18 question on notice No E17-100, part (5) of the question on notice stated that "Subject to ongoing consultation with stakeholders during 2017, the ACT Government is anticipating that legislation will be introduced in the Legislative Assembly in 2018".

Mr Gentleman: The answer to the member's question is as follows:

- (1) Since the response to the Select Committee on Estimates 2017-18 question on notice No E17-100 was provided, the Environment, Planning & Sustainable Development Directorate (EPSDD) has conducted further research and analysis of the complex and wide-ranging issues affecting mixed-use developments, as well as unit plans in general.

To achieve effective change, three key areas of reform have been identified:

- update governance and management frameworks for new and existing developments;
- review and amend administrative procedures;
- update planning and design requirements, to cater for different types of mixed-use developments.

It has become apparent that the complex nature and interconnectivity of the issues with other legislation is more challenging than first anticipated. Due to these complexities and in order to address the issues appropriately, the progression of the potential reforms is taking longer than anticipated.

This has resulted in the scope and delivery of possible reforms being reassessed to provide effective legislative amendments and practical solutions to better support unit plans, with particular focus on improvements for mixed-use developments.

It is anticipated a set of reforms will be presented during 2019, following further consultation with key stakeholders and the wider community on specific proposals.

Schools—violence (Question No 1930)

Ms Lee asked the Minister for Education and Early Childhood Development, upon notice, on 26 October 2018:

- (1) How many students have reported an injury received at school during school hours for each of the calendar years (a) 2014, (b) 2015, (c) 2016, (d) 2017.
- (2) How many schools are involved in relation to each of those reported incidents for each of those years at part (1).
- (3) In relation to each of those reported incidents for each of those years at part (1), (a) what was the nature of the injury, (b) how was the injury sustained, (c) who caused the injury and (d) what was the treatment and/or outcome.
- (4) How many are/were students in a (a) learning support unit and (b) mainstream class in relation to the students identified in part (1).
- (5) What grade(s) were they in, in relation to the students identified in part (1).
- (6) How many for each of the reported injuries at part (1) resulted in (a) time off school and for how long, and (b) action being taken against another student and what action.

Ms Berry: The answer to the member's question for the Education Directorate is as follows:

This information is sourced from de-identified student accident data maintained by the Education Directorate. The management of student related injury and information regarding these injuries is maintained at the school level.

- (1) Number of injured students reported for years 2014, 2015, 2016 and 2017:

Year	No. of student injury reports	No of Students	% of reports based on student numbers
2014	1540	42,211	3.65%
2015	1544	43,427	3.56%
2016	1525	44,831	3.64%
2017	2031	46,557	4.58%

Note: Schools have been encouraged to report all staff and student accident/injuries particularly over the past 18+ months which supports the increase in reports in 2017.

- (2) Number of schools involved:

Year	Number of schools involved
2014	87
2015	88
2016	77
2017	85

- (3) In relation to each of those reported incidents for each of those years at part (1):

- a. What was the nature of the injury?

This type of information is captured at the school level.

- b. How was the injury sustained?

This type of information is captured at the school level.

c. Who caused the injury?

This type of information is captured at the school level.

d. What was the treatment and/or outcome?

This type of information is captured at the school level.

(4) How many students are/were in a:

a. learning support unit and (b) mainstream class in relation to the students identified in part (1).

The Directorate does not separate injury reports between schools and LSUs.

(5) What grade(s) were they in, in relation to the students identified in part (1):

This type of information is captured at the school level.

(6) For each reported injury in part (1) how many resulted in:

a. Time off school and how long

b. Action taken against another student and what action?

This type of information is captured at the school level.

Government—employment incentives (Question No 1931-1965)

MR COE asked the Chief Minister; the Minister for Social Inclusion and Equality; the Minister for Planning and Land Management; the Minister for Justice, Consumer Affairs and Road Safety; the Minister for Education and Early Childhood Development; the Minister for the Environment and Heritage; the Minister for Housing and Suburban Development; the Minister for Climate Change and Sustainability; the Minister for the Prevention of Domestic and Family Violence; the Minister for Tourism and Special Events; the Minister for Trade, Industry and Investment; the Minister for Sport and Recreation; the Minister for Transport; the Minister for Vocational Education and Skills; the Minister assisting the Chief Minister on Advanced Technology and Space Industries; the Minister for the Arts and Cultural Events; the Minister for Building Quality Improvement; the Minister for Business and Regulatory Services; the Minister for Seniors and Veterans; the Minister for Corrections and Justice Health; the Minister for Disability; the Minister for Children, Youth and Families; the Minister for Employment and Workplace Safety; the Minister for Government Services and Procurement; the Minister for Urban Renewal; the Minister for City Services; the Minister for Community Services and Facilities; the Minister for Roads; the Treasurer; the Minister for Aboriginal and Torres Strait Islander Affairs; the Attorney-General; the Minister for Police and Emergency Services; the Minister for Multicultural Affairs; the Minister for Women, upon notice, on 26 October 2018 (*redirected to the Chief Minister*):

- (1) What was the total number of Attraction and Retention Incentives for each directorate, agency or entity for which the Minister is responsible broken down by (a) FTE, (b) headcount and (c) classification during (i) 2015-16, (ii) 2016-17, (iii) 2017-18 and (iv) 2018-19 to date.
- (2) What was the (a) total average remuneration rates and (b) average value of Attraction and Retention Incentive payments or entitlements in addition to salary for each classification identified in part (1).

Mr Barr: The answer to the member's question is as follows:

The answers to questions (1) and (2) are provided in the spreadsheet at Attachment A. The spreadsheet data represents staff who received Attraction and Retention Incentives (ARIns) at the end of each financial year for each Directorate, agency or entity. The remuneration rates are based on annualised salary and all allowance entitlements received by staff in the classification. The Minister for Health and Wellbeing and the Minister for Mental Health were not asked these questions as a response to similar questions (Questions No's 1859-1860) were provided by each Minister on 23 October 2018 which included information about ARIns for ACT Health and Canberra Health Services. In reading this data it should be noted that the staff headcount of agencies across the ACT Public Service varies significantly by agency.

(A copy of the attachment is available at the Chamber Support Office).

Crime—motorcycle gangs (Question No 1966)

Mr Coe asked the Attorney-General, upon notice, on 26 October 2018:

What is the breakdown of the number of (a) successful and (b) unsuccessful prosecutions by the Director of Public Prosecutions in relation to or suspected to be related to outlaw motorcycle gang related membership, crimes or offences broken down by category or type of offence during (i) 2007-08, (ii) 2008-09, (iii) 2009-10, (iv) 2010-11, (v) 2011-12, (vi) 2012-13, (vii) 2013-14, (viii) 2014-15, (ix) 2015-16, (x) 2017-18 and (xi) 2018-19 to date.

Mr Ramsay: The answer to the member's question is as follows:

The Director of Public Prosecutions does not keep statistics of prosecutions according to types of gang membership. All crimes are prosecuted based on the facts of each case in line with the DPP's guidelines.

ACT Judicial Council—complaints (Question No 1967)

Mr Coe asked the Attorney-General, upon notice, on 26 October 2018:

Can the Attorney-General provide for each complaint received by the ACT Judicial Council since its commencement to date (a) when the complaint was received, (b) the nature or type of complaint, (c) whether the complaint was referred to another entity; if

so, whom, (d) the type of judge the complaint was made in relation to, (e) whom the complaint was received from (i) member of the public, (ii) member of the legal profession, (iii) ACT Attorney-General, and (iv) any other person or body and (f) the status or outcome of the complaint or investigation.

Mr Ramsay: The answer to the member's question is as follows:

- a) The Judicial Council has advised that the framework of the Judicial Commissions Act does not appear to allow provision of this information for complaints in the current financial year, and accordingly, all of the below answers relate to the period from February 2017 to 30 June 2018.
- b) Of the fifteen complaints received, some contained multiple allegations. These complaints included allegations of bias, conflict of interest, delay, discourtesy, inappropriate comments/conduct in the courtroom and failure to give a fair hearing.
- c) Under the *Judicial Commission Act 1994*, the Council has very limited ability to refer complaints to other entities. However, if the Council is approached with a matter that is outside of its jurisdiction, the Council will inform the person of any other available avenues to raise their concerns.
- d) Eight complaints were about ACT judges and seven were about ACT magistrates.
- e) The Judicial Council has advised that the framework of the Judicial Commissions Act does not appear to allow provision of this information.
- f) Thirteen complaints were dismissed under section 35B of the Judicial Commissions Act 1994 while two complaints were wholly or partly substantiated and referred to the head of the relevant jurisdiction (the Chief Justice or the Chief Magistrate) under section 35C of the Act to deal with.

Education—tenure (Question No 1968)

Mr Coe asked the Minister for Education and Early Childhood Development, upon notice, on 26 October 2018:

What was the average tenure or number of years staff worked in roles in (a) ACT government schools and (b) the Education Directorate broken down by (i) job category, (ii) classification and (iii) speciality or field, during each financial year from 2013-14 to date.

Ms Berry: The answer to the member's question is as follows:

- (i) The average tenure (number of years) staff worked in roles in ACT government schools, broken down by **Job Category** during each financial year from 2013-14 to date is provided below.

Job Category	2013-14	2014-15	2015-16	2016-17	2017-18
Permanent	10.7	10.8	11.2	11.4	11.4
Temporary	2.4	2.4	2.4	2.5	2.5
Casual	3.6	3.6	3.5	3.4	3.4

(ii) The average tenure (number of years) staff worked in roles in ACT government schools, broken down by **Job Classification** during each financial year from 2013-14 to date is provided below.

Classifications	2013-14	2014-15	2015-16	2016-17	2017-18
Admin Service Officer 2	9.3	10.3	11.3	12.3	6.7
Admin Service Officer 3	11.3	12.3	10.0	9.9	9.4
Admin Service Officer 4	9.3	9.5	10.6	10.6	9.8
Admin Service Officer 5	11.1	12.0	13.1	12.9	13.0
Admin Service Officer 6	15.2	14.3	13.3	14.7	11.8
Building Service Officer 1	8.5	8.2	7.2	8.4	7.5
Building Service Officer 2			5.2	6.5	7.0
Building Service Officer 3				8.5	7.7
Casual Teacher (3yr Trained)	10.9	11.7	12.7	13.7	14.7
Casual Teacher (4yr Trained)	3.0	3.0	3.1	3.5	3.2
Casual School Assistant 2	2.2	2.2	2.1	2.0	1.6
Classroom Teacher	8.7	8.9	9.1	9.1	9.0
Experienced Casual Teacher	5.3	5.5	5.6	5.1	5.8
General Service Off 10		1.4	7.2	8.0	10.2
General Service Off 4	1.1				
General Service Off 6	6.3	5.6	7.6		
General Service Off 8	8.0	8.6	8.0		
Health Prof Officer 1					6.9
Info Tech Officer 1	4.8	5.3	6.0	7.1	7.0
Info Tech Officer 2	6.0	7.7	8.6	9.2	8.1
Professional Officer 2	3.9	4.5			
School Assistant 2	7.8	8.3	8.2	7.9	7.1
School Assistant 2/3	6.6	7.1	7.0	7.1	6.3
School Assistant 3	10.2	11.1	10.9	8.3	9.0
School Assistant 4	5.4	6.7	7.1	7.2	7.3
School Leader A	20.9	21.3	21.2	20.6	21.2
School Leader B	18.5	18.0	17.7	17.8	17.6
School Leader C	14.0	14.0	14.5	15.0	15.1
School Network Leader	27.7				
Senior Officer B	16.5	17.5	26.5	18.3	15.5
Senior Officer C	10.3	11.8	13.7	13.6	13.8
Senior Professional Officer C	0.9				

(iii) The average tenure (number of years) staff worked in roles in ACT government schools, broken down by **Speciality or Field** during each financial year from 2013-14 to date is provided below.

Job Field	2013-14	2014-15	2015-16	2016-17	2017-18
Administrative Officers	6.5	7.1	6.9	6.7	6.5
General Service Officers & Equivalent	8.2	7.8	7.4	7.8	7.5
Health Professional Officers					6.9
Information Technology Officers	5.3	6.1	7.0	8.1	7.4
Professional Officers	3.9	4.5			
School Leaders	15.9	15.8	16.1	16.4	16.5
Senior Officers	11.5	12.4	14.3	13.9	14.0
Teachers	8.0	8.1	8.4	8.4	8.4

(1b) What was the average tenure or number of years staff worked in roles in the Education Directorate (Education Support Office), broken down by (i) job category, (ii) classification and (iii) speciality or field, during each financial year from 2013-14 to date.

(i) The average tenure (number of years) staff worked in roles in the Education Directorate (Education Support Office), broken down by **Job Category** during each financial year from 2013-14 to date is provided below.

Job Category	2013-14	2014-15	2015-16	2016-17	2017-18
Permanent	12.2	12.1	11.9	12.0	11.6
Temporary	5.0	4.4	4.3	3.4	4.1
Casuals	3.5	3.8	3.8	5.5	3.5

(ii) The average tenure (number of years) staff worked in roles in the Education Directorate (Education Support Office), broken down by **Job Classification** during each financial year from 2013-14 to date is provided below.

Classifications	2013-14	2014-15	2015-16	2016-17	2017-18
Admin Service Officer 1	3.8	4.8	5.9	6.9	2.9
Admin Service Officer 2	7.5	9.4	10.9	10.5	7.9
Admin Service Officer 3	11.0	12.9	12.5	17.8	16.6
Admin Service Officer 4	7.4	8.9	10.4	11.1	11.2
Admin Service Officer 5	7.9	7.4	8.6	7.6	8.0
Admin Service Officer 6	9.4	8.7	8.7	8.6	9.6
Allied Health Assistance				4.3	5.7
Classroom Teacher	14.7	13.9	15.0	15.6	16.5
Contract Chief Executive	4.4	5.4	6.5	6.9	7.4
Contract Executive	20.0	16.2	18.5	16.9	15.8
Disability Support Off 2	11.4				
General Service Off 5	4.4	5.4	6.4	7.4	8.4
Graduate Admin Assistance		0.3	0.4	0.4	0.4
Health Prof Officer 1				0.9	1.9
Health Prof Officer 2			0.2	1.1	1.3
Health Prof Officer 3	7.7	8.7	7.3	5.1	5.7
Health Prof Officer 4	9.1	10.1	11.2	9.7	7.6
Health Prof Officer 6					14.5
Indigenous Trainee			0.9	0.2	1.1
Infrastructure Manager/Specialist 1				9.7	6.8
Infrastructure Officer 2		13.1	11.2	11.6	11.8
Infrastructure Officer 3		9.6	6.0	6.8	10.2
Infrastructure Officer 4		7.6	6.0		5.2
Infrastructure Officer 5		33.3	23.2	13.7	20.6
Manager Psychologist				17.4	1.4
Professional Officer 2			5.2	7.5	6.7
School Assistant 2	10.4	11.4	12.4	6.9	1.4
School Assistant 2/3	8.7	9.2	7.4	6.3	5.4
School Assistant 3	7.1	6.6	6.3	7.1	8.1
School Assistant 4	4.5	5.3	7.1	7.0	7.7
School Counsellor	4.5	4.5			
School Leader A	17.2	17.8	20.5	21.0	23.2
School Leader B	15.6	15.0	14.0	16.0	16.2
School Leader C	14.0	14.0	14.7	12.8	12.6
School Network Leader		27.1	26.1	28.5	29.5
School Psychologist			7.4	7.3	7.4
Senior Counsellor	8.4	17.7			
Senior Officer A	15.3	15.6	15.4	16.4	15.1
Senior Officer B	9.2	10.2	10.1	9.7	8.2
Senior Officer C	10.3	8.2	8.3	8.2	8.5

Classifications	2013-14	2014-15	2015-16	2016-17	2017-18
Senior Professional Officer A	38.1	15.8	16.9	14.9	15.4
Senior Professional Officer B	16.2	17.2	18.2	19.2	20.2
Senior Professional Officer C	6.9	7.9	8.9	9.9	10.9
Senior Psychologist				7.0	8.5
Teacher Interns	0.1	0.9	0.4	0.3	0.2

(iii) The average tenure (number of years) staff worked in roles in ACT government schools, broken down by **Speciality or Field** during each financial year from 2013-14 to date is provided below.

Job Field	2013-14	2014-15	2015-16	2016-17	2017-18
Administrative Officers	8.3	8.2	8.8	8.8	9.1
Disability Officers	11.4				
Executive Officers	18.5	15.5	17.8	15.7	15.4
General Service Officers & Equivalent	4.4	5.4	6.4	7.4	8.4
Health Assistants				4.3	5.7
Health Professional Officers	8.0	9.0	6.8	4.5	5.3
Professional Officers	4.7	6.8	7.6	7.9	7.9
School Leaders	14.5	15.2	16.1	15.2	15.2
Senior Officers	10.8	10.4	10.3	10.2	9.8
Teacher	14.7	13.9	15.0	15.6	16.5
Trainees and Apprentices			0.9	0.2	1.1

Education—complaints (Question No 1969)

Mr Coe asked the Minister for Education and Early Childhood Development, upon notice, on 26 October 2018:

- (1) How are complaints by (a) teachers, (b) parents, (c) students and (d) other people or entities handled at a (i) school and (ii) Education directorate level.
- (2) Are schools required to report complaints made by (a) teachers, (b) parents, (c) students and (d) other people or entities to the Education Directorate; if not, why not; if so, in what circumstances are they required.
- (3) What is the total number of complaints made by (a) teachers, (b) parents, (c) students and (d) other people or entities to (i) schools and (ii) the Education Directorate broken down by issue for each financial year from 2013-14 to date.
- (4) If the information referred to in part (3) is not tracked or retrievable, why is there no regular centralised reporting.

Ms Berry: The answer to the member's question is as follows:

- (1) The Education Directorate records feedback comprising notifications, suggestions, requests for information and service, compliments received in writing and complaints received in writing and by phone. The Directorate's handling of written feedback is recorded in an online Customer Relationship Management (CRM) tool. The CRM does not record whether a complainant is a teacher, a parent, a student or other people or entities.

The CRM tool allows members of the community to directly lodge their feedback with the Directorate, receive a tracking code for their feedback, and specify whether the feedback was related to a request for information, a request for service, a compliment or a complaint. The CRM tool allows the Directorate to ensure that all feedback receives a response either by the Education Support Office or by the relevant ACT public school.

Feedback is also provided directly to schools and to individual teams within the Directorate. This feedback is generally responded to directly by the relevant school or area. In some cases, the feedback may need to be escalated to the Directorate's Complaints and Liaison Unit for a response. These escalated cases are recorded in the CRM database and included in the count of items described earlier in this section.

- (2) Schools respond to complaints/inquiries independently. At times when it is considered appropriate they may be escalated to the Education Support Office for consideration, support and/or action. As a result not all complaints/inquiries are captured at the directorate level.
- (3) The Education Directorate's Customer Relationship Management System (CRM) was introduced in November 2014 to record complaints, queries and requests received by the Directorate's Complaints and Liaison Unit about ACT public schools and the Education Directorate. With the advent of the CRM, complainants were no longer required to submit a complaint using the defined written complaint template.

In 2017-18 further improvements were made to the CRM's reporting capability allowing the Directorate to report against eight broad themes. The following tables provide details of the 2017-18 complaint themes and the number of complaints recorded in the Directorate's CRM since its introduction.

Complaints themes recorded against ACT public schools during 2017-18

Complaint theme	2017-2018
Communication	35
Enrolment	28
Facilities and infrastructure	17
Inclusion and engagement	15
Policies	14
Staff behaviour	75
Student behaviour management	110
Teaching and learning	8

Complaints recorded in Education Directorate's CRM

	2013-2014	November 2014-2015	2015-2016	2016-2017	2017-2018
Complaints about ACT public schools	CRM not in operation	136	164	249	302
Other complaints (but not about non-government schools)	CRM not in operation	Other complaints not recorded	2	20	29

- (4) As above.

Education Directorate—staffing (Question No 1970)

Mr Coe asked the Minister for Education and Early Childhood Development, upon notice, on 26 October 2018:

What is the number of public servants who were employed by the Education Directorate broken down by (a) FTE, (b) headcount and (c) classification under the ACT Public Sector Administrative and Related Classifications Enterprise Agreement or equivalent during each financial year from 2007-08 to date.

Ms Berry: The answer to the member's question is as follows:

- (1) The number of staff employed by the Education Directorate is reported in the Education Directorate Annual Report.

2007/08	FTE and Headcount	Table 11
	Headcount by Classification	Table 10
2008/09	FTE and Headcount	Table 20
	Headcount by Classification	Table 19
2009/10	FTE and Headcount	Table C7.1
	Headcount by Classification	Table C7.2
2010/11	FTE and Headcount	Table C7.1
	Headcount by Classification	Table C7.2
2011/12	FTE and Headcount	Table C7.1
	Headcount by Classification	Table C7.2
2012/13	FTE and Headcount	Table C7.1
	Headcount by Classification	Table C7.2
2013/14	FTE and Headcount	Table E5.1
	Headcount by Classification	Table E5.2
2014/15	FTE and Headcount	Table B8.3
	Headcount by Classification	Table B8.4
2015/16	FTE and Headcount	Table B8.4
	Headcount by Classification	Table B8.5
2016/17	FTE and Headcount	Table B8.2
	Headcount by Classification	Table B8.3
2017/18	FTE and Headcount	Table B8.2
	Headcount by Classification	Table B8.3

Education—gifted and talented students (Question No 1971)

Mr Coe asked the Minister for Education and Early Childhood Development, upon notice, on 26 October 2018:

- (1) What is the process for identifying or assessing students who would qualify for or benefit from being part of a gifted and talented or equivalent unit, including who makes the assessment or determination.
- (2) What is the total number of gifted and talented or equivalent units operating in ACT government schools during each calendar year since 2013 to date broken down by (a) school and (b) grade.
- (3) What are the funding arrangements for gifted and talented or equivalent units operating in ACT government schools.
- (4) What is the total value of payments or funding made in relation to gifted and talented or equivalent units operating in ACT government schools during each calendar year since 2013 to date broken down by school.
- (5) What centralised reporting, data collection or monitoring of gifted and talented or equivalent units is undertaken by the Education Directorate; if no centralised reporting data collection or monitoring is undertaken, why not.

Ms Berry: The answer to the member's question is as follows:

- (1) Under the *Gifted and Talented Students Policy* (2014), all ACT Public School Principals are responsible for ensuring there are established, effective and equitable processes and measures in place for the identification of gifted and talented student s. Gifted and Talented Liaison Officers (GaTLO) are available at schools for liaison with families and teachers.

Schools can make use of a number of identification tools and assessments administered by a range of staff including the GaTLO, psychologists and classroom teachers. Schools work closely with parents and carers as part of identification processes.
- (2) The number of schools offering specific gifted and talented units or classes is not centrally collected. Schools are responsible for ensuring the provision of developmentally appropriate educational provisions and strategies for all gifted and talented students enrolled in their schools. While schools may provide a dedicated gifted and talented program or specialist classes for their gifted and talented students, the educational needs of gifted and talented students are diverse and best-practice doesn't rely on schools only adopting one strategy.
- (3) School-based gifted and talented programs and provisions are funded within schools' budgets. There are also a range of programs, funded and delivered by the Education Support Office, which may assist schools to provide extended learning options for their students. For example, activities delivered at the Centre for Innovation and Learning in Tuggeranong and ACE Science Mentoring program.
- (4) The total funding for gifted and talented programs and provisions employed by schools is not centrally collected.
- (5) No centralised reporting or data collection of gifted and talented programs or classes is currently undertaken. Schools assess and monitor their strategies, programs and provisions to provide timely and tailored school-based responses to meet their

Students' needs. The implementation and rollout of the Schools Administration System may facilitate alternative data- collection and monitoring in the future.

Schools—safety (Question No 1972)

Mr Coe asked the Minister for Education and Early Childhood Development, upon notice, on 26 October 2018:

- (1) What circumstances require the creation or submission of a (a) non-critical incident report, (b) critical incident report and (c) any other types of incident reports used at schools.
- (2) What processes follow the lodging of a (a) non-critical incident report, (b) critical incident report and (c) any other types of incident reports used at schools.
- (3) What outcomes follow the processing of a (a) non-critical incident report, (b) critical incident report and (c) any other types of incident reports used at schools.
- (4) What centralised reporting, data collection or monitoring of the type, use, frequency and outcomes of incident reports is undertaken by the Education Directorate; if no centralised reporting, data collection or monitoring is undertaken, why not.
- (5) What is the total number of incident reports lodged for each government school during each calendar year since 2013 broken down by (a) type of incident report identified in part (1), (b) nature of incident and (c) outcome.

Mr Berry: The answer to the member's question is as follows:

- (1) (a) (b) (c) The directorate has published on the Education website a policy and procedure that relates to the circumstances under which non critical, critical and other incidents are required to be reported:

https://www.education.act.gov.au/publications_and_policies/corporate-policies/wellbeing/accidents-and-incidents/criticalnon-critical-incident-management-and-reporting-policy

https://www.education.act.gov.au/__data/assets/pdf_file/0016/810133/Critical-Non-Critical-Incident-Reporting-Procedure.pdf

- (2) (a) (b) (c) Please refer to number 1 above.
- (3) (a) (b) (c) Please refer to number 1 above.
- (4) The Education Directorate collects data and reports on incidents and injuries through a variety of mechanisms including the Directorate's Annual Report, Riskman, WorkSafe, the Ombudsman, ACT Regulatory Authority for incidents involving preschools and mandatory reporting as required under the *Children and Young People Act 2008*.
- (5) School based incidents are managed at the school level and it would require a significant investment of time and resources to provide the level of data requested,

noting there has also been a shift from paper based information to electronic information over time.

**Education—learning support
(Question No 1973)**

Mr Coe asked the Minister for Education and Early Childhood Development, upon notice, on 26 October 2018:

- (1) What is the process for identifying or assessing students who would qualify for or benefit from being part of a learning support or equivalent unit, including who makes the assessment or determination.
- (2) What is the total number of learning support or equivalent units operating in ACT government schools during each calendar year since 2013 to date broken down by (a) school and (b) grade.
- (3) What are the funding arrangements for learning support or equivalent units operating in ACT government schools.
- (4) What is the total value of payments or funding made in relation to learning support or equivalent units operating in ACT government schools during each calendar year since 2013 to date broken down by school.
- (5) What is the breakdown of the number of teachers or teaching staff working with learning support or equivalent units who (a) have specialised training and (b) do not have specialised training during each calendar year since 2013 to date broken down by school.
- (6) What centralised reporting, data collection or monitoring of learning support or equivalent units and specialised teaching qualifications is undertaken by the Education Directorate; if no centralised reporting, data collection or monitoring is undertaken, why not.

Ms Berry: The answer to the member's question is as follows:

- (1) All students, including those who meet the ACT Student Disability Criteria, are eligible to access a range of programs and supports dependent on their level of need. Eligible students receive support through the Inclusion Support Program (ISP) at their local school, may attend a specialist school, or access small group programs in schools – Learning Support Units, Learning Support Units-Autism, Learning Support Centres and Disability Programs. Eligible students are supported by the itinerant Vision and Hearing teams.

Schools that do not have a learning support unit receive the ISP resourcing for the eligible students. The school uses the resourcing to ensure the necessary adjustments/supports and interventions are provided to enable the student/s to engage and participate in the school curriculum on the same basis as their peers.

School psychologists gather available evidence and complete cognitive or functional assessments as appropriate to confirm a student's eligibility. Parents and carers are

advised of the programs and supports their child is eligible for and make application for a Learning Support Program or ISP.

Additional supports, not dependent on the ACT Student Disability Criteria, are provided to all schools through the Network Student Engagement Teams (NSET). NSET teams work with school leaders and teaching teams to build the capacity of the whole school to respond to student need.

- (2) The number and type of Learning Support Programs in schools varies from year to year, to respond flexibly to current and projected student needs. In addition to Learning Support Programs all ACT public schools support students with disability, making the necessary adjustments and providing flexible and personalised learning through ISP. Currently of the 87 public schools 57 provide programs, inclusive of the four specialist schools. The list of current programs is available at: https://www.education.act.gov.au/__data/assets/pdf_file/0003/1135380/2018-Programs-and-units-PDF.pdf
- (3) Schools are funded for enrolled students. Additional resourcing is provided for those students supported through ISP. Schools with Learning Support programs are provided a site funding that equates to the staffing cost for a teacher and Learning Support Assistant (LSA).
- (4) See Attachment A.
- (5) All teaching staff are able to meet the needs of students in their class.
- (6) The onboarding of Directorate staff through People and Performance Branch confirms WWVP clearance for all school-based staff and WWVP clearance and TQI registration for teachers. Renewals of WWVP and TQI registration are the responsibility of the individual and monitored at schools/sites.

Principals supervise staff within their learning support units and use individual performance development plans to provide targeted professional development and support for staff to meet the needs of students.

(A copy of the attachment is available at the Chamber Support Office).

Education—staffing (Question No 1974)

Mr Coe asked the Minister for Education and Early Childhood Development, upon notice, on 26 October 2018:

- (1) What is the total number of staff who have left the (a) Education Directorate or (b) government schools during each financial year from 2013-14 to date.
- (2) Can the Minister list in relation to the staff and financial years referred to in part (1), the number of staff whose employment in the (a) Education Directorate or (b) government schools whose employment has ended by (i) transfer to another ACT Government agency, (ii) retirement, (iii) resignation, (iv) termination or (v) any other category that caused the employment to be ceased.

- (3) Of the total number of staff who have left the (a) Education Directorate or (b) government schools in each of the financial years referred to in part (1), how many were (i) senior management, (ii) executive staff, (iii) teaching staff or (iv) provided other frontline services.
- (4) Can the Minister list the total amount paid in final staff entitlement during each financial year referred to in part (1) broken down by type of entitlement or payment.
- (5) Can the Minister list the (a) units within the Education Directorate that have lost staff and (b) the total number of staff losses during each financial year identified in part (1).
- (6) Can the Minister list the (a) government schools that have lost staff and (b) the total number of staff losses during each financial year identified in part (1).

Ms Berry: The answer to the member's question is as follows:

1. (a) What is the total number of staff who have left the Education Directorate (Education Support Office) during each financial year from 2013-14 to date.

2013-14	2014-15	2015-16	2016-17	2017-18	Total
26	34	31	36	34	161

- (b) What is the total number of staff who have left ACT government schools during each financial year from 2013-14 to date.

2013-14	2014-15	2015-16	2016-17	2017-18	Total
238	226	237	270	240	1211

2. (a) In relation to the staff and financial years referred to in part (1), the number of staff whose employment in Education Directorate (Education Support Office) whose employment has ended by (i) transfer to another ACT Government agency, (ii) retirement, (iii) resignation (iv) termination or (v) any other category that caused the employment to be ceased.

	2013-14	2014-15	2015-16	2016-17	2017-18	Grand Total
Transfer to another ACTPS Agency	4	3	10	5	7	29
Invalidity Retirement					np	np
Resignation	14	13	17	18	19	81
Retirement	10	20	13	16	12	71
**Other	2	1	1	2	3	9

**np – breakdown not for publication due to privacy reasons*

***Other includes data not able to be broken down to category or classification due to privacy reasons*

- (b) In relation to the staff and financial years referred to in part (1), the number of staff whose employment in ACT government schools whose employment has ended by (i) transfer to another ACT Government agency, (ii) retirement, (iii) resignation, (iv) termination or (v) any other category that caused the employment to be ceased.

	2013-14	2014-15	2015-16	2016-17	2017-18	Grand Total
Transfer to another ACTPS Agency	4	4	7	7	5	27
Death of an Employee	2	3	5	np	np	12
Forfeiture of Office	9	np	np	2	11	24
Invalidity Retirement	np	5	3	3	np	13
Resignation	135	134	136	202	128	735
Retirement	91	81	89	60	99	420
Other		2	3	2	1	8

*np – breakdown not for publication due to privacy reasons

**Other includes data not able to be broken down to category or classification due to privacy reasons

3. (a) Of the total number of staff who have left the Education Directorate (Education Support Office) in each of the financial years referred to in part (1), how many were (i) senior management, (ii) executive staff, (iii) teaching staff or (iv) provided other frontline services.

	2013-14	2014-15	2015-16	2016-17	2017-18	Grand Total
Administrative Officers	6	9	5	12	6	38
Professional Officers	5	np	9	5	9	29
School Leaders	3	7	4	8	4	26
Senior Officers	4	7	5	7	9	32
Teachers	7	10	7	2	5	31
Other	1	0	1	2	1	5

*np – breakdown not for publication due to privacy reasons

**Other includes data not able to be broken down to category or classification due to privacy reasons

- (b) Of the total number of staff who have left ACT government schools in each of the financial years referred to in part (1), how many were (i) senior management, (ii) executive staff, (iii) teaching staff or (iv) provided other frontline services.

	2013-14	2014-15	2015-16	2016-17	2017-18	Grand Total
Administrative Officers	45	38	46	46	63	238
General Service Officers & Equivalent	5	10	11	10	7	43
Information Technology Officers	np	3	np	2	np	7
School Leaders	34	24	31	30	36	155
Teacher	153	151	145	181	133	763
Other	0	0	3	1	1	5

*np – breakdown not for publication due to privacy reasons

**Other includes data not able to be broken down to category or classification due to privacy reasons

4. Total amount paid in final staff entitlement during each financial year referred to in part (1) broken down by type of entitlement or payment.

	2013-14	2014-15	2015-16	2016-17	2017-18	Grand Total
Annual Leave	\$1,355,842	\$1,418,000	\$1,579,626	\$1,942,494	\$1,810,256	\$8,106,218
Back Pay	\$92,440	\$41,599	\$140,063	\$2,022	-	\$276,124

	2013-14	2014-15	2015-16	2016-17	2017-18	Grand Total
Long Service Leave	\$2,340,341	\$2,498,434	\$2,719,957	\$2,999,248	\$2,736,096	\$13,294,076
Other	\$127,683	\$74,876	\$49,675	\$734	\$662	\$253,630
TOTAL	\$3,916,306	\$4,032,910	\$4,489,320	\$4,944,497	\$4,547,015	\$21,930,048

5. Units within the Education Directorate (Education Support Office) that have (a) lost staff and (b) the total number of staff losses during each financial year identified in part (1).

	2013-14	2014-15	2015-16	2016-17	2017-18	Grand Total
Business Services Division				5	9	14
Education Strategy	4	21	16	12		53
Executive Director Corporate Services	2					2
Executive Director School Improvement		3				3
Learning, Teaching and Student Engagement	14	2				16
Organisational Integrity & Infrastructure				2		2
Organisational Integrity	np	5	6	4		16
System Policy & Reform				4	4	8
Tertiary Education & Performance	3					3
Other	2	4	9	4	0	19

**np – breakdown not for publication due to privacy reasons*

***Other includes data not able to be broken down to category or classification due to privacy reasons*

6. List the (a) government schools that have lost staff and (b) the total number of staff losses during each financial year identified in part (1).

(a) Data collected by the Directorate about staff losses is not identified by school.

(b) Refer to Questions 1 and 3.

Education—staffing (Question No 1975)

Mr Coe asked the Minister for Education and Early Childhood Development, upon notice, on 26 October 2018:

What is the number of teachers or teaching staff who were employed by the Education Directorate broken down by (a) FTE, (b) headcount and (c) classification under the ACT Public Sector Education and Training Directorate (Teaching Staff) Enterprise Agreement or equivalent during each financial year from 2007-08 to date.

Ms Berry: The answer to the member's question is as follows:

- (1) The number of staff, including teachers, employed by the Education Directorate is reported in the Education Directorate Annual Report. Please refer to my response to QON 1970.

Education—professional development (Question No) 1976

Mr Coe asked the Minister for Education and Early Childhood Development, upon notice, on 26 October 2018:

- (1) What is the total number of teachers or teaching staff employed by the Education Directorate broken down by those who (a) do not have special needs or disability specialty, expertise or training, (b) have special needs specialty, expertise or training, (c) have disability specialty, expertise or training, (d) have special needs and disability specialty, expertise or training and (e) have additional specialties, expertise or training broken down by category.
- (2) What professional development opportunities are offered to teachers or teaching staff to gain further skills or expertise in (a) special needs, (b) disability and (c) other relevant specialities.
- (3) How many teachers or teaching staff have undertaken professional development activities paid for or provided by the ACT Education Directorate each calendar year since 2013 to date broken down by (a) focus or nature of professional development and (b) type or nature activity.
- (4) How much was spent on each of the professional development activities in each year identified in part (3).
- (5) How many teachers or teaching staff have undertaken courses by or through Teacher Quality Institute in each year identified in part (3).

Ms Berry: The answer to the member's question is as follows:

- (1) In every ACT public school, principals are responsible for operational decisions regarding employment of staff and for ensuring the needs of students with special needs or disabilities enrolled at their schools are met. The number of staff employed in each school with specific special needs or disability expertise or training is a school level operational decision, and is dependent on a number of factors (eg, number of students with special needs or disability; the level of support required or student level of disability).

Information about the qualifications of staff with special needs or disability expertise or training is not centrally collected.

- (2) Each year, registered teachers in the ACT must undertake 20 hours of professional learning. Of the 20 hours, registered teachers must undertake at least five hours annually of professional learning programs which are accredited by the Teacher Quality Institute (TQI).

In 2018, TQI accredited approximately 99 programs which provide professional learning in inclusive education. A full list is provided at [Attachment A](#).

- (3) All teachers routinely access professional learning paid for by the ACT Government. Individual schools manage their own arrangements for professional learning for teachers and teaching staff. This data is not centrally collected.
- (4) This data is not centrally collected.
- (5) TQI began accrediting professional learning programs in 2014. The numbers of teachers or teaching staff who have undertaken courses by or through TQI in each year identified in part (3) are as follows:

2014:	7024
2015:	7347
2016:	7390
2017:	7566
2018:	7089 (as at November 2018)

Attachment A

Inclusive Education programs

1. Making it a Success with Sue Larkey
2. Understanding Autism Spectrum Disorder with Tony Attwood
3. MultiLit Reading Tutor Program Professional Learning Workshop.2
4. Introduction to Educating Gifted and Talented Students.
5. Bright but struggling an Introduction
6. Positive Teaching for effective classroom behaviour management (primary schools)
7. Under performing Gifted students - causes and strategies.
8. Identifying and Teaching Gifted Students
9. Mind Matters for Trinity Christian School
10. An Introduction to Hearing Loss
11. Developing differentiated curriculum using conceptual frameworks
12. Day 1 - Understanding Gifted Learners: Planning The Way Forward
13. The Classroom. The Teacher. Behaviour, Engagement. Learning Performance.
14. Teaching students with Autism Spectrum Disorder
15. MultiLit Reading Tutor Program Professional Learning Online Course
16. Colleges Conference 2018
17. Emotional Regulation for Oppositional, Aggressive & Anxious Student
18. Assessing - Managing - Preventing - Challenging Behaviour
19. 101 Ideas to Climb the Listening and Spoken Language Ladder
20. Uncurling the Cochlea
21. Let's Speak About Speech
22. Back On Track: How do we measure and address rates of progress in children with hearing loss
23. Unpacking the Challenges
24. Bouncing with the Babies: Setting our babies with hearing loss on paths for optimal success
25. Confident Kids_ Enhancing social skills in children with HL, from infancy including school age
26. Classroom Planning for Inclusion - Working with Curriculum Frameworks
27. Teaching Students Affected By Trauma
28. Understanding and Catering for the Needs of Highly to Profoundly Gifted Learners
29. Read and Write for Google 2018

30. Supporting student learning needs: Epilepsy Essentials
31. Understanding Autism Spectrum Disorders
32. Taming the Brumbies in Your Classroom
33. South Weston High School Network PL Day on best practice in Meeting the needs of students
34. Positive Education in Practice
35. PB@C: Classroom Processes
36. Supporting students with resilience and mental health strategies
37. Understanding Dyslexia and Significant Difficulties in Reading
38. Kids at Play Active Play Professional Learning Online Course
39. Rock and Water One Day Workshop
40. Learning styles and curriculum differentiation: implications and strategies for the gifted learner
41. Differentiation using the Australian Curriculum
42. Restorative Practices & Behaviour Management in Schools
43. Rock and Water Three Day Comprehensive
44. Rock and Water Two Day Primary Focus
45. Embedding Positive Education
46. Two Day Rock and Water Focus on Girls and Women
47. Using Assessment to Develop Tiered Learning in a Mixed Ability Classroom.
48. Inclusion of Students with Speech Language and Communication Needs
49. Understanding Motor Coordination Difficulties
50. Understanding and Supporting Behaviour
51. Educating young gifted students in pre-school settings
52. Kids at Play Active Play Professional Learning Workshop
53. Social Capital, Wellbeing and Engagement
54. The Mental Health and Wellbeing of Young People
55. Team Teach V2
56. TIP 2018 CULTURAL IDENTITY: MY STORIES, YOUR STORIES, OUR STORY
57. The Body as a Voice: Nonsuicidal Self-Injury in The School Context
58. Team Teach
59. Working memory & executive functioning - strategies to improve students skills
60. Typologies as a tool for teaching
61. Positive Behaviour Strategies for Students with Aggressive Behaviours - Online Course
62. Understanding, Managing and Treating School Refusal
63. The 2018 Mental Health in Schools Conference
64. NCCD 2018
65. Making it a Success with Sue Larkey Online
66. Understanding Autism - a different way of thinking, learning and managing emotions with Tony Attwood
67. Visual Spatial Thinking and 2E learners
68. Positive Behaviour Support Strategies for Students with Anxious Behaviour - Online Course
69. Positive Partnerships: Concurrent Program V2
70. EAL/D Professional Learning Forum Term 1 2018 - for all teachers
71. Teaching Young Children in English in Multilingual Contexts (TYCEMC)
72. Mindfulness for Classrooms
73. The Magic FLI (Functional Listening Index): Handy tips to facilitate optimal listening, language, sp
74. Evaluating your gifted program Part One
75. Positive Behaviour Support Strategies for Autism Spectrum Disorder (Online Course)

76. National Inclusion 2 day Conference
 77. Investing in Teacher Capacity :Real Schools Adam Voigt
 78. Understanding Hearing Loss
 79. Differentiated Learning in Languages: The Next Level Online Module
 80. Positive Behaviour Support for Students with ADHD (Online Course)
 81. Helping Students with Mental Health Difficulties: KidsMatter Component 4 Training
 82. Cricket - More than just a bat and ball sport
 83. Positive Behaviour Support Strategies for Students with Oppositional & Defiant Behaviours (Online)
 84. Trauma Sensitive Practices in Schools
 85. Teaching With Heart
 86. Guiding the development of emotional regulation skills
 87. Understanding and Implementing Grouping and Acceleration
 88. Multimedia language learning, assessment and feedback
 89. Understanding Gifted Learners
 90. Diverse Voices of Advocacy: Preparing to Support Students, Colleagues, and the TESOL Profession
 91. Inclusive education and differentiated teaching practice.
 92. Middle Years Teaching and Learning Course
 93. Differentiation and the Australian Curriculum
 94. EAL/D Data, Learning Progressions & Support Processes for Principals
 95. Understanding and Managing Problematic Sexualised Behaviours for Children Under 12 years
 96. The Heat of Pedagogy
 97. Written language disorders: dyslexia / dysorthography
 98. Understanding Student Anxiety
 99. An introduction to autism
-

ACT Health—staff remuneration (Question No 1977)

Mr Coe asked the Minister for Mental Health, upon notice, on 26 October 2018:

What was the average value of Attraction and Retention Incentive payments or entitlements in addition to salary for each classification identified in part (1) of the answer to question on notice No 1859.

Mr Rattenbury: The answer to the member's question is as follows:

As the head count and FTE totals have previously been provided in QON 1859, providing a further breakdown of costs could potentially lead to individual receivers of ARINs becoming identifiable.

Public housing—complaints (Question No 1978)

Mr Coe asked the Minister for Housing and Suburban Development, upon notice, on 26 October 2018:

- (1) What is the total number of complaints made in relation to or about public housing tenants or residences broken down by (a) issue or category of complaint and (b)

suburb during (i) 2013-14, (ii) 2014-15, (iii) 2015-16, (iv) 2016-17, (v) 2017-18 and (vi) 2018-19 to date.

- (2) What is the total number of complaints made by public housing tenants regarding their residence or other issues broken down by (a) issue or category of complaint and (b) suburb during (i) 2013-14, (ii) 2014-15, (iii) 2015-16, (iv) 2016-17, (v) 2017-18 and (vi) 2018-19 to date.

Ms Berry: The answer to the member's question is as follows:

- (1) The response to Question 1 is at Attachment A.

The data has been confidentialised to ensure that individuals cannot potentially be re-identified when the information is made public: cells with values of 5 or less, including zero, are summarised as " ≤ 5 " and information is provided at the region level.

Complaints made about public housing residences by the occupants of the dwelling being complained about are excluded from the response to Question 1 and included in the response to Question 2.

Description of the complaints categories are as follows:

- Animal complaint: related to animal noise, damage, injury or behaviour.
- Debt: related to debt process or decision;
- Disruptive behaviour: antisocial behaviour such as noise nuisance, threats, harassment, unruly behaviour.
- Fraud: fraudulent activity regarding tenant activity such as sub-letting, undeclared income or residents.
- Gateway Services: staff behaviour, service delivery or processes provided by Gateway Services.
- Maintenance: including the timeliness, quality, completion of maintenance.
- Property: internal, external, or surrounding areas to property.
- Capital Works: complaints related to the Capital Works team service delivery, for example Sale to Tenant related matters or new builds.
- Complex and common areas: regarding areas within multiunit properties that are shared and relating to issues such as maintenance, condition or external environment such as trees.
- Service delivery: matters related to staff service including behaviour, responsiveness, and adequacy of response.
- Policy: any matter related to Housing ACT policy.
- Tenant Responsible Maintenance: complaints regarding decisions on responsibility, cost, or charges such as those incurred by contractors visiting when the tenant was not in attendance.
- Total Facility Management complaints: complaints logged by the Total Facilities Management provider.
- Other: not elsewhere specified.

Some complaints categories have changed over time.

- (2) The response to Question 2 is at Attachment B, noting that the figures in Question 1 overlap with the figures in Question 2 because public housing tenants may complain about other public housing tenants or residences.

Complaints made by non-public housing tenants about matters unrelated to public housing tenants or residences are not included in the provided figures.

(Copies of the attachments are available at the Chamber Support Office).

**ACT Health—staff remuneration
(Question No 1979)**

Mr Coe asked the Minister for Health and Wellbeing, upon notice, on 26 October 2018:

What was the average value of Attraction and Retention Incentive payments or entitlements in addition to salary for each classification identified in part (1) of the answer to question on notice No 1860.

Ms Fitzharris: The answer to the member's question is as follows:

As the head count and FTE totals have previously been provided in QON 1860, providing a further breakdown of costs could potentially lead to individual receivers of ARINs becoming identifiable.

**ACT Policing—motorcycle gangs
(Question No 1980)**

Mr Coe asked the Minister for Police and Emergency Services, upon notice, on 26 October 2018:

What is the breakdown of the number of arrests made in relation to or suspected to be related to outlaw motorcycle gang membership, crimes or offences broken down by category or type of offence during (a) 2007-08, (b) 2008-09, (c) 2009-10, (d) 2010-11, (e) 2011-12, (f) 2012-13, (g) 2013-14, (h) 2014-15, (i) 2015-16, (j) 2017-18, (k) 2018-19 to date.

Mr Gentleman: The answer to the member's question is as follows:

It is not a crime or offence to be a member of an outlaw motorcycle gang. Therefore, there have been no arrests for outlaw motorcycle gang membership and this question is unable to be answered.

I can, however, advise that Taskforce Nemesis has achieved strong operational outcomes targeting criminal activities involving outlaw motorcycle gangs. In the 2017 18 FY, this included 36 criminal gang members arrested, charges being brought for 107 offences, as well as 93 search warrants executed and 28 firearms seizures.

**ACT Policing—motorcycle gangs
(Question No 1981)**

Mr Coe asked the Minister for Police and Emergency Services, upon notice, on 26 October 2018:

What is the breakdown of the number of charges laid in relation to or suspected to be related to outlaw motorcycle gang membership, crimes or offences broken down by category or type of offence during (a) 2007-08, (b) 2008-09, (c) 2009-10, (d) 2010-11, (e) 2011-12, (f) 2012-13, (g) 2013-14, (h) 2014-15, (i) 2015-16, (j) 2017-18, (k) 2018-19 to date.

Mr Gentleman: The answer to the member's question is as follows:

It is not a crime or offence to be a member of an outlaw motorcycle gang. Therefore, there have been no charges laid for outlaw motorcycle gang membership and this question is unable to be answered.

I further refer the member to my previous response to Question 1980.

Crime—motorcycle gangs (Question No 1982)

Mr Coe asked the Minister for Police and Emergency Services, upon notice, on 26 October 2018:—

What is the breakdown of the number of crimes or offences reported in relation to or suspected to be related to outlaw motorcycle gangs in each suburb broken down by category or type of offence during (a) 2007-08, (b) 2008-09, (c) 2009-10, (d) 2010-11, (e) 2011-12, (f) 2012-13, (g) 2013-14, (h) 2014-15, (i) 2015-16, (j) 2017-18, (k) 2018-19 to date.

Mr Gentleman: The answer to the member's question is as follows:

I am advised that ACT Policing commenced dedicated recording of criminal gang offending in 2014, in line with the establishment of Taskforce Nemesis. The breakdown of the number of offences reported in relation to or suspect to be related to outlaw motorcycle gangs in each suburb, by suburb and calendar year, as reported at 9 November 2018 is as follows:

Number of offences reported to ACT Police for criminal gangs related cases		2014	2015	2016	2017	2018 to date	Total
ACTON	Assault	0	0	0	0	1	1
	Robbery (armed and other)	0	0	0	0	1	1
	Stolen Motor Vehicle	0	0	0	0	1	1
BANKS	Offences against good order	0	0	0	1	0	1
	Drugs	0	0	0	3	0	3
BELCONNEN	Other offences against person	0	0	0	0	1	1
	Robbery (armed and other)	3	0	0	0	0	3
	Fraud offences	0	11	1	0	0	12
	Offences against good order	10	2	2	0	0	14
	Drugs	6	1	3	0	0	10
	Motor vehicle, traffic and related offences	0	0	3	0	1	4
	Other offences n.e.c	8	0	0	0	0	8
BONNER	Offences against good order	0	0	0	0	2	2
	Drugs	0	0	0	0	1	1
BONYTHON	Drugs	0	0	1	0	0	1
BRADDON	Drugs	0	1	0	0	0	1

Number of offences reported to ACT Police for criminal gangs related cases		2014	2015	2016	2017	2018 to date	Total
CALWELL	Homicide offences	0	0	0	0	1	1
	Burglary	0	0	0	0	1	1
	Fraud offences	1	0	0	0	0	1
	Property damage	0	0	0	0	1	1
	Offences against good order	0	0	0	7	0	7
	Drugs	4	0	0	2	0	6
CASEY	Assault	0	0	1	0	0	1
	Other offences against person	0	0	1	0	0	1
	Blackmail and Ext	0	0	2	0	0	2
	Offences against good order	0	0	1	0	0	1
	Drugs	8	1	1	0	0	10
CHARNWOOD	Offences against good order	0	0	2	0	0	2
	Drugs	0	0	3	0	0	3
CHIFLEY	Assault	0	0	0	0	1	1
CITY	Assault	1	0	1	0	0	2
	Burglary	0	1	0	0	0	1
	Offences against good order	0	0	4	0	1	5
	Drugs	0	0	2	0	0	2
CONDER	Offences against good order	0	2	0	0	0	2
CRACE	Drugs	0	0	0	0	1	1
EVATT	Offences against good order	0	0	0	0	2	2
FISHER	Drugs	0	0	0	1	0	1
FLOREY	Fraud offences	0	1	0	0	0	1
	Offences against good order	0	3	0	0	0	3
	Drugs	0	3	0	0	0	3
FRANKLIN	Drugs	0	1	0	0	0	1
FYSHWICK	Offences against good order	0	0	1	6	0	7
	Drink and drug driving offences	0	0	1	0	0	1
	Motor vehicle, traffic and related offences	0	1	5	0	0	6
GARRAN	Offences against good order	0	0	0	0	1	1
GILMORE	Drugs	0	0	0	1	0	1
GIRALANG	Offences against good order	0	1	0	0	0	1
	Drugs	0	1	0	0	0	1
	Motor vehicle, traffic and related offences	0	1	0	0	0	1
GREENWAY	Property damage	0	0	1	0	0	1
	Drugs	0	0	0	0	1	1
GUNGAHLIN	Fraud offences	0	1	0	0	0	1
HAWKER	Drugs	0	0	0	0	1	1
HUME	Assault	0	0	0	4	0	4
	Offences against good order	0	0	1	2	1	4
	Drugs	0	0	1	1	0	2
ISABELLA PLAINS	Fraud offences	0	0	0	1	0	1
	Property damage	0	0	0	1	0	1
	Drugs	0	0	0	2	0	2
KALEEN	Assault	0	1	0	1	0	2
	Robbery (armed and other)	0	0	0	1	0	1
	Offences against good order	0	4	0	0	0	4
KAMBAH	Property damage	0	0	1	0	0	1
	Offences against good order	0	0	8	0	0	8
	Drugs	0	0	3	0	0	3
	Motor vehicle, traffic and related offences	0	1	0	0	0	1
KINGSTON	Drugs	1	0	0	0	0	1
MACARTHUR	Drugs	0	1	0	0	0	1
MACQUARIE	Offences against good order	0	1	0	0	3	4
MITCHELL	Motor vehicle, traffic and related offences	0	0	1	0	0	1
MONASH	Assault	0	0	0	0	2	2
	Robbery (armed and other)	1	0	0	0	0	1

Number of offences reported to ACT Police for criminal gangs related cases		2014	2015	2016	2017	2018 to date	Total
NARRABUNDAH	Drugs	2	0	0	0	0	2
NGUNNAWAL	Fraud offences	0	1	0	0	0	1
PHILLIP	Drugs	0	1	0	0	1	2
	Assault	0	0	0	0	5	5
	Offences against good order	2	0	0	0	0	2
RED HILL	Fraud offences	0	2	0	0	0	2
	Offences against good order	0	1	0	0	0	1
	Drugs	0	2	0	0	0	2
RICHARDSON	Drugs	1	0	1	0	0	2
SPENCE	Fraud offences	0	0	0	3	0	3
	Stolen Motor Vehicle	0	0	0	1	0	1
	Offences against good order	0	0	0	1	0	1
STIRLING	Assault	0	1	0	0	0	1
THEODORE	Assault	0	0	2	0	0	2
TURNER	Burglary	0	0	0	1	0	1
WANNIASSA	Drink and drug driving offences	0	1	0	0	0	1
WESTON	Motor vehicle, traffic and related offences	0	0	1	0	0	1
WILLIAMSDALE	Offences against good order	0	4	0	0	0	4
Total		48	53	55	40	31	227

(Figures as at 09/11/18)

ACT Policing—motorcycle gangs (Question No 1983)

Mr Coe asked the Minister for Police and Emergency Services, upon notice, on 26 October 2018:

- (1) What is the total number of (a) reported crimes or offences, (b) crimes or offences investigated, (c) arrest warrants issued, (d) arrests made and (e) charges laid by or through Taskforce Nemesis broken down by category of crime or offence each year since its commencement to date.
- (2) What is the total number of search warrants carried out by Taskforce Nemesis broken down by category of crime or offence each year since its commencement to date.
- (3) What is the breakdown of assets or items seized by Taskforce Nemesis each year since its commencement broken down by (a) item or category, (b) quantity of items and (c) value of items.
- (4) What is the breakdown of assets or items destroyed by Taskforce Nemesis each year since its commencement broken down by (a) item or category, (b) quantity of items and (c) value of items.

Mr Gentleman: The answer to the member's question is as follows:

1.
 - a) Crimes or offences are not reported to Taskforce Nemesis. All crime types are reported to ACT Policing in accordance with established practices. Matters identified as related to criminal gangs are referred to Taskforce Nemesis for assessment and investigation.

- b) Since establishment in 2014, 227 alleged offences have been investigated by Taskforce Nemesis. The calendar year and crime-type breakdown of those investigations is as follows:

Offences reported to ACTP for criminal gang related cases	2014	2015	2016	2017	2018 to date	Total
Homicide offences	0	0	0	0	1	1
Assault	1	2	4	5	9	21
Other offences against person	0	0	1	0	1	2
Robbery (armed and other)	4	0	0	1	1	6
Blackmail and Ext	0	0	2	0	0	2
Burglary	0	1	0	1	1	3
Fraud offences	1	16	1	4	0	22
Stolen Motor Vehicle	0	0	0	1	1	2
Property damage	0	0	2	1	1	4
Offences against good order	12	18	19	17	10	76
Drugs	22	12	15	10	5	64
Drink and drug driving offences	0	1	1	0	0	2
Motor vehicle, traffic and related offences	0	3	10	0	1	14
Other offences n.e.c	8	0	0	0	0	8
Total	48	53	55	40	31	227

(Figures as at 09/11/18)

- c) Warrants for arrest are issued by the Courts in accordance with Territory law. Taskforce Nemesis cannot, and does not, issue warrants for arrest.

- d) Since establishment in 2014, 165 arrests have been made by Taskforce Nemesis. The calendar year and crime-type breakdown of those arrests is as follows:

Number for persons apprehended for criminal gang related cases by offence type	2014	2015	2016	2017	2018 to date	Total
Other offences n.e.c	10	0	2	1	1	14
Assault	1	4	1	8	9	23
Other offences against person	0	0	0	0	1	1
Robbery (armed and other)	0	0	0	0	1	1
Blackmail and Ext	0	0	2	0	0	2
Burglary	0	0	2	4	2	8
Fraud offences	1	7	17	3	0	28
Stolen Motor Vehicle	0	1	0	0	0	1
Property damage	0	0	0	0	1	1
Offences against good order	5	11	12	11	16	55
Drugs	4	4	4	3	3	18
Drink and drug driving offences	0	1	1	0	0	2
Motor vehicle, traffic and related offences	1	3	4	2	1	11
Total	22	31	45	32	35	165

(Figures as at 9/11/18)

- e) Since establishment in 2014, 480 charges have been laid by Taskforce Nemesis. The calendar year and crime-type breakdown of those charges is as follows:

Number of charges by apprehension for criminal gang related cases	2014	2015	2016	2017	2018 to date	Total
Other offences n.e.c	17	1	13	1	1	33
Homicide offences	0	0	0	0	1	1
Assault	1	5	1	18	20	45
Other offences against person	0	0	0	1	5	6
Robbery (armed and other)	7	0	0	4	2	13
Blackmail and Ext	0	0	2	0	0	2
Burglary	0	0	2	5	3	10
Fraud offences	3	28	58	4	4	97
Stolen Motor Vehicle	0	2	0	0	6	8
Property damage	0	0	2	0	7	9
Offences against good order	27	26	34	31	39	157
Drugs	29	11	16	10	8	74
Drink and drug driving offences	0	1	1	0	0	2
Motor vehicle, traffic and related offences	1	5	12	4	1	23
Total	85	79	141	78	97	480

(Figures as at 9/11/18)

2. Since establishment in 2014, 242 search warrants have been executed by Taskforce Nemesis. The offences for which these warrants were sought is unable to be disclosed at this time, as to do so may prejudice ongoing investigations and reveal police methodology.
3. I am advised by ACT Policing, that responding to this question would impose an unreasonably onerous burden on ACT Policing and require a manual review of all property seizures since 2014.
4. I am advised that Taskforce Nemesis does not destroy property. Property subject to seizure or restraint by Taskforce Nemesis is retained for evidential value or court proceedings, returned to the lawful owner, or disposed of by the AFP pursuant to order of the Court or legislation.

Access Canberra—complaints (Question No 1984)

Mr Coe asked the Minister for Business and Regulatory Services, upon notice, on 26 October 2018:

- (1) What is the number of complaints received through Access Canberra broken down by complaint (a) category or type and (b) subcategory or subtype for each financial year since its establishment to date.
- (2) Can the Minister advise further to each financial year and category of complaint identified in part (1), how many complaints (a) were received by Access Canberra from members of the public, (b) were received by Access Canberra from another government or other recognised professional entity, (c) were referred on to another entity by Access Canberra to another entity, (d) Access Canberra could not or did not deal with, (e) have been resolved by Access Canberra and (f) are yet to be finalised or are still ongoing.

- (3) What was the average timeframe for each (a) category or type and (b) subcategory or subtype of complaint to be resolved by Access Canberra during each financial year since its establishment to date.

Mr Ramsay: The answer to the member's question is as follows:

- (1) The Access Canberra Complaints Management team (CMT) was established on 1 July 2017 to coordinate matters requiring responses to the public and referral of matters to relevant compliance areas.

The CMT captures all incoming regulatory complaints within Access Canberra. Once received the complaint is allocated to a case manager and prioritized based on a risk-harm model. Complainants are initially responded to within 10 days of the complaint being lodged. Complex matters are referred to the relevant business unit for further investigation. Timeframes for investigations can vary depending on the complexity of the matter and level of cooperation by affected parties including external factors such as the provision of independent reports by third parties. Where the matter is complex and is expected to exceed this timeframe complainant will be informed of the progress.

The number of complaints received through the CMT since its inception to 31 October 2018, by (a) category type and (b) subcategory type is at Attachment A.

Obtaining data prior to 2017 would be an unreasonable diversion of resources as it would require manual extraction of data.

- (2) In relation to parts (a) and (b) Access Canberra does not differentiate between complaints submitted by members of the public, government or professional entities.
- (c) 280 complaints were referred to another entity by Access Canberra for response. Refer to the Other category at Attachment A for a breakdown of the referral entities.
- (d) Access Canberra handles all complaints.
- (e) 11,643 complaints are complete, comprising 10,123 resolved matters and a further 1,520 matters that were assessed as not requiring further action.
- (f) 794 complaints are yet to be finalised.
- (3) Refer to the table at Attachment A showing average timeframes since the CMTs inception.

Attachment A

Category Sub-category	Number of Complaints	Average of No of days open
Worksafe	86	69.0
Asbestos	12	32.5
Bullying	5	64.2
Dangerous substances	3	11.3
Long service leave	1	21.0
Non-compliant	1	2.0
Unsafe sites - construction	35	72.5
Unsafe sites - Workplace	22	109.0
Workers compensation	7	32.7

Planning	518	56.4
Encroaching on territory land	18	94.3
Fencing/boundary	27	12.1
Heritage	11	35.5
Lease compliance	144	73.4
Non-compliance with DA	121	61.6
Non-compliant	7	215.7
Nuisance drainage	2	11.0
Objects on public land	6	48.7
Refunds	1	285.0
Tree protection	11	32.9
Unapproved structure	8	92.6
Untidy blocks	162	34.2
Other	280	53.7
CMTEDD	35	50.7
CMTEDD Shared Services	1	105.0
CMTEDD Treasury	9	83.8
Community Organisation	15	49.7
CSD	9	62.3
EPSDD	10	64.1
ETD	2	35.5
Federal	61	22.6
HD	18	35.6
JACS	17	44.5
JACS ESA	2	92.5
Jacs Law Courts	3	54.0
Legislative Assembly	2	17.5
PATOC	2	243.5
TCCS	94	71.7
Building	926	53.1
Acceptable quality	2	184.5
ACL - Contractual	33	45.1
ACL - Defects and warranties	64	51.5
ACL - Quality of product	21	47.5
ACL - Quality of service	19	50.1
Approval certificate	23	44.0
Asbestos	10	32.6
Builders warranty insurance	3	11.3
COLA	8	93.3
Construction licensing	9	17.2
Contractual	12	12.3
Defects	28	22.8
Electrical	26	55.5
Lease compliance	1	115.0
Non-completion	44	37.8
Non-compliant	331	61.6
Quality of product	47	60.9
Section 50	15	26.3
Site cleanliness	55	29.9
Solar	9	24.1
Tree protection	1	6.0
Unapproved structure	147	64.3

Unlicenced	17	48.0
Untidy blocks	1	1.0
Plumbing	19	44.6
Building - Plumbing	4	30.3
Drainage	10	42.5
Non-compliant	5	60.2
Licencing	75	41.9
Breach - DOSA	1	23.0
Breach - RAMP facilities	3	22.3
Breach - RAMP noise	3	117.0
Breach - RAMP security	4	16.5
Breach - RSA	19	24.1
Construction licencing	7	105.1
Objects on public land	1	28.0
Real estate agents	3	30.0
Taxis	1	8.0
Unit titles	1	17.0
Unlicenced	31	40.3
Unsafe sites - Workplace	1	53.0
Gaming	56	34.6
Casino	2	8.0
Casino - Control procedures	4	28.3
Casino - Licencing conditions	1	0.0
Gambling code of practice	1	78.0
Gaming machines	2	1.5
Gaming machines - Equipment	5	38.0
Gaming machines - Exclusion	6	12.2
Greyhounds	1	1.0
Lotteries	17	29.0
Non-supply	1	69.0
Race bookmaking	2	20.5
Sports bookmaking	3	10.0
Totaliser	5	18.6
Unlawful gambling	6	123.3
Transport	493	32.8
ADI - Heavy vehicle	3	21.3
ADI - Normal vehicle	4	18.0
Authorised examiners	5	31.4
Booking services	3	108.3
Buses	2	3.0
Defective vehicles	292	24.2
Drivers licence	64	43.2
Hire car	2	31.5
Infringement	9	31.3
Inspection stations	14	32.7
Noise vehicles	1	52.0
Rideshare	7	87.7
Taxis	47	44.4
Test station	1	14.0
Transport registration	39	55.4
Retirement Villages	2	29.0
Retirement villages	2	29.0

Agents	227	28.9
Conduct	116	26.3
Maintenance	17	31.1
Misrepresentation	12	28.9
Rental bonds	10	21.8
Sales	14	36.6
Tenancy	50	31.0
Unit titles	7	48.3
Unlicensed	1	21.0
ACL	1844	27.6
Acceptable quality	275	28.2
Auctions	1	5.0
Change of mind	1	13.0
Consumer guarantees	231	30.4
Consumer guarantees (Goods)	97	19.4
Consumer guarantees (services)	61	30.4
Contractual	253	19.6
Customer service	75	18.9
Defects and warranties	1	5.0
Express warranties	3	10.3
Fair Trading	1	122.0
Fitness industry	6	19.2
Misleading representations	154	32.6
Misleading Representations/Conduct	26	15.8
Non-completion	54	43.9
Non-supply	188	30.6
Pricing, surcharges and receipts	31	13.2
Private sales	1	19.0
Quality of product	1	12.0
Refunds	271	31.4
Scam reported	7	5.1
Unsolicited goods or services	3	8.0
Warranties	103	30.1
Motor Vehicle	109	27.5
Non-supply	1	14.0
Repairs	62	30.5
Sales	45	23.3
Unlicensed	1	49.0
Smoke Free	76	27.4
Bus interchange	29	38.6
Cafe/restaurant	38	20.2
CMTEDD Shared Services	1	49.0
Public transport	4	22.0
Taxi rank	2	12.5
Train station	1	29.0
Unregulated	1	1.0
No Value	110	21.9
No Value	110	21.9
Consumer	21	21.8
Customer service	1	15.0
Retirement villages	3	38.3

Security unlicensed	8	23.3
Unit titles	8	16.8
Unlicensed	1	7.0
Customer Service	809	20.0
Audit Utilities	11	10.6
Building and Planning	12	17.3
CBTR	37	22.7
Complaints Management Team	3	23.7
Conduct	1	28.0
Contact Centre	439	14.7
Contractual	2	27.5
Customer service	1	7.0
Debt Management	5	67.4
EPA	8	10.6
Fair Trading	19	24.3
Gambling and Racing	1	0.0
Illegal parking	2	10.5
Inspection stations	1	18.0
Public Transport Regulation	69	33.3
Registration	1	22.0
Service centre	118	31.4
Shopfront	75	18.3
Unsafe sites - Workplace	1	26.0
Website	3	4.7
Security Licence	2	19.0
Conduct	1	32.0
Security licences	1	6.0
Gas	5	19.0
Building - Gas	2	0.5
Non-compliant	1	4.0
Residential	1	18.0
Unlicensed	1	72.0
WWVP	147	18.1
Non-compliance	61	8.6
Registration	54	27.3
Reportable conduct	26	23.2
Unregistered	6	11.0
Liquor Licencing	9	12.4
Breach - RAMP noise	4	12.8
Breach - RAMP security	1	27.0
Breach - RSA	1	3.0
Licensing conditions	2	15.0
Unlicensed	1	1.0
Parking	3097	9.8
Dangerous parking	208	8.5
Illegal parking	2616	9.8
Line of sight	118	9.2
Pedestrian at risk	125	12.8
Refunds	1	16.0
Repairs	1	10.0
Wheelchair access	28	6.6

Environmental	3525	9.7
Air pollution dust	94	10.8
Air pollution odour	96	15.4
Air pollution smoke	276	11.8
Authorised activity	2	22.0
Burnoffs	33	8.4
Dirt on roads	11	15.4
Hazardous materials	22	10.9
Illegal dumping	16	45.8
Illegal fishing	20	24.3
Land contamination	6	7.8
Light pollution	63	9.5
Noise air conditioner/fan/heater	198	9.6
Noise alarms	47	12.7
Noise amplified	1525	6.2
Noise construction	505	9.6
Noise garden work	51	22.4
Noise gym equipment	24	37.2
Noise mechanical plants and equipment	114	8.7
Noise PA system	57	2.9
Noise people	110	18.0
Noise vehicles	147	14.0
Noise waste collection	21	15.9
Oil spill	6	1.3
Pesticides	4	10.8
Sediment and erosion control	7	10.9
Solid fuel heater	1	1.0
Tree protection	1	21.0
Waterways pollution drains	50	22.8
Waterways pollution lakes	12	9.0
Waterways pollution sewerage	6	15.5
Uncollected Goods	1	0.0
Uncollected Goods -> Uncollected goods	1	0.0
Grand Total	12437	21.7

Municipal services—fix my street (Question No 1985)

Mr Coe asked the Minister for Business and Regulatory Services, upon notice, on 26 October 2018:

What is the breakdown of the number of Fix My Street requests for each (a) category and (b) sub-category by suburb during (i) 2017-18 and (ii) 2018-19 to date.

Mr Ramsay: The answer to the member's question is as follows:

- (1) The ACT Government has received the following number of requests through the Fix My Street Web form:
 - (i) 2017-2018 breakdown by category and suburb
There were 30,387 notifications received through the Fix My Street portal for the

2017-2018 financial year with a breakdown by category and suburb provided in the attached spreadsheet (**Attachment A**).

- (ii) 2018-2019 (until the 26th of October 2018) breakdown by category and suburb
There were 7,707 notifications received through the Fix My Street portal for the 2018 -2019 Financial Year to 26 October 2018 with a breakdown by category and suburb provided in the attached spreadsheet (**Attachment B**).

(Copies of the attachments are available at the Chamber Support Office).

ACT Health—Director of Medical Imaging (Question No 1986)

Mrs Dunne asked the Minister for Health and Wellbeing, upon notice, on 26 October 2018:

- (1) What reasons, in relation to the answer to question on notice No 1681 (a) were given, (b) by whom and (c) to whom, for approval of the elevation of the classification for the director of medical imaging from senior officer grade A to executive 1.3 level.
- (2) Who approved the elevation.
- (3) What reasons (a) were given, (b) by whom and (c) to whom, for approval of the amendments of the mandatory eligibility requirements as to qualifications and experience prior to placing the advertisement in October 2017.
- (4) Who approved the amendments.
- (5) Who were appointed to the selection panel to consider the applications received in response to the October 2017 advertisement.
- (6) Who made those appointments.
- (7) Who was appointed as the delegate on the selection panel.
- (8) Who made that appointment.
- (9) Did any of the members of the selection panel have any actual or perceived conflicts of interest in relation to any of the applicants; if yes, did any members with such conflicts declare them; if not, why not.
- (10) If the answer is yes at part(9) did they declare those conflicts to the officer who appointed them to the panel; if not, why not and to whom did they make the declarations.
- (11) What action did the recipient of those declarations take in response; if none, why.
- (12) What measures were put in place to manage conflicts through the selection process to ensure procedural fairness.
- (13) What did the (a) director-general and (b) the head of service do to satisfy themselves that the conflicts in no way impeded procedural fairness.

- (14) Did the selection panel make a preliminary assessment of the applications before deciding whether to proceed to interview of the candidates; if not, why not.
- (15) Did the selection panel consider in making a preliminary assessment whether to make an assessment of the applications against the eligibility requirements as to qualifications and experience; if not, why not.
- (16) Did the selection panel assess any applicant as failing to meet any of the eligibility requirements as to qualifications and experience, whether mandatory or desirable; if yes, did the selection panel exclude any such applicant from further consideration; if not, why not.
- (17) Did the selection panel conduct candidate interviews; if not, why not.
- (18) Were those interviews conducted so as to address each of the approved selection criteria; if not, why not.
- (19) If interviews were not conducted, how did the panel assess the applications against the approved selection criteria.
- (20) What background checking did the selection panel undertake in relation to the employment history of the candidates; if none, why.
- (21) Did the selection panel take references from the candidates' nominated referees; if not, why not.
- (22) In what form were the references given.
- (23) If references were not given in writing (a) why, (b) to whom were they given and (c) did the recipient provide a written report of the references to the remaining members of the selection panel; if not, why not.
- (24) Did individual panel members prepare an assessment report for each candidate against the approved selection criteria; if not, why not.
- (25) Did those assessment reports score the candidates against the approved selection criteria; if not, why not.
- (26) Did the selection panel recommend the candidate with the highest score to be appointed; if not, why not.
- (27) Was the selection panel unanimous in its recommendation as to the preferred candidate.
- (28) If not, did any member or members of the selection panel submit any dissenting reports.
- (29) Did the selection panel seek to resolve any dissenting views; if yes, what was the outcome; if no, why.
- (30) Did the delegate report any dissenting views; if yes (i) to whom was the report given and (ii) what was the recipient's response; if no, why.

(31) Did the selection panel prepare a final report and recommendation; if not, why not.

(32) To whom was that report submitted.

(33) Who approved the appointment of the successful candidate.

Ms Fitzharris: The answer to the member's question is as follows:

The selection process and appointment of the Director of Medical Imaging was completed in accordance with the provisions of the Public Sector Management Act 1994 and the Public Sector Management Standards 2016.

Hospitals—meals (Question No 1987)

Mrs Dunne asked the Minister for Health and Wellbeing, upon notice, on 26 October 2018:

- (1) In relation to (a) The Canberra Hospital, (b) Calvary Public Hospital, (c) Centenary Hospital for Women and Children and (d) University of Canberra Public Hospital, what dietary options are available for (i) vegetarian patients, (ii) vegan patients, (iii) celiac patients, (iv) halal, (v) kosher, (vi) patients with lactose intolerance, (vii) patients with other allergies or intolerances and (viii) patients with other food preferences.
- (2) What monitoring of (a) nutritional and (b) aesthetic, values is made in relation to food provided to patients in the categories listed in part (1).
- (3) Are food nutritional and aesthetic values at least the same as provided to patients in a public hospital for food prepared by an ACT Government facility that is provided to private hospitals for serving to patients.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) (a) The Canberra Hospital offers a 14 day menu cycle using the cook-chill food service production methods to provide a large range of diets, including those nominated, to meet the therapeutic requirements, dietary requirements and diets to meet religious and cultural needs of patients.

(b) The dietary requirements of patients in the nominated groups are met at Calvary Public Hospital Bruce.

(c) The Centenary Hospital for Women and Children meets the dietary requirements of patients, as nominated, through a 14 day menu cycle produced in the same way as above. Furthermore there are dedicated children's menus designed to provide child friendly food options, including finger food options, smaller portion sizes and variety appropriate to children and adolescents. Mid meals and snacks are available to support infants and children to meet their nutritional requirements. Carers are also supported through the availability of carer/companion meals.

(d) The University of Canberra Hospital provides a 28-day menu cycle using a cook fresh food production system. The dietary requirements of the patients in the nominated groups are provided for along with multiple special diets for those undergoing rehabilitation such as modified texture diets. Patients who are safe to mobilise are able to consume their meal in the dining room.

Please note that all therapeutic (including diabetic options), dietary and diets to meet religious and cultural needs of patients are provided by the above mentioned hospitals.

(2) Food provided to patients, including both general diets and special therapeutic diets, is monitored by random audits, contractor KPIs, and staff and patient feedback. Auditing is conducting through a collaboration with Food Services and Nutrition.

(3) Yes.

Government—land sales (Question No 1988)

Mrs Dunne asked the Treasurer, upon notice, on 26 October 2018 (*redirected to the Minister for Planning and Land Management*):

- (1) Is a new hotel or any other development to be built adjacent to the Crowne Plaza.
- (2) Is the new hotel or other development to be built on land which (a) encroaches or (b) has encroached, upon Block 24, Section 65, City.
- (3) Has the ACT government (a) sub-divided or (b) does it intend to sub-divide, Block 24, Section 65, City.
- (4) Has the ACT government (a) sold or otherwise disposed of part or the whole or (b) does it intend to sell or otherwise dispose of part or the whole, of Block 24, Section 65, City.
- (5) Has the ACT government (a) modified or sought to modify planning conditions or (b) does it intend to seek to modify planning conditions, for Block 24, Section 65, City.

Mr Gentleman: The answer to the member's question is as follows:

(1 and 2)

The planning and land authority has not received any development application for a hotel development on, or adjacent to, the Crown Plaza site i.e. Block 21 Section 65 City.

(3) No.

(4) No.

(5) No.

ACT Health—organisational changes (Question No 1989)

Mrs Dunne asked the Minister for Health and Wellbeing, upon notice, on 26 October 2018:

Will the Minister table in the Assembly the document which was referred to in the Minister's ministerial statement delivered in the Assembly on 23 October 2018, about the final structure of ACT Health, which was distributed to all staff on 26 September 2018; if not, why not.

Ms Fitzharris: The answer to the member's question is as follows:

The ACT Health Directorate and Canberra Health Services organisational structures are publically available on the ACT Health website at <https://health.act.gov.au/about-our-health-system/organisation-structures>

ACT Health—ministerial briefings (Question No 1990)

Mrs Dunne asked the Minister for Health and Wellbeing, upon notice, on 26 October 2018:

- (1) How many briefs were prepared for the Minister by (a) ACT Health, (b) Canberra Health Services and (c) a combination of the two agencies in relation to the period 1 October 2018 to the date on which this question was published in the Question on Notice Paper.
- (2) What topics were referenced in those briefs.
- (3) How many of the briefs referred to in part (1) related to question time and were prepared by (a) ACT Health, (b) Canberra Health Services and c) a combination of both agencies.
- (4) What topics were referenced in those question time briefs.
- (5) How many of the briefs referred to in part (1), were in response to ad hoc requests of the Minister for briefs from (a) ACT Health and (b) Canberra Health Services.
- (6) What topics were referenced in those ad hoc briefs.
- (7) What protocols are in place for the Minister to make ad hoc requests for briefs.

Ms Fitzharris: The answer to the member's question is as follows:

(1)		(a) ACT Health briefs	(b) Canberra Health Services briefs	(c) Total briefs
	October 2018	70	44	114

(2) Refer to response provided to Question on Notice No. 1908.

(3)

	(a) ACT Health Question Time briefs	(b) Canberra Health Services Question Time briefs	(c) Total briefs
October 2018	43	28	68

(4) Refer to response provided to Question on Notice No. 1908.

(5) This detail of detail is not readily available and would require a staff member to manually review all briefs provided to the Minister to identify whether the brief was initiated by the directorate or requested by the Minister.

(6) Refer to response provided to Question on Notice No. 1908.

(7) Ad hoc requests for advice from the Minister are facilitated by the respective Directorate Liaison Officer.

ACT Health—management committee (Question No 1991)

Mrs Dunne asked the Minister for Health and Wellbeing, upon notice, on 26 October 2018:

- (1) What is the legislative basis for the Territory Wide Management Committee of ACT Health.
- (2) What are the committee's terms of reference and any other operational guidelines.
- (3) Who are the committee members.
- (4) What organisations do committee members represent.
- (5) How often does the committee meet.
- (6) On what dates did the committee meet during 2018 up to the date on which this question was published in the Questions on Notice Paper.
- (7) Does the committee report to the Minister and the Minister for Mental Health; if yes, how frequently to each Minister and in what form; if not, why not.
- (8) Does the committee report to the Director-General of ACT Health and the CEO of Canberra Health Services; if yes, how frequently to each official and in what form; if not, why not.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) ACT Health does not run a committee called the Territory Wide Management Committee.

- (2) Not applicable.
- (3) Not applicable.
- (4) Not applicable.
- (5) Not applicable.
- (6) Not applicable.
- (7) Not applicable.
- (8) Not applicable.

**ACT Health—executive salaries
(Question No 1992)**

Mrs Dunne asked the Minister for Health and Wellbeing, upon notice, on 26 October 2018:

- (1) What is the salary package for the interim CEO of Canberra Health Services for the period of her contract, including but not limited to (a) salary, (b) superannuation rate, (c) other cash allowances or entitlements, including, but not limited to, bonuses and (d) non-cash benefits, including, but not limited to, provision of motor vehicle and parking.
- (2) How much fringe benefit tax (FBT) will be paid in relation to the fringe benefit elements of the package.
- (3) What (a) are the specific allowances and/or entitlements, (b) is the value of each, (c) are the limits or restrictions on each and (d) by what process must the interim CEO claim each.
- (4) What is the salary package, outlining the detail as in parts (1), (2) and (3), being provided to the Director of ACT Health during the same period as the contract for the interim CEO of Canberra Health Services.
- (5) Was the agreed salary package for the former CEO-designate of Canberra Health Services the same as is being provided to the interim CEO; if not (a) in what areas and (b) for each area to what extent was it different.
- (6) What salary package, outlining the detail as in parts (1), (2) and (3), will be offered to a permanent CEO of Canberra Health Services.
- (7) How much did it cost to transport the former CEO-designate of Canberra Health Services to and from Canberra, as to (a) airfares, (b) accommodation, (c) travel allowance, (d) ground transport and (e) any other entitlements.
- (8) Did ACT Health make any payments to the former CEO-designate; if so, (a) what elements did those payments comprise, (b) how much was paid for each element and (c) how much FBT was paid.

- (9) In relation to the appointment of the interim CEO of Canberra Health Services (a) what recruitment processes were used, (b) was an external recruitment agency used; if yes, what was cost; if not, why not, (c) how many applicants were considered, (d) how was the salary package, as outlined in parts (1), (2) and (3), determined, (e) who approved the appointment and (f) who approved the salary package.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) The Chief Executive Officer Canberra Health Services position is classified at an Executive Level 4.3. Remuneration for ACT Public Services Executives is determined by the ACT Remuneration Tribunal and details are available at <https://www.remunerationtribunal.act.gov.au/determinations>. The current remuneration is provided in Determination 9 of 2018. The interim Chief Executive Officer Canberra Health Services will be paid a pro rata of the annual remuneration.
- (2) See response to Question 1 above.
- (3) See response to Question 1 above.
- (4) The Director-General Health Directorate position is classified at an Executive Level 4.3. Remuneration arrangements for ACT Public Service Executives is determined by the ACT Remuneration Tribunal and details are available at <https://www.remunerationtribunal.act.gov.au/determinations>. The current remuneration is provided in Determination 9 of 2018.
- (5) Yes.
- (6) See response to Question 1 above.
- (7) \$903.78 for airfares and accommodation.
- (8) No.
- (9) (a) The interim Chief Executive Officer Canberra Health Services was identified as part of a national executive search process that commenced in late May 2018 for the Director-General ACT Health Directorate and the Chief Executive Officer Canberra Hospital and Health Services positions. The search process was conducted by an Executive Search Agency on behalf of the Head of Service.
- (b) See response to part (a) above. There was no additional cost to recruit the interim Chief Executive Officer.
- (c) See response to part (a) above. 21 applications were received as part of this process.
- (d) See response to Question 1 above.
- (e) The Head of Service under section 31 of the *Public Sector Management Act 1994*.
- (f) See response to Question 1 above. The interim Chief Executive has a contract with the Head of Service under section 31 of the *Public Sector Management Act 1994*.
-

**ACT Health—governance
(Question No 1993)**

Mrs Dunne asked the Minister for Health and Wellbeing, upon notice, on 26 October 2018:

- (1) Do the Director-General of ACT Health and the CEO of Canberra Health Services have overlapping reporting lines; if yes (a) to what extent do the reporting lines overlap, (b) what subject matter is involved and (c) how is workflow managed across the two agencies in relation to the preparation and analyse of, and responses to overlapping reports.
- (2) Which official has ultimate responsibility for workflow management in relation to overlapping reports.
- (3) Which official has ultimate responsibility for decision-making in relation to overlapping reports.
- (4) What analysis has the Minister made as to the risk of administrative inefficiencies arising from the preparation and analysis of and responses to overlapping reports.

Ms Fitzharris: The answer to the member's question is as follows:

1. The Director-General of ACT Health and the CEO of Canberra Health Services both report to the Head of Service, the Minister for Mental Health and the Minister for Health and Wellbeing.
2. Staff that work in the ACT Health Directorate all report through to the Director-General. Staff that work for Canberra Health Services all report through to the CEO. No staff members have dual reporting lines across directorates.
3. Not applicable. There are no overlapping reports between staff of the Director-General ACT Health and CEO CHS.
4. Not applicable.
5. Not applicable

**Mental health—ministerial briefings
(Question No 1994)**

Mrs Dunne asked the Minister for Mental Health, upon notice, on 26 October 2018:

- (1) How many briefs were prepared for the Minister in relation to the period 1 October 2018 to the date on which this question was published in the Questions on Notice Paper by (a) ACT Health, (b) Canberra Health Services, (c) the Office for Mental Health and (d) a combination of two or more of these agencies.
- (2) What topics were referenced in those briefs.

- (3) How many of the briefs referred to in part (1), related to question time, and were prepared by (a) ACT Health, (b) Canberra Health Services and (c) a combination of both agencies.
- (4) What topics were referenced in those question time briefs.
- (5) How many of the briefs referred to in part (1), were in response to ad hoc requests of the Minister for briefs from (a) ACT Health, (b) Canberra Health Services and (c) the Office for Mental Health.
- (6) What topics were referenced in those ad hoc briefs.
- (7) What protocols are in place for the Minister to make ad hoc requests for briefs.

Mr Rattenbury: The answer to the member's question is as follows:

(1)

	(a) ACT Health briefs	(b) Canberra Health Services briefs	(c) Total briefs
October 2018	16	17	33

(2) Refer to response provided to Question on Notice No. 1914.

(3)

	(a) ACT Health Question Time briefs	(b) Canberra Health Services Question Time briefs	(c) Total briefs
October 2018	12	11	23

(4) Refer to response provided to Question on Notice No. 1914.

(5) This level of detail is not readily available and would require a staff member to manually review all briefs provided to the Minister to identify whether the brief was initiated by the directorate or requested by the Minister.

(6) Refer to response provided to Question on Notice No. 1914.

(7) Ad hoc requests for advice from the Minister are facilitated by the respective Directorate Liaison Officer.

Arts—ministerial briefings (Question No 1995)

Mrs Dunne asked the Minister for the Arts and Cultural Events, upon notice, on 26 October 2018:

- (1) How many briefs were prepared for the Minister in relation to the period 1 October 2018 to the date on which this question was published in the Questions on Notice Paper.

- (2) What topics were referenced in those briefs.
- (3) Of the briefs referred to in part (1), how many related to question time.
- (4) What topics were referenced in those question time briefs.
- (5) Of the briefs referred to in part (1), how many were prepared in response to ad hoc requests of the Minister for briefs.
- (6) What topics were referenced in those ad hoc briefs.
- (7) What protocols are in place for the Minister to make ad hoc requests for briefs.

Mr Ramsay: The answer to the member's question is as follows:

- (1) There were 21 briefs prepared between 1 October 2018 and 26 October 2018.
- (2) The topics of those briefs were:
 - Information Briefs
 - Stage 2 Belconnen Arts Centre – progress update
 - CFC - 2017-18 Annual Report
 - Australian National Eisteddfod
 - Meeting of Cultural Ministers Minutes – 14 September 2018
 - CFC Budget Concept Briefs for the 2019-20 ACT Budget
 - Performing Arts Infrastructure consultation
 - 2019-2021 funding arrangements for Key Arts and Program Organisations
 - Election Commitment Updates - Minister Ramsay - July to September 2018
 - \$5 - \$50k recommendations – Arts Activities Funding
 - Assembly QON 1732 - Briefings for the Minister for Arts & Cultural Events QON Paper 24
 - Function and Meeting Briefs
 - Floriade Visit - 09/10/18
 - Scene setting for Arts Workshop - 17/10/18
 - Launch the 2019 Canberra Theatre Centre Subscription Season – 29/10/18
 - ACT Writers Centre Meeting - 2/11/18
 - The ANCA Art Bus Opening - 3/11/18
 - Design Canberra Festival 2018 – 4/11/18
 - Lift Off Music Comp 2018 Grand Finale - 9/11/18
 - International Architecture Symposium - 16/11/18
 - Architecture Symposium - 16/11/2018
- (3) There were 19 Question Time Briefs prepared between 1 October 2018 and 26 October 2018.
- (4) The topics of the briefs were:
 - Kingston Arts Precinct
 - Arts Funding
 - Aboriginal and Torres Strait Islander Arts and Culture
 - Minister's Creative Council

- Public Art
 - Arts Infrastructure
 - ACT Arts Policy/Strategy
 - Belconnen Arts Centre
 - New Theatre for the Canberra Region
 - ANU Music for Colleges Program
 - ANU Update from Freedom of Information request
 - Canberra Museum and Gallery – Cladding in Signage
 - Theatre ticketing for patrons requiring wheelchair access seats
 - Rural leaseholder concerns – Proposed Cuppacumbalong to Lanyon Homestead Walk
 - Canberra Theatre Centre – Work Health Safety Notices re Roof Safety
 - Community Events Summary
 - 2018 and 2019 ACT Event Fund
 - ACT Events Policy (ACT Events Framework) and Community Events Strategy
 - 2018 Reconciliation Day Event
- (5) All briefs provided to the Minister for the Arts and Cultural Events follow a formal request process.
- (6) N/A
- (7) All requests for briefs from the Minister are directed through the Directorate Liaison Officer.
-

Light rail—stopping distances (Question No 1996)

Miss C Burch asked the Minister for Transport, upon notice, on 26 October 2018:

- (1) In dry conditions, what time in seconds and distance in metres is required to bring a Light Rail Vehicle to a complete stop from a speed of (a) 20 km/h, (b) 30km/h, (c) 40km/h, (d) 50km/h, (e) 60km/h, (f) 70km/h.
- (2) In wet conditions, what time in seconds and distance in metres is required to bring a Light Rail Vehicle to a complete stop from a speed of (a) 20 km/h, (b) 30km/h, (c) 40km/h, (d) 50km/h, (e) 60km/h, (f) 70km/h.
- (3) In icy or frost conditions, what time in seconds and distance in metres is required to bring a Light Rail Vehicle to a complete stop from a speed of (a) 20 km/h, (b) 30km/h, (c) 40km/h, (d) 50km/h, (e) 60km/h, (f) 70km/h.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) The Light Rail Vehicles (LRV) for Canberra are currently being tested to confirm that they comply with the European Standard for braking on railways, other internationally recognised standards and the design documentation. The European Standards require type testing of the braking at $\frac{1}{3}$, $\frac{2}{3}$ and maximum speed. Each LRV will be tested in accordance with this Standard and will be required to comply before being used for driver training or service operation.

- (2) & (3) From testing conducted on Canberra Light Rail to date (40km/h in poor adhesion conditions as part of the test of the Wheel Slide Protection (WSP) system) a 50% increase in stopping distance has been noted for service brake and emergency 3 braking. Further testing will be completed before the LRVs enter service to confirm the braking and WSP performance at 70km/h.

**Light rail—stage 1 construction
(Question No 1997)**

Miss C Burch asked the Minister for Transport, upon notice, on 26 October 2018:

- (1) How many incidents in relation to Light Rail construction have there been of workers using hazardous materials while not wearing appropriate personal protective equipment and what is the nature of each of those incidents.
- (2) What procedures are in place in relation to use of hazardous materials in Light Rail construction, to ensure that members of the public are not exposed to such materials.
- (3) Have there been any incidents where members of the public have been exposed to such materials; if so, what was the nature of each incident.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) No major incidents have been reported to Transport Canberra and City Services (TCCS). Canberra Metro advise that a number of minor incidents have occurred, for example a worker removing their gloves, which have been addressed immediately by supervisors in the field.

Canberra Metro further advised that during the course of the project it implemented protocols which went beyond the manufacturer's recommended personal protective equipment requirements for handling of one type of material.

- (2) Canberra Metro has a specific Hazardous Material Management Plan, as a sub-plan to the Construction and Environmental Management Plan for the project, which has been developed to provide guidelines for the management of hazardous materials to minimise the potential risks to personnel, assets, and the environment that may be encountered during the construction phase of the project.
- (3) No incidents have been reported to TCCS.

**Transport—MyWay agents
(Question No 1998)**

Miss C Burch asked the Minister for Transport, upon notice, on 26 October 2018:

- (1) Does the ACT Government in any way limit the number of MyWay recharge agents operating in the ACT; if so, why.

(2) How many applications or requests to become a MyWay recharge agent has the ACT Government received in the financial years (a) 2014-15, (b) 2015-16, (c) 2016-17, (d) 2017-18 and (e) 2018-19 to date.

(3) How many of the applications or requests identified in part (2) were successful.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) Yes. The number of MyWay agents is limited as there is a limited supply of agent terminal hardware, and to limit the cost of operational support for agents.
- (2) and (3) TCCS does not keep records of unsolicited requests to become a MyWay agent. New opportunities to become MyWay agent are advertised through an open tender process.

ACTION bus service—timetables (Question No 1999)

Miss C Burch asked the Minister for Transport, upon notice, on 26 October 2018:

When Network 19 is rolled out, will printed timetables be made available for general distribution to the public at (a) Access Canberra shopfronts, (b) Transport interchanges and (c) on request; if not, why not.

Ms Fitzharris: The answer to the member's question is as follows:

Timetable information for the new public transport network will be available at the following locations:

- Bus Stations and Interchanges;
- Transport Canberra Information Centre – City Bus Station;
- ACT Libraries;
- MyWay recharge agents;
- On request via 13 17 10; and
- On request via Transport Canberra feedback form.

Physical timetables will not be available at Access Canberra shopfronts as they have a digital first focus however they do provide customers with assistance in getting a timetable sent to them should it be required.

Animals—dogs (Question No 2000)

Ms Lawder asked the Minister for City Services, upon notice, on 26 October 2018:

How many (a) fines and (b) warnings were issued under the *Domestic Animal Act 2000* section 44 Dogs in Public Places for the financial years (i) 2013-14, (ii) 2014-15, (iii) 2015-16, (iv) 2016-17 and (v) 2017-18.

Mr Steel: The answer to the member's question is as follows:

Year	Infringements recorded Section 44 <i>Domestic Animals</i> Act 2000	Warnings infringements recorded Section 44 <i>Domestic Animals</i> Act 2000
2018-2019 (to 31 Oct 2018)	12	48
2017-2018	37	42
2016-2017	14	0
2015-2016	20	2
2014-2015	29	11
2013-2014	34	16

Data sourced from Pinforce system and retired DAS database.

Animals—dog attack (Question No 2001)

Ms Lawder asked the Minister for City Services, upon notice, on 26 October 2018:

- (1) In relation to the case of an attack on a dog in a backyard in Rivett on 1 July 2018 at the time of the attack (a) were the attacking dogs registered on 1 July 2018, (b) on how many occasions prior to this attack did DAS have dealings /those dogs, (c) what were those dates, (d) on each of those previous occasion were the dogs registered or not registered and (e) if the dogs were not registered what action did Domestic Animal Services take concerning the lack of registration.
- (2) Has the investigation of the attack on 1 July 2018 been completed; if yes, (a) when was it completed, (b) has the owner of the attacked dog been informed, (c) when and how were they informed and (d) what has happened to the attacking dogs; if no, (a) when will it be completed and (b) has the owner of the attacked dog been informed of the continuing process.

Mr Steel: The answer to the member's question is as follows:

- (1) Based on the location and date in the question, this is assumed to refer a dog attack on a police officer, which is a matter that is currently being jointly investigated by ACT Policing and Domestic Animal Services (DAS). As this is an active case, it is not appropriate to provide further information at this time.
- (2) ACT Policing are currently preparing a brief for the Director of Public Prosecutions. The attacking dog has been seized and remains impounded at DAS. As this is an active case, it is not appropriate to provide further information at this time.

Domestic animal services—fees (Question No 2002)

Ms Lawder asked the Minister for City Services, upon notice, on 26 October 2018:

- (1) How much money has been collected in total from the public in fees, fines issued by Domestic Animal Services (DAS) in the past five completed financial years.

- (2) How much money has been collected in total from the public in fees, fines etc. issued by DAS for fees listed in Domestic Animals (Fees) Determination 2018 (1) the Disallowable Instrument DI2018-77 (or any update) in the past five completed financial years.
- (3) If the amounts in parts (1) and (2) are not the same what is the explanation for the difference.
- (4) How much money has been collected in total from the public in fees, fines etc. issued by DAS for fees listed in Domestic Animals (Fees) Determination 2018 (1) the Disallowable Instrument DI2018-77 (or any update) in the past five completed financial years broken down by (a) registration of dogs, (b) licences and permits, (c) seizure impoundment and transportation of dogs, (d) sale of dogs and (e) micro chipping of dogs.
- (5) How much money has been (a) refunded and (b) waived in total from the public in fees, fines etc. issued by DAS for fees listed in Domestic Animals (Fees) Determination 2018 (1) the Disallowable Instrument DI2018-77 (or any update) in the past five completed financial years.
- (6) If it is not possible to print reports from standard accounting software to answer these questions, why.
- (7) If it is not possible to print reports from standard accounting software to answer these questions, the request is changed to be those reports easily available to managers to monitor this data.

Mr Steel: The answer to the member's question is as follows:

1, 2, and 3

	2013-2014 Actual	2014-2015 Actual	2015-2016 Actual	2016-2017 Actual	2017-2018 Actual
Dog Court Fines	500	0	0	0	0
Domestic Animal Serv Act Infringements	16,669	3,150	7,165	6,385	14,118
Dog Registration Fees	165,148	172,197	219,124	225,617	240,740
Replacement Dog Tag Fees	5,452	5,235	5,431	4,323	1,732
Sale of Dogs	20,055	16,865	28,243	19,434	20,506
Total	207,823	197,447	259,963	255,758	277,095

4. Breakdown of revenue generated for DAS is noted in the table above. However, a further breakdown of the revenue generated is not available from the current transaction management system.
5. The amount of money refunded and/or waived is not currently captured separately in the transaction management system.
6. It is not possible to obtain the requested data from the accounting software. Most fees are charged and collected through Access Canberra and transferred to Transport Canberra and City Services. The amount transferred is a monthly total of all fees collected in the month and is not broken down to each specific fee.
7. Please see response above.

**Animals—dog attack
(Question No 2003)**

Ms Lawder asked the Minister for City Services, upon notice, on 26 October 2018:

Has the investigation been completed in relation to the case of an attack on a dog in Tuggeranong on 18 June 2018; if yes, (a) when was it completed, (b) has the owner of the attacked dog been informed, (c) when and how were they informed and (d) what has happened to the attacking dogs; if no, (a) when will it be completed and (b) has the owner of the attacked dog been informed of the continuing process.

Mr Steel: The answer to the member's question is as follows:

Yes, on the basis that the question relates to a dog attack incident on McBryde Crescent Wanniasa on that date.

- (a) The case was officially closed on 15 September 2018.
- (b) Yes.
- (c) By telephone on 10 September 2018 and by letter sent on 2 October 2018.
- (d) The attacking dog was humanely euthanised on 13 September 2018 pursuant to section 53B of the *Domestic Animals Act 2000*.
 - (a) N/A
 - (b) N/A

**Animals—dog attack
(Question No 2004)**

Ms Lawder asked the Minister for City Services, upon notice, on 26 October 2018:

- (1) Were the dog/s registered as at 15 March 2018 in relation to a dog attack on a man in Belconnen on 15 March 2016.
- (2) On how many occasions prior to this attack did Domestic Animal Services (DAS) have dealings with that/those dogs.
- (3) What were those dates.
- (4) On each of those previous occasion were the dogs registered or not registered at that date.
- (5) If the dogs were not registered what action did DAS take concerning the lack of registration.

Mr Steel: The answer to the member's question is as follows:

- (1) As previously advised in QON 1741, at the time of the attack on 15 March 2016 neither dog was registered. As at 15 March 2018, one dog was registered. The second dog was euthanised on 20 July 2016.

- (2) Once.
 - (3) 8 January 2016.
 - (4) Neither dog was registered.
 - (5) A warning notice was issued to the owner of the dogs.
-

**Animals—dog attack
(Question No 2005)**

Ms Lawder asked the Minister for City Services, upon notice, on 26 October 2018:

- (1) In relation to the case of an attack on a dog in a backyard in Stabie Place Monash on 2 July 2018 at the time of the attack (a) were the attacking dogs registered on 2 July 2018, (b) on how many occasions prior to this attack did Domestic Animal Services (DAS) have dealings /those dogs, (c) what were those dates, (d) on each of those previous occasion were the dogs registered or not registered, (e) if the dogs were not registered what action did DAS take concerning the lack of registration.
- (2) Has the investigation been completed relating to the attack on 2 July 2018; if yes, (a) when was it completed, (b) has the owner of the attacked dog been informed, (c) when and how were they informed and (d) what has happened to the attacking dogs; if no, (a) when will it be completed and (b) has the owner of the attacked dog been informed of the continuing process.

Mr Steel: The answer to the member's question is as follows:

- (1) (a) No.
- (b) Three.
- (c) 20 November 2016, 6 October 2017 and 26 October 2017.
- (d) Not registered.
- (e) The owners were reminded of their responsibilities in managing their dogs. DAS uses an engage, educate and enforce compliance model, working with, and educating people to achieve compliance, rather than achieving compliance through punitive action. Historically DAS rangers did not have access to prior history/involvements in the field. Rangers therefore, may have been unaware of previous engagement with the owner and used an educative approach.

DAS rangers have recently been issued with mobile devices and can conduct location, people and animal searches in the field and take an escalating compliance model, infringing people where there repetitious non-compliant behaviour or a blatant disregard of the legislative requirements in keeping a dog. These mobile devices have been evolving since they were issued, with more information becoming available as the data is uploaded into the system.

- (2) No.
-

Domestic animal services—dogs (Question No 2006)

Ms Lawder asked the Minister for City Services, upon notice, on 26 October 2018:

- (1) How many dogs have been surrendered to Domestic Animal Services (DAS) in the past five completed financial years.
- (2) For how many of those dogs was a surrender fee paid.
- (3) What was the total revenue from surrender fees in the past five completed financial years.

Mr Steel: The answer to the member's question is as follows:

(1, 2 & 3).

Year	No. of dogs surrendered	No. of dogs where a surrender fee was paid	Fees received
2018-2019 (as of 23 November 2018)	76	61	\$3,852.15
2017-2018	156	63* (from 10 October 2017 – 30 June 2018)	\$4,006.20
2016-2017	151	Not Captured *	Not Captured *
2015-2016	211	Not Captured *	Not Captured *
2014-2015	140	Not Captured *	Not Captured *
2013-2014	155	Not Captured *	Not Captured *

*Please note. On 10 October 2017, the Cashlink Accounting System was implemented at DAS. Prior to this date, the various revenue fees collected were not separately captured, as such the revenue received for surrender fees prior to 10 October 2017 cannot be determined or provided.

Multicultural affairs—languages policy (Question No 2007)

Mrs Kikkert asked the Minister for Multicultural Affairs, upon notice, on 26 October 2018:

- (1) Has the ACT Languages Policy that was set to be reviewed under Objective Three (Capitalising on the Benefits of Cultural Diversity) of the *ACT Multicultural Framework 2015–2020 in the year 2015–2016* action plan which included the restating of obligations regarding the use of interpreters, multilingual staff and translated materials been completed; if yes, can the revised policy be provided as an attachment; if not, what is the current progress of this policy review, and when will it be completed as well as made available to the public.
- (2) When was the ACT Languages Policy last revised and can the most recent edition of the ACT Languages Policy be provided as an attachment.

- (3) When was an ACT Languages Policy first implemented and (a) how many revisions has the Policy undergone and (b) in what years did the revisions take place.

Mr Steel: The answer to the member's question is as follows:

- (1) The ACT Language Services Policy was tabled in the ACT Legislative Assembly on 30 October 2018. The policy will be printed, made available on the Community Services Directorate website and shared with all ACT Government Directorates prior to the end of 2018.
- (2) The ACT Language Policy was revised in 2018 and the current edition of the ACT Language Services Policy is at Attachment A.
- (3) The ACT Government first implemented a language policy in 2012. Entitled 'Many Voices 2012-16 ACT Language Policy' the policy communicated the ACT Government's commitment to enhancing and safeguarding Canberra's diverse array of languages.
 - (a) The ACT Language Policy has undergone one revision.
 - (b) The first revision of the ACT Language Policy was completed in 2018.

(A copy of the attachment is available at the Chamber Support Office).

Roads—cycle lanes (Question No 2008)

Mrs Kikkert asked the Minister for Roads, upon notice, on 26 October 2018:

- (1) Has the ACT Government previously investigated the possibility of constructing bike lanes along Kuringa Drive; if so, what was the nature and outcome of the investigation.
- (2) Will the ACT Government commit to constructing dedicated bike lanes along Kuringa Drive; if so, when will construction be expected to commence; if not, will the ACT Government investigate the possibility of constructing bike lanes along this road.
- (3) What is the current estimated cost of providing bike lanes on Kuringa Drive.
- (4) Has the ACT Government previously received requests from Canberrans for bike lanes on Kuringa Drive; if so, what response did the Government provide for these people.

Mr Steel: The answer to the member's question is as follows:

- (1) TCCS has previously undertaken a number of separate investigations for active travel improvements along Kuringa Drive.

These investigations were undertaken in response to requests from residents for off-road path improvements along Kuringa Drive.

The off-road path improvement works have been identified in the TCCS active travel future works program. Due to the nature of these requests, the provision of an off-road cycling facility, rather than on road lanes is the recommended treatment.

Due to the current road pavement width and speed environment, the addition of on-road cycling (bike lanes) on Kuringa Drive would require a significant amount of road pavement widening. This has contributed to the preferred option being an off road shared path.

- (2) Funding has been provided from the 2018-19 budget to signalise the intersection of Kuringa Drive and Owen Dixon Drive. The signalisation includes the construction of an off-road path from Owen Dixon Drive to Barton Highway.
- (3) Due to the limited width of the existing road pavement, additional road widening would be needed to accommodate on-road cycle lanes for the full length of Kuringa Drive.

This work is estimated to cost approximately \$3.5m for the length of Kuringa Drive. This excludes the potential costs associated with widening and amending the existing intersections.

- (4) TCCS has received 11 requests for active travel improvements along Kuringa Drive since 2013. Most of these requests have been for off-road path facilities rather than on-road bike lanes.

Requests have predominantly been for the improvement of connectivity from Owen Dixon Drive to Barton Highway and Kingsford Smith Drive to Barton Highway. Based upon these requests the ACT Government has undertaken the planning and design for the inclusion of a shared path as part of the intersection upgrades at Kuringa Drive and Owen Dixon Drive.

Roads—footpaths (Question No 2009)

Mrs Kikkert asked the Minister for City Services, upon notice, on 26 October 2018:

- (1) When were footpaths on Kingsford Smith Drive (between Ginninderra and Kuringa Drives) last inspected, and what were the results of the inspection.
- (2) How many times were the footpaths on this section of Kingsford Smith Drive swept this year.
- (3) What repairs were undertaken for footpaths along this section of Kingsford Smith Drive in (a) 2015-16, (b) 2016-17, (c) 2017-18 and 2018-19 to date.
- (4) When can Canberrans expect to see the cracked footpaths on this section of Kingsford Smith repaired.

Mr Steel: The answer to the member's question is as follows:

- (1) The section of Kingsford Smith Drive (between Ginninderra and Kuringa Drives) was inspected on the 12 February 2018, 1 May 2018 and 24 August 2018. The inspection resulted in 26.64 m² of path programmed for replacement.

- (2) Paths are cleaned of debris after mowing or as required. Kingsford Smith Drive between Kuringa Drive and Ginninderra Drive was mown on the 22 January 2018, 29 March 2018 and 12 October 2018 with the paths being inspected and debris removed at the completion of the mowing.
- (3) Repairs were undertaken for footpaths along Kingsford Smith Drive (between Ginninderra and Kuringa Drives) outlined in the below table:

Financial year	Unit	Status
2015-2016	8.06 m2	completed
2016-2017	7.2 m2	completed
2017-2018	0 m2	Completed
2018-2019	26.64 m2	planned

- (4) The repair works for identified defects are expected to be completed by May 2019.

ACT Health—interpreters (Question No 2010)

Mrs Kikkert asked the Minister for Health and Wellbeing, upon notice, on 26 October 2018:

What is the current status of the following action plans, as listed under section 6.4 of Towards Culturally Appropriate and Inclusive Services: A co-ordinating Framework for ACT Health 2014–2018 (a) review of current policies relating to interpreters, (b) establishment of a Tier – 1 Interpreter Policy applicable across ACT Health, (c) monitoring and reporting of interpreter use (including regular audits), (d) development of materials/training programs to support staff in the promotion and use of interpreters, (e) development of materials to promote availability of interpreters for patients/consumers, (f) development of organisational policy on the appropriate use and support of bilingual workers, (g) establishment and maintenance of a register of materials available in languages other than English, (h) establishment of a resource centre, (i) development of a toolkit to support operational areas in best practice translation of health resources, (j) promotion of the availability of electronic material and resources from other jurisdictions, (k) consultation and action on feedback from consumers on patient information distributed by the organisation (Australian National Safety and Quality Health Service Standard 2.4), (l) development of the multicultural health section within the external internet with information on the ACT health system, access to services and availability of interpreters and written resources, (m) development of a multicultural health section within the intranet, (n) development and delivery of training (including e-learning) to support staff in working appropriately with the culturally and linguistically diverse community.

Ms Fitzharris: The answer to the member's question is as follows:

- (a) The Tier 1 policy 'Language Services (Interpreters, Multilingual Staff and Translated Materials)' and procedure 'Language Services (Interpreters)' was last reviewed in 2015 and will be again in 2020, as per ACT Health's program of reviewing all policies and procedures.
- (b) The Tier 1 policy referred to at (a) applies across all parts of Canberra Health Services and the ACT Health Directorate.

- (c) The use of interpreter services across Canberra Health Services is monitored and reported on quarterly to the Partnering with Consumers/Patient Experience Network Group.
- (d) Materials and training programs have been developed to support staff in the promotion and use of interpreters. This includes the 'Guide to Language Services' publication which is available in electronic format to all staff in both the ACT Health Directorate and Canberra Health Services, promotion of the use of interpreters through the national Translating and Interpreting Service, and multicultural training, which is available in both e-learning and face-to-face formats.
- (e) Information is available to patients/consumers about the availability of interpreter services and Canberra Health Service staff also make people aware of these services. The publication 'Using Health Services in the ACT' strongly promotes the availability of free interpreter services to patients / consumers. This publication, which is available in hard-copy as well as electronically, includes a complementary flyer of key information available in seven languages.
- (f) The 'Guide to Language Services' and the Tier 1 policy 'Language Services (Interpreters, Multilingual Staff and Translated Materials)' and procedure 'Language Services (Interpreters)' include guidance to staff of the ACT Health Directorate and Canberra Health Services on the use of non professional interpreters, including multilingual staff. In brief, multilingual staff can help to communicate with consumers but must not replace professional, accredited interpreters. Multilingual staff may provide language assistance to consumers or staff to fill communication gaps.
- (g) A register has not been established although there is a variety of material available, including pamphlets about health service availability and multi-lingual information cards on accessing interpreter services.
- (h) A resource centre is not currently being established. As ACT Health Directorate is currently reviewing *Towards Culturally Appropriate and Inclusive Services*, key focus areas will be considered in the light of changes and progress since the Framework was initially launched.
- (i) Guidance for operational areas on the translation of health materials is included in the Tier 1 policy 'Language Services (Interpreters, Multilingual Staff and Translated Materials)' and procedure 'Language Services (Interpreters)'. These documents are available electronically to all staff in Canberra Health Services as well as the ACT Health Directorate.
- (j) The availability of electronic material and resources from other jurisdictions is promoted on the ACT Health website and referred to in ACT Health publications to provide staff and patients with a comprehensive suite of tools and guidance in providing care to members of Canberra's multicultural community.
- (k) In August 2018, ACT Health was awarded a three-year accreditation against the National Quality and Safety Health Service Standards, including standard 2.4 'Consulting consumers on patient information distributed by the organisation'. The ACT Health Directorate and Canberra Health Services are committed to the continued involvement of health consumers in decision making about health services planning, policy development, setting priorities and quality issues, and in the provision of best practice care. The ACT Health Directorate continues to maintain a Multicultural

Health Reference Group which includes relevant external stakeholders and provides guidance to the Directorate and Canberra Health Services on multicultural issues.

- (l) The ACT Health internet site includes a number of pages with information relating to multicultural health in the ACT. Included is information on using health services in the ACT (including access to services and availability of interpreters and resources), particular health topics, and staying healthy and safe during cultural festivals. Information is available at:
<https://health.act.gov.au/health-professionals/multicultural-community-profiles>, and
<https://health.act.gov.au/about-our-health-system/multicultural-health-act>
- (m) The ACT Health Directorate and Canberra Health Services intranet includes a section on multicultural health. Included is information on the Tier 1 policy and procedure, the national Translation and Interpreter Service, consent and treatment, seeking feedback from consumers of CALD backgrounds, links to resources within the ACT and other jurisdictions, and training opportunities. The multicultural health information on both the intranet and internet are available to all staff of both organisations.
- (n) Training in cultural competence and working with interpreters is available to all staff in the ACT Health Directorate and Canberra Health Services. Training is available in both e-learning and face-to-face formats. In developing this training, ACT Health was cognisant of advice provided by the ACT Health Multicultural Health Reference Group.

Multicultural affairs—honorary ambassador program (Question No 2011)

Mrs Kikkert asked the Minister for Multicultural Affairs, upon notice, on 26 October 2018:

- (1) Is the Multicultural Advisory Council currently involved in developing the Honorary Ambassador Program, including the selection criteria and how to appoint an Honorary Ambassador and is the program expected to be progressed further in 2019. In the 2017–18 Outcome of the ACT Multicultural Framework First Action Plan 2015–18 for Objective Three (Capitalising on the benefits of Cultural Diversity) states that the program will be promoted by increasing the number of Honorary Ambassadors appointed from local multicultural groups, who were the Honorary Ambassadors appointed in the following years, for how long did they serve, and which cities did they help promote Canberra to (a) 2015-16, (b) 2016-17, (c) 2017-18 and (d) 2018-19 to date.
- (2) What is the selection and appointment criteria for Honorary Ambassadors as they currently exist.
- (3) When was the Honorary Ambassador program (or previously/currently existing equivalent) first established.
- (4) What were the names of any previously or currently existing equivalent programs.

Mr Steel: The answer to the member's question is as follows:

- (1) The Multicultural Advisory Council is engaged in a range of activities related to the Multicultural Framework First Action Plan and the development of the Second Action Plan including planning the ACT Multicultural Summit. Options to progress the 'Honorary Ambassador' Program will be considered following the ACT Multicultural Summit on 23 November 2018.

The 'Honorary Ambassador' Program was an action under the Framework for 2017-18 and will be considered for development and implementation following the ACT Multicultural Summit on 23 November 2018.

- (2) The selection and appointment criteria for the multicultural 'Honorary Ambassador' Program is yet to be developed.
- (3) A previous 'Honorary Ambassador' Program was established in 2001 in the first year of the Stanhope Government. Three appointments were made.
- (4) The 2001 program was called the Canberra Ambassador Program. In 2014, the ACT Government established a student ambassador program to promote the benefits of studying in the ACT to other cultures around the world.

Study Canberra currently administers a Student Ambassador Program to tell the story of some of the exceptional individuals who chose to study in Canberra.

ACT Health—policy framework (Question No 2012)

Mrs Kikkert asked the Minister for Health and Wellbeing, upon notice, on 26 October 2018:

Will there be a Co-ordinating Framework for ACT Health Framework for 2019 onwards; if so, when will the framework be published.

Ms Fitzharris: The answer to the member's question is as follows:

ACT Health Directorate is in the early stages of developing a new cultural diversity framework. This work will progress during 2019. Until a new framework is developed, in consultation with the community, the existing framework remains current.

Roads—Magrath Crescent (Question No 2013)

Mrs Kikkert asked the Minister for Roads, upon notice, on 26 October 2018:

- (1) Have any traffic studies been conducted for Magrath Crescent in the past five years; if so, what statistics and/or other relevant information was reported in regards to speeding on this road.
- (2) Will the Government investigate speeding along Magrath Crescent and consider installing speed humps; if so, when will investigation commence.

- (3) What other measures will the ACT Government undertake to prevent speeding and improve road safety on Magrath Crescent.

Mr Steel: The answer to the member's question is as follows:

- (1) Magrath Crescent was investigated in 2017 as part of the traffic study on streets in Charnwood, Flynn and Fraser.

The study found that 85% of surveyed motorists were travelling at or below 60km/h, noting that the legal speed limit of the street is 50km/h.

- (2) The study recommended traffic calming measures (a set of speed cushions) on the street to reduce travelling speeds and improve road safety for all road users.

It is anticipated that these measures will be implemented by mid-2019.

- (3) TCCS will evaluate the effectiveness of the implemented measures in 2020. Any further investigations will depend on the results of this evaluation.

Business—commercial rates (Question No 2014)

Mr Coe asked the Treasurer, upon notice, on 2 November 2018:

Can the Treasurer provide the number of rateable commercial properties in the ACT in the financial years of (a) 2008-09, (b) 2009-10, (c) 2010-11, (d) 2011-12, (e) 2012-13, (f) 2013-14, (g) 2014-15, (h) 2015-16, (i) 2016-17, (j) 2017-18 and (k) 2018-19 to date.

Mr Barr: The answer to the member's question is as follows:

Financial year	Number of rateable commercial properties
2008-09	5,252
2009-10	5,391
2010-11	5,587
2011-12	5,697
2012-13	5,731
2013-14	5,784
2014-15	5,997
2015-16	6,018
2016-17	6,033
2017-18	6,053
2018-19	6,146

ACT Health—organisational changes (Question No 2016)

Mrs Dunne asked the Minister for Health and Wellbeing, upon notice, on 2 November 2018:

In relation to the answer to question on notice No 1868, by frequency for each of the meeting types mentioned in the ministerial statement delivered in the Assembly on 23 October 2018, (a) 240 one-on-one meetings, (b) 58 presentations and group forums, (c) seven leadership workshops, (d) four all-staff forums and (e) 11 external stakeholder meetings, (i) what were the top five pieces of feedback that ACT Health received as a result of those events and (ii) did those pieces of feedback influence or otherwise change the planned approach to the restructure of ACT Health; if so, what changes were made; if not, why not.

Ms Fitzharris: The answer to the member's question is as follows:

- (i) Feedback received at each meeting, presentation, workshop and group forum was used to inform and progressively build each session. Each session tested the views of previous sessions and refined the development of the structures of the two organisations. The top five themes of feedback received during these sessions were:
 - a. Context and evolution of the ACT Health system;
 - b. Functions and capabilities required for each organisation to be successful;
 - c. Functional groupings and the descriptions, purpose and responsibilities of these functional groups;
 - d. Roles, responsibilities and the importance of a clear governance structure to support decision making; and
 - e. Collaboration and communication.
- (ii) All feedback received was considered and analysed for its applicability to the current functional structures to both Canberra Health Services and the ACT Health Directorate. Some feedback resulted in further exploration of options for the allocation of functions across organisations, while other feedback led to improvements in the content and terminology used in staff communication materials.

ACT Health—staffing (Question No 2018)

Mrs Dunne asked the Minister for Health and Wellbeing, upon notice, on 2 November 2018:

- (1) What new positions, by position title and classification, were created in (a) ACT Health and (b) Canberra Health Services, between 15 September 2018 and the date on which this question was published in the Questions on Notice Paper.
- (2) Which of those positions have been filled as permanent appointments (a) from existing staff and (b) via external recruitment.
- (3) Which of those positions have been filled as temporary or interim appointments (a) from existing staff and (b) via external recruitment.
- (4) Which of those positions have been filled as acting appointments.
- (5) How many staff employed under the previous single structure are yet to find a position in the new structure in (a) ACT Health and (b) Canberra Health Services as at the date this question was published on the Questions on Notice Paper.

- (6) How many officers are on higher duties in (a) ACT Health and (b) Canberra Health Services as at the date this question was published on the Questions on Notice Paper.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) Chief Executive Officer, Canberra Health Service, Executive Level 4.3.
 - (2) Not applicable.
 - (3) The CEO position was filled by temporary appointment through an external recruitment process, by an external candidate.
 - (4) Not applicable.
 - (5) All existing staff have been allocated positions in the new structures, subject to conditions in existing contracts and employment arrangements.
 - (6) Refer to response provided to 3 (a) and (b) in Question on Notice No. 1900.
-

ACT Health—restructure costs (Question No 2019)

Mrs Dunne asked the Minister for Health and Wellbeing, upon notice, on 2 November 2018:

- (1) What was the budget for the restructure or separation of ACT Health and Canberra Health Services broken down by relevant categories of cost.
- (2) What was the total spend, to the date on which this question was published in the Questions on Notice Paper, on the restructure or separation of ACT Health and Canberra Health Services broken down by relevant categories of cost.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) Refer to response provided to question (8) (a) and (c) in Question on Notice No. 1900.
-

ACT Health—redundancies (Question No 2020)

Mrs Dunne asked the Minister for Health and Wellbeing, upon notice, on 2 November 2018:

- (1) How many redundant positions have been identified in the lead-up and subsequent to the restructure of ACT Health, to the date this question was published in the Questions on Notice Paper.
- (2) How many of those redundancies are (a) voluntary and (b) compulsory.
- (3) What is the target date for completion of those redundancies.

- (4) How many staff were or are eligible for (a) redundancy or (b) redundancy payments.
- (5) How many staff have been or will be (a) made redundant or (b) given redundancy payments.
- (6) How many staff have sought redundancies not otherwise identified or offered.
- (7) What is the budget for redundancy payments arising from the restructure.
- (8) How much has been spent on redundancy payments arising from the restructure, as at the date on which this question was published in the Questions on Notice Paper.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) No redundant positions have been identified as part of the restructure of ACT Health.
- (2) Not applicable.
- (3) Not applicable.
- (4) Not applicable.
- (5) Not applicable.
- (6) One unsolicited request for a voluntary redundancy was received by the Transition Office.
- (7) Not applicable.
- (8) Not applicable.

**ACT Health—organisational changes
(Question No 2021)**

Mrs Dunne asked the Minister for Health and Wellbeing, upon notice, on 2 November 2018:

- (1) In the lead-up, or subsequent, to the restructure of ACT Health, what new operational areas were created in (a) ACT Health and (b) Canberra Health Services.
- (2) What positions, by position title and classification, were created in each new operational area.
- (3) What is the budget for each new operational area.
- (4) Where is each new operational area located.
- (5) What were the set-up costs for each new operational area.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) As at 9 November 2018 there have been no new operational areas created in either Canberra Health Services or ACT Health Directorate as a result of the restructure.

- (2) As per the response to question (1), this is not applicable.
 - (3) As per the response to question (1), this is not applicable.
 - (4) As per the response to question (1), this is not applicable.
 - (5) As per the response to question (1), this is not applicable.
-

ACT Health—organisational changes (Question No 2022)

Mrs Dunne asked the Minister for Health and Wellbeing, upon notice, on 2 November 2018:

- (1) In the lead-up, or subsequent, to the restructure of ACT Health, which operational areas have been relocated.
- (2) In relation to each relocated operational area, (a) what did the relocation cost as to (i) contractor costs, (ii) new furniture and equipment costs, (iii) building works and (iv) any other relevant category of cost, (b) how many staff were relocated, (c) why was the operational area relocated, (d) on what date did the move begin, (e) on what date was the move completed, (f) what floor space did the operational area formerly occupy and (g) what floor space does the operational area now occupy.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) Form and function relocations were undertaken in July 2018. These areas were relocated:
 - Performance, Reporting and Data;
 - Quality Governance and Risk;
 - People and Culture;
 - Office of Clinical Leadership;
 - Transition Office;
 - Territory-wide Health Services;
 - Finance; and
 - Executive Support staff for Clinical Support Services.

The Chief Executive Officer (CEO) Office was established at Canberra Health Services.

- (2)(a)(i) The removalist (inclusive of all teams) cost \$4,382. The relocation of Executive Support staff for Clinical Support Services cost \$407 (and a quote is pending for the relocation of a large cupboard). The establishment of the CEO Office cost \$853.02.
- (2)(a)(ii) Nil.
- (2)(a)(iii) Nil.
- (2)(a)(iv) Nil.

(2)(b), (d), (e), (f) and (g) are answered in the following table.

	(2)(b)	(2)(d)	(2)(e)	(2)(f)	(2)(g)
Performance, Reporting and Data	6	17/07/2018	17/07/2018	1 Office 5 workstations	1 Office 5 workstations
Quality Governance and Risk	3	17/07/2018	17/07/2018	1 Office 2 workstations	1 Office 2 workstations
People and Culture	5	17/07/2018	17/07/2018	1 Office 4 workstations	1 Office 4 workstations
Office of Clinical Leadership	3	17/07/2018	24/09/2018	None	3 Offices 4 workstations
Transition Office	7	17/07/2018	17/07/2018	1 Office 6 workstations	1 Office 6 workstations
Territory Wide Health Services	21	17/07/2018	17/07/2018	1 Office 20 workstations	1 Office 20 workstations
Finance	30	17/07/2018	17/07/2018	30 workstations	30 workstations
Establish CEO Office at CHHS	9	24/9/2018	24/9/2018	9 workstations 3 Offices	9 workstations 3 Offices
Relocate Executive Support staff for Clinical Support Services	2	12/11/2018	12/11/2018	3 workstations	3 workstations

(2)(c) The relocation of teams occurred to align teams to undertake the transition planning, and to relocate the Professional Leads to Bowes Street. The CEO Office was established in order to have a CEO Office for the new Directorate. Executive Support staff were relocated to sit with their Executive Director.

Centenary Hospital for Women and Children—upgrade program (Question No 2023)

Mrs Dunne asked the Minister for Health and Wellbeing, upon notice, on 2 November 2018:

- (1) In relation to the answer to question on notice No 1867, what are the specific “identified issues” within the birthing suite that need addressing.
- (2) Why was it necessary to replace the spindle extensions with mixing valves.
- (3) What, specifically, has the investigation revealed that go to the cause that created the need for the works, as of the date on which this question was published in the Questions on Notice Paper.
- (4) When will the investigation, as to the cause that created the need for the works, be completed.
- (5) Have these issues been identified as ones that go to the building warranty period; if so, what negotiations are taking place with the builder in relation to rectification works; if not, why not.

Ms Fitzharris: The answer to the member's question is as follows:

Response:

- (1) The identified issues are water leaks and waterproofing issues within the birthing suite.
 - (2) A hydraulic consultant has recommended the replacement of the spindle and spindle extension with mixing valves as part of the works.
 - (3) The investigation has currently revealed that the issues identified at (1) have created the need for the works referred to at (2), as well as waterproofing works.
 - (4) Investigation is still ongoing.
 - (5) Investigation is still ongoing.
-

**Government—music grants
(Question No 2024)**

Mrs Dunne asked the Minister for the Arts and Cultural Events, upon notice, on 2 November 2018:

- (1) Is (a) the Minister and (b) artsACT aware that the Music Engagement Program, run out of the Australian National University, is targeted at increasing engagement in the act of making music, and that it uses a unique approach informed by a social philosophy of shared, active music-making known as the Music Outreach Principle; if so, how does the program fail to meet artsACT's and the ACT Government's aim, according to the artsACT website, "to recognise the integral part that arts and culture play in our community and to encourage creativity, celebration, thinking and exchange"; if not, why not.
- (2) Before the date on which the ACT Government notified the Music Engagement Program that its funding was to cease, was the Minister aware that the program had commissioned a study of the effects of the program for people living with Alzheimer's disease and dementias; if so, why was the notification referred to issued before the study was completed and the results reported; if not, was artsACT aware of the study before the date of the notification referred to; if so, did artsACT advise the Minister of that development; if so, on what date; if not, why not;
- (3) Before the date of the notification, did (a) the minister or (b) artsACT, consult with the Australian National University as to the Government's intention to cease the funding for the program; if so, what discussions emerged in that consultation process about (i) the record of the program's delivery and results, (ii) the future plans of the program, (iii) any plans for evaluation of the program or any aspect thereof and (iv) the direction artsACT would wish to see the program take under any future funding arrangement from the ACT Government; if not, why not.

Mr Ramsay: The answer to the member's question is as follows:

- (1) The Government is aware of the philosophy and engagement outcomes of the Music Engagement Program. While the Music Engagement Program may meet the aim of

encouraging creativity, celebration, thinking and exchange, it does this through a focus on children in the school environment. The ACT Arts Policy is a whole of government policy intended to be achieved across all ACT Government agencies. artsACT along with other areas of Government which focus on education, health and social wellbeing encourage creativity, celebration, thinking and exchange through the arts.

- (2) The Government was not provided with information from the ANU that the Music Engagement Program had commissioned a study of the effects of the program for people living with Alzheimer's disease and dementias.
- (3) The Government consulted with the ANU before the date of the notification, signalling its intention to cease funding the Music Engagement Program. This was in line with the priority of arts funding, being for artists and arts organisations to develop their work and support their careers; and move away from arts funding for students in the school environment and to funding an outreach program that provided opportunities across the whole community including for women, people with a disability and Aboriginal and Torres Strait Islander peoples.

Access Canberra—drivers licences (Question No 2026)

Miss C Burch asked the Minister for Business and Regulatory Services, upon notice, on 2 November 2018:

- (1) How many Provisional Driver Licences were issued in the ACT during (a) 2014, (b) 2015, (c) 2016, (d) 2017 and (e) 2018 to date.
- (2) How many of those Provisional Driver Licences identified in part (1) were obtained via the (a) one-off test method and (b) logbook method.

Mr Ramsay: The answer to the member's question is as follows:

1. (a) 7,339
(b) 7,811
(c) 7,659
(d) 7,270
(e) 6,816 (YTD as at 9 November)
2. (a) 8,949 (YTD as at 9 November)
(b) 27,946 (YTD as at 9 November)

Roads—roundabouts (Question No 2027)

Miss C Burch asked the Minister for Justice, Consumer Affairs and Road Safety, upon notice, on 2 November 2018 (*redirected to the Minister for Roads*):

- (1) Which roundabouts in the ACT have had speed bumps or similar traffic calming devices installed on approaches.

- (2) What was the crash rate, of those roundabouts identified in part (1), in each of the three years (a) preceding and (b) following the installation of speed humps or other traffic calming devices.

Mr Steel: The answer to the member's question is as follows:

- (1) Speed humps have been installed on approaches to roundabouts at:

- Flinders Way/Monaro Crescent
- Flinders Way/Murray Crescent
- Cameron Avenue/Chandler Street
- Torrens Street/Elouera Street
- Torrens Street/Girrahween Street
- Kitchener Street/Gilmore Crescent
- Starke Street/Hardwick Crescent

- (2) Crash data is presented below:

Location	Year of installation	Number of crashes	
		3 years before installation	3 years after installation
Flinders Way/Monaro Crescent	2011	2008 – 9 2009 – 4 2010 – 4	2012 – 2 2013 – 5 2014 – 2
Flinders Way/Murray Crescent	2011	2008 – 1 2009 – 1 2010 – 2	2012 – 1 2013 – 0 2014 – 0
Cameron Avenue/Chandler Street	2015	2012 – 7 2013 – 3 2014 – 4	2016 – 2 2017 – 1 2018 – not available yet
Torrens Street/Elouera Street	2017	2014 – 2 2015 – 2 2016 – 3	Not available yet
Torrens Street/Girrahween Street	2017	2014 – 4 2015 – 4 2016 – 2	Not available yet
Kitchener Street/Gilmore Crescent	2017	2014 – 0 2015 – 2 2016 – 0	Not available yet
Starke Street/Hardwick Crescent	2018	2015 – 1 2016 – 1 2017 – 1	Not available yet

Municipal services—Hall bike track (Question No 2028)

Mr Milligan asked the Minister for City Services, upon notice, on 2 November 2018:

- (1) What progress has been made to begin construction of a recreational bike track in Hall.
- (2) Have there been any delays in beginning construction.

- (3) What level of consultation has the Minister had with the Hall community regarding this project.
- (4) What costs have already been assigned to tidying the site in preparation of construction.
- (5) Is there an expected completion date for the bike track.
- (6) Are there any other plans to construct other recreational facilities in Hall.

Mr Steel: The answer to the member's question is as follows:

- (1) Nil.
- (2) Yes. The ACT Heritage Council rejected the Statement of Heritage Effects in October 2018. The proponents are currently in discussion with TCCS about options to progress the project.
- (3) TCCS conducted an online survey and held two public onsite meetings and one with Registered Aboriginal Organisations. Signs were erected to notify the community of the survey and the proposal. The Village of Hall and District Progress Association hosted a drop in session in December 2017, engaged an external consultant to prepare a report and has discussed the topic at several of its regular meetings. The Village also held a fundraiser to assisting in funding the track.
- (4) Nil.
- (5) No.
- (6) The proponents are currently in discussion with TCCS about options to progress the children's recreation track.

**Parking—Palmerston
(Question No 2029)**

Mr Milligan asked the Minister for Roads, upon notice, on 2 November 2018:

- (1) When will the Minister commit to providing a parking solution to the Palmerston community given residents and business owners have been raising concerns over the lack of parking in Palmerston for years and have mounted a campaign over the last 12 months including petitions, letters and emails.
- (2) What is the Minister's response to the fact that several businesses are looking at relocating to Nicholls or Crace shops due to the lack of parking at Palmerston.
- (3) Why has the Minister not responded to the community stakeholders who have written to him and worked so hard to highlight this issue.

Mr Steel: The answer to the member's question is as follows:

- (1) Transport Canberra and City Services (TCCS) has and continues to work with the businesses at the Palmerston shops and with the local school to manage parking and

traffic pressures. The mix of short and long stay parking spaces have been amended, a one way system introduced and additional parking enforcement has been undertaken to ensure compliance with the parking restrictions.

To assist pedestrians to cross the service road at the Palmerston shops a shared zone is to be constructed. The shared zone will include a speed hump at the entry into the zone and associated signs. This shared zone is programmed to be constructed in January 2019.

(2) Refer to above.

(3) Transport Canberra and City Services has engaged with local stakeholders and in response to the actions outlined above. My office has responded to community stakeholders that have written to me and previously Minister Fitzharris personally spoke with stakeholders as did her office on numerous occasions.

Aboriginals and Torres Strait Islanders—cultural plan (Question No 2030)

Mr Milligan asked the Minister for Aboriginal and Torres Strait Islander Affairs, upon notice, on 2 November 2018:

- (1) In the Minister's capacity as Minister for Children, Youth and Families the Minister provided the Assembly with an update on the implementation of *A Step Up for Kids: Out of Home Care Strategy*, in that statement you reported that 89 percent of Aboriginal and Torres Strait Islander children have a Culture Plan in place but that this figure has fallen since the last reporting period, can the Minister explain this decrease.
- (2) Why has the Minister allowed the compliance in this area to drop in light of Our Booris Our Way review.
- (3) What strategies have been put in place to ensure the 11 percent of children without a Cultural Plan, have one put in place immediately.
- (4) Can the Minister provide details of the elements within Cultural Plans.
- (5) What quality measures are used to ensure the plans given to kids in care are suitable and met the intent of facilitating connection to family and culture.
- (6) Can the Minister provide a template example of a Cultural Plan.
- (7) When will the Minister provide an update to the Assembly on the compliance levels of having a Cultural Plan in place.

Ms Stephen-Smith: The answer to the member's question is as follows:

- (1) The Snapshot Report is an important part of the monitoring system for *A Step Up for Our Kids*. As the caveat on the Snapshot Report states it does use unpublished, operational data that can change between reporting periods. For example, there can be a lag between the completion of a cultural plan and data entry in to the system. In this case, the cultural plans are included in the following report. CSD does act on the

quarterly figures and has undertaken its usual review to address compliance with this important feature of the system and to ensure quality cultural plans are in place.

- (2) The number and percentage of cultural plans finalised changes from day to day. When an Aboriginal or Torres Strait Islander child or young person comes into out of home care, the development of a comprehensive cultural plan commences.

Cultural plans take time to finalise with the duration varying depending on the complexity of the young person's situation and their community network. There will always be a lag in completion of plans if they are to be thorough and comprehensive.

- (3) See answer (2) above.

- (4) A cultural plan provides a child or young person with the ability to connect with their family and community to preserve and enhance their cultural identity. It supports extended kinship networks, cultural values, beliefs and practices, Country, totem, history and stories. A cultural plan is separate but aligned to a child's or young person's care plan.

In order to develop a cultural plan, the Cultural Services Team undertakes the process of connecting the child or young person to their community or mob. The goals of the Cultural Services Team are to establish connections with family, to identify a suitable placement for the child and to develop the cultural plan.

Once Child and Youth Protection Services are provided with the names of family members, a search through records and/or their contacts commences, to identify the community or mob in which the child or young person is connected. At times this is offered and provided by the family, however at other times research needs to be undertaken by the Cultural Services Team which can extend the timeframe for completion of the cultural plan.

- (5) All cultural plans are developed in consultation with the Cultural Services Team within Child and Youth Protection Services. Cultural Plans are also a key source of information used by the *Our Booris, Our Way* Clinical Review Team.
- (6) The cultural plan template is provided at [Attachment A](#).
- (7) An update to the Assembly will be provided through the next *A Step Up for Our Kids* snapshot report.

(A copy of the attachment is available at the Chamber Support Office).

Roads—Gundaroo Drive (Question No 2031)

Mr Milligan asked the Minister for Roads, upon notice, on 2 November 2018:

- (1) Given that *The Canberra Times*, on 24 October, reported on the delays and contract concerns impacting the duplication of Gundaroo Drive, can the Minister confirm who specifically decided to call in auditors.
- (2) Can the Minister detail the specific internal concerns that instigated this action.

- (3) Can the Minister confirm when the responsible Minister, either himself or the previous Minister, was first made aware of these concerns.
- (4) What strategies had been put in place, prior to the decision to call in auditors, to manage or assess issues with this project in relation to governance and compliance.
- (5) Can the Minister confirm if the auditor's report will be tabled in the Assembly; if so, when.

Mr Steel: The answer to the member's question is as follows:

- (1) A decision was made by the Director-General Transport Canberra and City Services (TCCS) to undertake an internal audit on the Gundaroo Drive Stage One project.
- (2) Time delays on the project.
- (3) Delays to the project have occurred incrementally over time. The relevant Minister has been updated incrementally over the course of the project.
- (4) The existing Infrastructure Finance and Capital Works and TCCS governance frameworks for the delivery of infrastructure projects was in place to manage, monitor and assess the project.
- (5) The audit report has been commissioned by the Director-General for the TCCS Audit Committee. Reports for the TCCS Audit Committee are generally not tabled in the Assembly. I will determine whether the report will be publicly released in due course.

**Taxation—rates
(Question No 2033)**

Mr Coe asked the Treasurer, upon notice, on 2 November 2018:

- (1) How are residential rates calculated in instances where the site allows for mixed use such as residential and commercial.
- (2) What is the total number of residential rateable dwellings broken down by suburb that had their rates calculated on commercial highest and best use provisions during each financial year from 2007-08 to date.

Mr Barr: The answer to the member's question is as follows:

- (1) Where a property is used for both residential and commercial purposes, commercial rates apply. If the property is unit titled, residential rates will apply to the residential component and commercial rates will apply to the commercial component. This allocation is determined in the Development Approval.
 - (2) It is not possible to answer the question as the unimproved value for a mixed use site is determined with reference to the 'highest and best use' of that property. This takes into account a range of factors including the value of the commercial and residential development rights included in the lease.
-

**Taxation—waivers
(Question No 2034)**

Mr Coe asked the Treasurer, upon notice, on 2 November 2018:

- (1) What is the total number of individuals or entities that were given tax or debt waivers broken down by (a) category or type of tax or debt and (b) total amount waived during each financial year from 2007-08 to date.
- (2) What companies received payroll tax waivers and in what amount during each financial year from 2007-08 to date.

Mr Barr: The answer to the member's question is as follows:

- (1) A breakdown of the total number of individuals or entities that were given a tax or debt waiver from 2009/2010 financial year through to the 2017/18 financial year is included in the attached table (Attachment A). I have been advised by ACT Revenue Office that the information sought prior to this date is not in an easily retrievable form, and that to collect and assemble the information for the purpose of answering the question would require a considerable diversion of resources.
- (2) A breakdown of the amount of Payroll Tax Waivers from 2009/2010 is included in the attached table. It is not possible to provide the name of the individual companies as to do so would breach the privacy provisions of the *Taxation Administration Act 1999*.

(A copy of the attachment is available at the Chamber Support Office).

**ACT Health—cultural diversity
(Question No 2036)**

Mrs Kikkert asked the Minister for Health and Wellbeing, upon notice, on 2 November 2018:

- (1) In relation to the development and maintenance of linguistic and cultural competence of the ACT Health workforce in the ACT, and given that in section 6.6 of Towards Culturally Appropriate and Inclusive Services: A Co-ordinating Framework for ACT Health 2014–2018, one of the key aims was to improve the linguistic and cultural competence of the workforce, how has cultural awareness been included in the orientation and essential education of new staff.
- (2) What education and skills development initiatives have been provided for staff to help develop cultural competency.
- (3) What is the current status and the result of investigating the feasibility of establishing an ACT Multicultural Health Network.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) Canberra Health Services and ACT Health Directorate Corporate Orientation provides a 25 minute presentation to all new employees regarding Aboriginal and Torres Strait

Islander Cultural Introduction. The Essential Education Policy and Guideline states the Cultural Competence training module is 'highly recommended' for all health staff to complete.

- (2) Diversity Training provided by Staff Development Unit (SDU) includes the following components:

Cultural Competence

Learning outcomes

- a) Identify one's own culture, values and beliefs;
- b) State reasons why health care professionals need to be culturally aware;
- c) Analyse prejudices and biases that may influence the way you interact with staff and consumers; and
- d) Describe the importance of cross cultural communication.

The session is also included in the Clinical Supervision and Support Education training.

Cross-cultural Communication In-services

Learning Outcomes

- a) Identify one's own culture, values and beliefs;
- b) Provide awareness of cross-cultural communication;
- c) Identify barriers; and
- d) Identify how cultural differences influence communication and patient outcome.

Ad hoc area-specific in-service and information sessions are planned, to be provided by a dedicated knowledgeable SDU educator.

Working with Interpreters

Learning Outcomes

- a) Be able to identify whether an interpreter is needed;
- b) Be informed about the roles of professional interpreters including their code of ethics;
- c) Receive practical information on how to organise and conduct interpreting sessions; and
- d) Be able to identify barriers to interpreter use and strategies to overcome them.

Training schedule

- a) Quarterly face-to-face sessions are provided on a voluntary basis by Companion House (non-governmental organisation).
- b) E-learning modules are also available.

- (3) An ACT Multicultural Health Network has not been established. This action will be considered as part of the current evaluation of 'Towards Culturally Appropriate and Inclusive Policies'. This action may also be considered by Canberra Health Services in their business planning for 2019.

**ACT Health—cultural diversity
(Question No 2037)**

Mrs Kikkert asked the Minister for Health and Wellbeing, upon notice, on 2 November 2018:

In relation to service and information delivery to culturally and linguistically diverse (CALD) communities in the ACT, what is the current status of the action plans, as listed under section 6.4 of Towards Culturally Appropriate and Inclusive Services: A Co-ordinating Framework for ACT Health 2014–2018 being (a) The development and maintenance of resources on cultural beliefs relating to end of life and organ and tissue donation issues, (b) Management of the Service Funding Agreement with Companion House, relating to the provision of primary health care and mental health services to refugees, asylum seekers and new migrants, (c) Monitoring of the implementation of the Agreement with the Department of Immigration and Border Protection on the provision of health services of people in community detention, (d) Monitoring of the use within ACT Health of the ACT Government Services Access Card for migrants and (e) Monitoring of the implementation of the ACT Health policy and standard operating procedure relating to the provision of services to people who are Medicare ineligible.

Ms Fitzharris: The answer to the member's question is as follows:

- (a) DonateLife ACT coordinates all organ and tissue donor activities across the territory. It works with hospitals and hospital-based DonateLife medical and nursing specialists to provide professional donation services and encourage best practice to increase donation rates. DonateLife ACT has access to resources on cultural beliefs relating to end of life and organ and tissue donation issues.

Clinical staff at Canberra Health Services (CHS) have access to information on cultural aspects for different community groups in the ACT, and may also call on Spiritual Support Services to assist patients, family and staff in addressing cultural beliefs relating to end of life and organ and tissue donation.

- (b) The ACT Health Directorate is currently funding services provided by Companion House through a three-year Service Funding Agreement from 1 July 2016 to 30 June 2019. The relationship with Companion House is managed within the Policy, Partnerships and Programs Branch of ACT Health Directorate, where there is regular liaison between the Directorate and funded non-government organisations, including Companion House.
- (c) The ACT Health Directorate participates in the Refugee, Asylum Seeker and Humanitarian (RASH) Coordinating Committee, which is convened by the Office for Multicultural Affairs in the Community Services Directorate and whose members include the Department of Home Affairs, and non-government services who provide services to refugees and asylum seekers – Red Cross, Migrant And Refugee Settlement Services (MARSS) and Companion House. These meetings oversight community and health services to refugees and asylum seekers. With respect to the provision of health services for refugees and asylum seekers in community detention in the ACT, ACT Health Directorate would work with the Department of Home Affairs and Companion House to ensure an appropriate health response.
- (d) ACT Government Services Access Card is coordinated by Companion House for asylum seekers living in the ACT. ACT Health Directorate has a Service Funding Agreement with Companion House. Companion House is funded for the provision of full suite of services for refugees and people seeking asylum. These services include: primary health care; mental health counselling; advocacy; psychosocial assessments; tuberculosis screening; vaccination; and, referral to allied health services. ACT Health has committed \$354, 677 in the 2018-19 ACT Budget to Companion House. ACT Health's Companion House relationship manager meets regularly with Companion House to monitor these services.

Further information is available on the ACT Government Services Access Card at: https://www.communityservices.act.gov.au/multicultural/services/access_card and https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/1310/~/act-services-access-card

- (e) Non-eligible patients presenting for outpatient treatment and/or procedures receive health care as appropriate to their needs, whether or not they have a Medicare card. This policy is fully implemented and embedded into the operations of the ACT's public health services.

ACT Health—cultural diversity (Question No 2038)

Mrs Kikkert asked the Minister for Health and Wellbeing, upon notice, on 2 November 2018:

- (1) In relation to the engagement of culturally and linguistically diverse (CALD) communities in the implementation of the ACT health framework in the ACT and given that in section 6.5 of Towards Culturally Appropriate and Inclusive Services: A Co-ordinating Framework for ACT Health 2014–2018, one of the key focus areas for supporting actions was to consider the establishment of “a Multicultural Advisory Committee with membership from CALD organisations/communities to advise on multicultural health issues and implementation of this Framework”, what was the result and the current status of this consideration.
- (2) What measures will the ACT Government take to increase CALD participation in service planning and evaluation, as well as other community consultation processes.
- (3) In what ways has the ACT Government considered inclusion of people from CALD backgrounds in committees and reference groups.
- (4) What steps has the ACT Government taken to ensure that the engagement of CALD communities in targeted or general community consultation processes is consistent with Engaging Canberrans – A guide to community engagement.
- (5) What is the current status of the intended development of a communications strategy to inform CALD communities about ACT Health initiatives more broadly on its response to the particular needs of people from CALD and LEP backgrounds.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) The ACT Health Directorate has established a multicultural advisory committee, the Multicultural Health Reference Group, which meets regularly to improve communication and collaboration between the Directorate and other organisations providing services and/or support to people from CALD backgrounds or with limited English proficiency. Membership is drawn from a range of community representative organisations, including Companion House, Ethnic Disability ACT, Migrant and Refugee Settlement Service, as well as the Capital Health Network, Health Care Consumers' Association and the Mental Health Consumers' Network.

The ACT Government through Community Services Directorate has also established the Multicultural Advisory Council (MAC). This Council aims to give members of

Canberra's culturally diverse communities opportunities to take a leading role in participation and consultation on issues that affect their lives, and to raise awareness and facilitate interactions between Canberra's culturally diverse communities, the ACT Government and the wider community:

<https://www.communityservices.act.gov.au/multicultural/act-multicultural-advisory-council>

- (2) The MAC was established in 2018 and convened the 2018 ACT Multicultural Summit on 23 November 2018. One of the themes of the Summit was 'Canberra, a healthy and accessible city'. Under this theme, members of the MAC, the broader multicultural community, government and non-government employees were consulted and provided input on multicultural health issues.

The Summit Report will be prepared to inform the development of the *ACT Multicultural Framework* Second Action Plan 2018-2020. Short and medium term outcomes will be identified to be implemented collectively by government and community service organisations in 2019-2020. An evaluation framework to measure impact of outcomes will also be developed.

- (3) The MAC provides a platform for Canberra's culturally and linguistically diverse communities to have their issues heard and to work more closely with the ACT Government on issues that matter to them.

The ACT Government recognises and values our diverse community and places a priority on ensuring that diversity is reflected in committees and reference groups to ensure the voices of people with diverse experiences and backgrounds are heard. This is articulated in Governance Principles - Appointments, Boards and Committees which can be found at: www.cmd.act.gov.au/policystrategic/cabinet/governance.

CSD also recently implemented the ACT Diversity Register. The Register connects everyone, including women and people with diverse experiences with ACT Government and non-government board vacancies. Further information on the Diversity Register can be found at www.communityservices.act.gov.au/home/diversityregister.

- (4) The Community Services Directorate uses a range of mechanisms to ensure that the engagement of CALD communities in targeted or general community consultation processes, including:
- Face to face consultations, such as the recent roundtables preceding the Multicultural Summit;
 - Larger forums such as the 2018 ACT Multicultural Summit;
 - Reference Groups;
 - Consultative Councils or Committees such as the Multicultural Advisory Council and the Refugee Asylum Seekers and Humanitarian Coordination Committee;
 - Have Your Say website; and
 - Targeted surveys.
- (5) A communications strategy has not been developed. However, there is a range of materials available to assist and inform CALD communities about public health services in the ACT.

- Information is available to patients / consumers about the availability of interpreter services and Canberra Health Service staff also make people aware of these services. The publication 'Using Health Services in the ACT' strongly promotes the availability of free interpreter services to patients / consumers. This publication, which is available in hard-copy as well as electronically, includes a complementary flyer of key information available in seven languages.
- The ACT Health internet site includes a number of pages with information relating to multicultural health in the ACT. Included is information on using health services in the ACT (including access to services and availability of interpreters and resources), particular health topics, and staying healthy and safe during cultural festivals. Information is available at:
<https://health.act.gov.au/health-professionals/multicultural-community-profiles>;
 and <https://health.act.gov.au/about-our-health-system/multicultural-health-act>

ACTION bus service—school services (Question No 2039)

Mrs Kikkert asked the Minister for Transport, upon notice, on 2 November 2018:

- (1) In relation to public transport safety for students in the ACT, when school buses are required to make diversions to drop students off at locations other than their normal bus stops, what processes and procedures are in place to ensure the safety of students under such circumstances.
- (2) Are there any processes and procedures in place under such circumstances for young students and other students who may require additional assistance to ensure their safe journey home; if so, what are these processes and procedures; if not, why not, and when will the ACT Government implement a set of guidelines and procedures in the future.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) Operating procedures for all situations regarding school bus services that have been involved in incidents such as bus breakdowns or motor vehicle collisions are as follows:

Bus drivers are required to:

- Notify the Communications Centre (COMCEN) that their school service has broken down/been involved in an incident.
- Confirm that the bus is safe and students can remain on the bus.
- Advise the COMCEN of the approximate number of students on board and the approximate number of primary and secondary student numbers.
- Announce to the students that an alternate bus is on route and will collect them to continue their trip.
- Direct the students not to leave the bus unless they notify the driver (noting drivers do not have the authority to detain students).

If the bus is not safe for students to remain on board the bus the bus driver should:

- Notify the COMCEN immediately.
 - COMCEN will send two teams of Transport Officers to the bus and emergency services if required.
 - One team to specifically assist with student duty of care.
 - The other team will monitor/assist with bus breakdown/emergency issue.
- Advise the COMCEN of the approximate number of students on board and the approximate number of primary and secondary student numbers.
- Announce to the students that an alternate bus is on route and will collect them to continue their trip.
- Direct students to relocate to a safe area under the driver's supervision.
- Direct the students not to leave the area unless they notify the driver (noting drivers do not have the authority to detain students).

Transport Canberra Field Transport Officers (FTO) are required to:

- Once on location FTO's will be responsible for students until they are transferred to a replacement bus or collected by a parent.
- In addition FTO's must:
 - Maintain passenger safety.
 - Identify and confirm student numbers from the bus/buses involved.
 - Collect details of students affected by the incident.
 - Ask students to remain on the bus/or in the area while safe to do so.
 - Release students into the care of an identified parent/carer.
 - Notifying COMCEN when this occurs.
 - Assist and monitor the transfer of students to replacement services/field vans.
 - Notify COMCEN when student transfer is complete.

(2) As school services are treated as a priority the same process is used for all types of students regardless of their ability.

Arts—multicultural theatre (Question No 2040)

Mrs Kikkert asked the Minister for Business and Regulatory Services, upon notice, on 2 November 2018 (*redirected to the Minister for the Arts and Cultural Events*):

- (1) In what ways does the Canberra Theatre support the multicultural community in the ACT.
- (2) What multicultural events and groups has the Canberra Theatre supported and what was the nature of the support provided in (a) 2016-17 and (b) 2017-18.
- (3) What multicultural events and groups will the Canberra Theatre be supporting and what will be the nature of the support provided in (a) 2018-19 and (b) 2019-20.

Mr Ramsay: The answer to the member's question is as follows:

- (1) The Canberra Theatre Centre (the Centre) provides a range of support for the multicultural community in the ACT, including Indigenous communities. This support includes programming theatre shows of particular interest to these communities, participating in community engagement projects, and working with communities to bring multicultural events to Civic Square.

The Centre has been recognised by the Australia Council as one of the top 12 presenters of First Nations performing arts programming in the country.

- (2) (a) In 2016-17 the Centre worked with Events ACT, the Multicultural Society (Community Participation Group), various Indian organisations of Canberra, Indian media and the High Commission of India to initiate, plan and stage the first Confluence Festival of India in 2016. A mini Indian Festival with food stalls and Bollywood dancing was held on the Centre's forecourt during the opening night of Confluence 2016. During the year, the Centre also featured productions from Bangarra Dance Theatre and the Ilbijerri Theatre Company, and provided mentoring to young women from the Gugan Gulwan Aboriginal Corporation through Project O, a community engagement project. Further details are provided on pages 24 and 41-3 of the Cultural Facilities Corporation's 2016-17 Annual Report.
- (2) (b) In 2017-18 the Centre worked with the organisers of local festivals and events, such as the National Multicultural Festival 2018, Diwali and the Moon Cake Festival to bring a variety of multicultural events to Civic Square. During the year, the Centre also worked with Reconciliation Australia, to present the inaugural Reconciliation Day Eve concert, which featured Archie Roach, Tiddas and Briggs amongst others. The national launch event for Reconciliation Week was hosted at the Centre. Further details on these and other multicultural initiatives are provided on pages 26 and 49-50 of the Cultural Facilities Corporation's 2017-18 Annual Report.
- (3) (a) and (b) The Centre will continue to support multicultural events and groups in 2018-19 and 2019-20 and will engage in ongoing collaborations with multicultural communities. The Centre's 2019 Subscription Season includes three shows of particular interest to multicultural communities: Bangarra Dance Theatre's *30th Anniversary Season*; Belvoir Theatre's *Barbara and the Camp Dogs*, an Indigenous rock musical; and Sydney Theatre Company's *How to Rule the World*, a satire by award-winning playwright Nakkiah Liu.

Children and young people—abuse (Question No 2041)

Mrs Kikkert asked the Minister for Children, Youth and Families, upon notice, on 2 November 2018:

- (1) Did the ACT Government, on 21 March 2018, agree to work with “nationally recognised and accredited organisations, such as Bravehearts and Child Wise” to make sure that information packets provided to parents and caregivers relating to recognising and responding to concerns of child abuse contain correct and appropriate information, and also reflect best practice; if so, since March 2018, how has the ACT Government engaged with the (a) Bravehearts and (b) Child Wise to progress work in revising, improving and updating such resources.

- (2) How will the ACT Government engage with Bravehearts and Child Wise in order to continue to revise and update these resources in (a) 2018–19 and (b) 2019–20.
- (3) When can new parents and caregivers expect to receive improved resources that contain up-to-date, correct and appropriate information that reflects best practice.

Ms Stephen-Smith: The answer to the member's question is as follows:

- (1) The ACT Government remains committed to ensuring appropriate resources are widely available to support families, parents, carers and professionals across the community, including education resources and information around child sexual abuse.

As part of this commitment and in line with the Assembly's motion of 21 March 2018, a telephone meeting was held on 14 May 2018 between Minister Stephen-Smith and Ms Hetty Johnston AM, Founder and Chair of Bravehearts Foundation Limited, to discuss this important issue.

On 15 June 2018, the ACT Government released its response to the Royal Commission into Institutional Responses to Child Sexual Abuse. The Commission recommendations provide an opportunity for the ACT Government to enhance its services, programs and resources to keep children and young people safe from abuse and neglect.

- (2) The ACT Government will, through the implementation of the Royal Commission recommendations, work with other jurisdictions and any interested community partners, with expertise in child sexual abuse, to build on existing resources and information available to the ACT community.

The Royal Commission provides clear direction to establishing child safe environments, developing child safe standards underpinned by robust coordination, review and continuous improvement. Specifically, Recommendation 6.2 outlines a number of initiatives that would form part of a national strategy to prevent child sexual abuse. These initiatives include the integration of prevention education for children and parents into existing school curricula and other community institutional settings. Prevention education would aim to increase knowledge of child sexual abuse and its impact, and build practical skills and strategies to help reduce the risks of child sexual abuse.

The response to this recommendation is being considered in the context of all the recommendations agreed to by the ACT Government. The ACT Government is committed to ensuring children's safety and will work with the community to ensure that this expectation is met.

In its own response to the Royal Commission, the Commonwealth Government committed to establishing an Office of Child Safety to provide a response to the implementation of the Child Safe Standards nationally, and to develop and lead the proposed National Framework for Child Safety.

This work will be informed by leading practice in this area across jurisdictions and resources will be considered in development of the ACT approach. This may include resources from Child Wise and Bravehearts, as well as a number of Government and community organisations with expertise in this area.

- (3) The ACT Government provides specific parenting education resources that support parents, carers and professionals recognise and respond to concerns of child abuse. *ParentLink* is a parenting information dissemination program designed to increase confidence and skills in parents and caregivers. Parentlink information is up-to-date, correct and appropriate information that reflects best practice.

ParentLink resources are designed to inform and educate adults, with guides and factsheets providing information relevant for children from birth. *ParentLink* includes over 70 parenting guides and factsheets across a range of topics. In relation to child sexual abuse, *ParentLink* offers the parenting guide *Protecting Children from Sexual Abuse*. This guide includes advice for parents and caregivers about what is child abuse; what parents can do to keep their children safe; identifying possible signs of sexual abuse; and the effects of sexual abuse on a child.

ParentLink parenting guides are available in printed form and online, which enables ongoing review of information to ensure it remains current and reflects best practice. The suite of resources has recently been rebranded and now also includes guides specifically for Aboriginal and Torres Strait Islander families and diverse cultural groups.

Both Bravehearts and Child Wise also provide a range of free resources for parents and carers online and available for download.

Any future changes to ACT Government resources will be made in the context of our response to the Royal Commission recommendations.

Bimberi Youth Justice Centre—foetal alcohol spectrum disorder (Question No 2042)

Mrs Kikkert asked the Minister for Children, Youth and Families, upon notice, on 2 November 2018:

- (1) In relation to improving diagnosis and support for Bimberi detainees in relation to foetal alcohol spectrum disorder (FASD) in the ACT, did the Minister, on 9 May 2018, note that “training on how best to work with and support detainees with FASD should be part of the constellation of staff training on responding to trauma and mental health”; if so, what progress has been made to date in improving (a) diagnosis, management and support in relation to detainees who may or do suffer from FASD and (b) staff training at Bimberi as well as within the Community Services Directorate in relation to detainees and FASD.
- (2) Did the Minister also state that the Blueprint for Youth Justice Taskforce is “specifically looking at some emerging challenges and the need to better support young people with disability and mental health concerns who come into contact with the justice system,” and that on the topic of FASD concerns, that “this will be taken into account”; if so, what progress has been made to date in investigating challenges and recommendations specifically related to FASD, to support young people in Bimberi.
- (3) What plans does the ACT Government have to improve diagnosis, management and support detainees with FASD, and what organisations and stakeholders will be consulted as part of the process in (a) 2018-19 and (b) 2019-20.

Ms Stephen-Smith: The answer to the member's question is as follows:

(1) I can confirm that on 9 May 2018, I noted in the Assembly that training on how best to work with and support detainees with FASD should be part of the constellation of staff training on responding to trauma and mental health.

(a) In relation to diagnosis, the Australian Guide to the Diagnosis of FASD does not include a standardised screening tool for FASD. It only provides the diagnostic instrument of FASD. Internationally there is no validated standardised screening tool for FASD. The diagnosis of FASD cannot be made solely by a General Practitioner or Psychiatrist. The diagnosis and comprehensive assessment for FASD clinically should be made by a paediatrician. In accordance with the Australian Guide, diagnosing FASD is complex, and requires multiple assessments of a range of impacting factors over a long period of time. This can include assessment of the young person's obstetric development records, maternal pre- and post-natal alcohol and substance exposures and known genetic syndromes, and may extend to genetic testing and involvement of the young person's mother for vital clinical information about the pregnancy to inform the assessment. Following those assessments, the outcome of the pre-natal alcohol exposure is determined which then informs the treatment plan for ongoing care.

While Justice Health Services (JHS) does not specifically assess young people at Bimberi for FASD on induction, JHS screens for key behavioural and clinical indications that can be found in FASD. If identified, a referral is made to a Paediatrician for assessment and diagnosis. JHS, in conjunction with Child and Youth Protection Services, develops a plan to provide ongoing care for the young person to manage their symptoms of the identified behavioural and clinical indications of FASD, while the formal diagnostic process is occurring.

Canberra Health Services works with Child and Youth Protection Services concerning the young people in Bimberi to support those who may be impacted socially and behaviourally by FASD, even if a formal diagnosis is not possible. There is no medical intervention for adolescents with FASD. Most young people with FASD also have a diagnosis of a mental illness or disorder. JHS provides care and treatment for all young people in Bimberi with a mental illness and organises follow up in the community when the young person is released.

(b) Community Services Directorate staff are well trained in understanding the needs of young people, addressing and supporting their needs and delivering a trauma informed service. The Bimberi seven-week induction program includes training on responding to trauma and mental health and is delivered by experts from ACT Health and the Australian Childhood Foundation.

The Community Services Directorate will continue to be guided by health and trauma experts; such as JHS, ACT Health and the Australian Childhood Foundation in delivering best practice training to Bimberi and Child and Youth Protection Services staff on how to appropriately support young people with a disability and or mental illness, including FASD.

Once developed, the ACT Disability Justice Strategy will provide further guidance and advice on how best to cater to the needs of any person in contact with the justice system who experiences inequality on the basis of their disability, this encompasses people with FASD.

- (2) I can confirm that on 9 May 2018, I informed the Assembly that the Blueprint for Youth Justice Taskforce (the Taskforce) is considering emerging challenges related to young people with disability and mental health concerns who come into contact with the justice system.

When establishing Terms of Reference for the Taskforce, I identified enhanced support for young people with disability in contact with the youth justice system as a focus area. This was a key theme in the mid-term progress report for the Taskforce, which was tabled in the ACT Legislative Assembly in March 2018. It remains a priority and will be addressed in the Taskforce's Final Report to guide efforts over the next four years under the Blueprint.

Ongoing efforts will seek to promote better identification and service responses for children and young people with disability, including FASD, through consistent and comprehensive screening. I anticipate that further progress will be achieved through actions under the ACT Disability Justice Strategy (the Strategy), which is in development. Early work to develop the Strategy identified screening as an ongoing priority, to support appropriate and timely support responses for people with disability who may interact with the justice system.

In July this year, the Taskforce conducted a workshop to consider two priorities. This included discussion of how best to support young people with disability in the context of the youth justice system. Participants considered options for additional screening at key transition points to enable early intervention support for children and young people with disability, including FASD. Responding to disability from a youth justice perspective is an area of future focus for youth justice. Further work is ongoing to explore options for screening that will assist in creating awareness of functional impact and subsequent reasonable adjustments.

- (3) The Commonwealth Department of Health is currently leading work to develop the National Foetal Alcohol Spectrum Disorder (FASD) Strategic Action Plan 2018-2028. This plan is expected to be released by the end of this year, and the ACT is participating in its development.

The draft ACT Drug Strategy Action Plan includes a priority action to implement appropriate actions at territory level to support the national FASD Strategic Action Plan. Following finalisation of the Action Plan, the relevant organisations and stakeholders will be identified and consulted.

Work to progress appropriate screening and identification tools has also been identified as an early priority of the ACT Disability Justice Strategy. In this context, work looking at screening and identification of disability across the justice system will seek to identify functional impairments and the environmental modifications and support required to lessen or remove the impact of these functional impairments. This approach caters to the needs of any person in contact with the justice system who experiences inequality on the basis of their disability. This encompasses people with FASD.

The Disability Justice Strategy is premised on the social model of disability rather than a medical diagnosis model of disability which sees 'disability' as the result of the interaction between people living with impairments and an environment filled with physical, attitudinal, communication and social barriers. It therefore carries the implication that the physical, attitudinal, communication and social environment must change to enable people living with impairments to participate in society on an equal

basis with others. Adjustments and accommodations made to support people with disability will also meet the needs of people diagnosed with FASD who experience the same functional impact.

The Disability Justice Team has consulted broadly to understand the issues and priorities of the community and key stakeholders. In addition to many people with disability, their families and their supporters, the team have consulted with a range of disability and justice specialists organisations to better understand the systemic complexities in supporting people who experience a range of disabilities. The Disability Justice Team will continue to consult and engage with interested parties and those with whom they have previously consulted as the team return to test with these stakeholders the findings and recommendations.

The range of stakeholders consulted in the development of the Disability Justice Strategy will be made public on release of the consolidated report on developing a Disability Justice Strategy, which complements the list of stakeholders participating in the Youth Justice Taskforce. The Disability Justice Strategy is due to be released in mid 2019.

Roads—safety (Question No 2043)

Mrs Kikkert asked the Minister for Roads, upon notice, on 2 November 2018:

- (1) How many motor accidents have occurred at the intersection of Archdall Street and Ginninderra Drive, Dunlop in (a) 2013-14, (b) 2014-15, (c) 2015-16, (d) 2016-17 and (e) 2017-18.
- (2) How many motor accidents resulting in fatality have occurred at this intersection in (a) 2013-14, (b) 2014-15, (c) 2015-16, (d) 2016-17 and (e) 2017-18.
- (3) Have there been any traffic studies conducted concerning this intersection within the past five years; if so, what are the traffic studies called and when were they completed; if not, when will the ACT Government commission a traffic study for this intersection.

Mr Steel: The answer to the member's question is as follows:

- (1) and (2)

Please see below, the reported crash data on the Archdall Street and Ginninderra Drive intersection in Dunlop.

	Archdall Street/ Ginninderra Drive			
	Fatal Crashes	Injury Crashes	Property Damage Only Crashes	Total number of reported crashes
2013	0	2	3	5
2014	0	0	0	0
2015	0	0	1	1
2016	0	0	6	6
2017	0	2	1	3
2018*			1	1

*(preliminary data)

- (3) There have been no traffic studies concerning this intersection within the past five years. Given a relatively low incidence of reported crashes at this intersection in comparison to other similar locations, there are currently no plans to undertake a traffic study for the Archdall Street and Ginninderra Drive intersection in Dunlop.

**Motor vehicles—registration
(Question No 2044)**

Ms Le Couteur asked the Attorney-General, upon notice, on 2 November 2018
(redirected to the Minister for Business and Regulatory Services):

- (1) How many people are charged with driving unregistered vehicles annually.
- (2) How many fines are not paid by the required date.
- (3) What action is taken against these people.
- (4) What information is collected about reasons for not paying.
- (5) How many do not pay their registration on time because of limited income and what proportion of unpaid fines does this represent.
- (6) What number and proportion of unpaid fines were issued to people who (a) are living on a Centrelink payment and (b) identify as an Aboriginal and Torres Strait Islander.
- (7) For the people who did not pay the fine because of limited income, what further action was taken.
- (8) What arrangements are in place for people who are experiencing hardship to mitigate the effect of fines.

Mr Ramsay: The answer to the member's question is as follows:

- (1) Based on information received from ACT Policing
2017 = 436
2018 = 379 (YTD as at 19 November 2018)
- (2) 2017 = 383
2018 = 180 (YTD as at 9 November)
- (3) A suspension is placed against the person's ACT driver licence, right to drive in the ACT, or vehicle registration until the infringement notice has been paid, included in an infringement notice management plan or withdrawn.
- (4) None.
- (5) This information is not collected.
- (6) (a) 2017 = 75
2018 = 23 (YTD as at 9 November)
(b) This information is not collected.

- (7) No further action is taken once action outlined in (3) above has been taken.
 - (8) People are able to enter an infringement notice management plan. This enables the person to either pay the penalty by instalments or by undertaking a community work or social development program. Payments can be made via centrepay and people on benefits are able to pay a minimum of \$5 per week. People that are in exceptional circumstances are able to apply for waiver of the infringement notice penalty.
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Parking—fines (Question No 2045)

Ms Le Couteur asked the Minister for City Services, upon notice, on 2 November 2018 (*redirected to the Minister for Business and Regulatory Services*):

- (1) How many parking infringement notices are issued annually.
- (2) How many are not paid by the required date.
- (3) What action is taken against these people.
- (4) What information is collected about reasons for not paying.
- (5) How many do not pay because of limited income and what proportion of unpaid fines does this represent.
- (6) What number and proportion of unpaid fines were issued to people who (a) are living on a Centrelink payment and (b) identify as an Aboriginal and Torres Strait Islander.
- (7) For the people who did not pay because of limited income, what further action was taken.
- (8) What arrangements are in place for people who are experiencing hardship to mitigate the effect of fines.

Mr Ramsay: The answer to the member's question is as follows:

- (1) 2017 = 85051
2018 = 89852 (YTD as at 9 November)
- (2) 2017 = 10234
2018 = 6694 (YTD as at 9 November)
- (3) A suspension is placed against the person's ACT driver licence, right to drive in the ACT or vehicle registration until the infringement notice has been paid, the person enters into an infringement notice management plan or the fine is withdrawn.
- (4) and (5) This information is not requested or stored centrally.
- (6) (a) 2017 = 864
2018 = 488 (YTD as at 9 November)

- (b) This information is not collected.
- (7) No further action is taken once action outlined in (3) above has been taken.
- (8) People are able to enter an infringement notice management plan. This enables the person to either pay the penalty by instalments or by undertaking a community work or social development program. Payments can be made via centrepay and people on benefits are able to pay a minimum of \$5 per week. People that are in exceptional circumstances are able to apply for waiver of the infringement notice penalty.

Public housing—renewal program (Question No 2046)

Ms Le Couteur asked the Minister for Housing and Suburban Development, upon notice, on 2 November 2018:

Given that the ACT Housing Strategy outlines a plan to replace 1 000 public housing dwellings, can the Minister advise (a) whether this will include the disposal of larger multi-unit sites; if so, have any sites been identified, and which sites does this include, (b) whether the Government will aim to equalise the amount of public housing across Canberra's suburbs as part of this process and (c) an indicative timeframe is for this renewal process.

Ms Berry: The answer to the member's question is as follows:

- (1)
 - (a) Housing ACT will continue to undertake a strategic assessment of the public housing portfolio to determine what sites and properties are suitable for retention, redevelopment and sale to inform its annual capital program. This assessment will include larger multi-unit sites. Such sites are likely to be included later in the renewal program given the lead times to undertake sufficient planning, due diligence, and tenant and community engagement. The intention is to produce an annual capital program which will identify when such projects are likely to come online.
 - (b) The growth and renewal program will focus on renewing properties across all areas of Canberra, including providing properties in new suburbs. This work will help ensure our portfolio better matches current and future needs. As with the Public Housing Renewal Program, the government will work to achieve a spread of public housing across Canberra suburbs.
 - (c) The growth and renewal program is a five year plan, which will commence in July 2019 following the completion of the current Public Housing Renewal Program.

Canberra Hospital—plumbing issues (Question No 2047)

Mrs Dunne asked the Minister for Health and Wellbeing, upon notice, on 2 November 2018:

- (1) Have copper overflow pipes been removed from any water header tanks, other water heater tanks, or other plumbing services at The Canberra Hospital (TCH) at any time since 1 January 2015; if so, (a) why, (b) how were they disposed of, (c) what material was used to replace them and (d) if the replacement material was other than copper (i) why was replacement material used and (ii) in what ways is it an improvement.
- (2) Have brass taps been removed from any fire hydrants at TCH at any time since 1 January 2015; if so, (a) why, (b) how were they disposed of, (c) what material was used to replace them and (d) if the replacement material was other than brass, (i) why was the replacement material used and (ii) in what ways is it an improvement.
- (3) Have there been any instances of legionella bacteria found in any HVAC or plumbing services at TCH since 1 January 2015; if so, (a) in (i) 2015, (ii) 2016, (iii) 2017 and (iv) 2018 (to the date on which this question was published in the Questions on Notice Paper) how many instances were identified, (b) what causes were identified, (c) why were maintenance procedures inadequate to prevent their occurrence, (d) what action was taken to ensure patients, staff and visitors were not infected, (e) what action was taken to restore the quality of air and water services, (f) what action was taken to test for the presence of the bacteria after restoration of air and water quality and (g) what changes have been made to maintenance procedures to prevent repeat occurrences.

Ms Fitzharris: The answer to the member's question is as follows:

- (1) No.
- (2) No.
- (3) Yes.
 - (a)
 - i. Two.
 - ii. None.
 - iii. Two.
 - iv. One.
 - (b) Warmer temperatures present higher risk periods for legionella growth in cooling towers. Legionella bacteria is commonly found in water. The bacteria are dormant below 20°C and do not survive above 60°C.
 - (c) The maintenance, sampling and testing procedures within all water systems (including cooling towers) within Canberra Health Services portfolio are managed as per best practice in accordance with required Australian Standards. All systems are currently without maintenance issues.
 - (d) Water Quality is actively managed by the Facilities Management team with collaborative support from Infection Prevention teams and clinical representation. Clinical assessments are conducted on each and every positive legionella result, ensuring patient and staff safety is prioritised.
 - (e) Facilities Management has an active annual schedule of sampling and testing water distribution systems for the Canberra Hospital campus. All buildings are sampled and tested at least twice a year. The testing and monitoring schedule forms part of the Water Management Plan managed by Facilities Management.
 - (f) All identified positive results are immediately addressed and retested until negative testing results are produced.

- (g) Canberra Health Services has a comprehensive Water Management Plan that observes industry best practice. As part of continuous improvement activities CHS have recently installed a decontamination plant that has the ability to quickly and effectively manage any identified legionella activity.
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**Light rail—business impacts
(Question No 2032)**

Mr Milligan asked the Minister for Transport, upon notice, on 2 November 2018:

- (1) In relation to the response to the Assembly resolution of 6 June 2018 entitled *Business Impact Assessment of ACT Government-led construction activities in Gungahlin*, dated September 2018 and the methodology used to collate this report, can the Minister explain the rationale behind including Australian Bureau of Statistics retail trend data from 2009 to 2017 when this data is not restricted to the Town Centre but instead takes into account the entire Local Government Area.
- (2) Can the Minister explain why and when businesses were provided the opportunity to give feedback during a face-to-face interview, but this input was not included in the statistical analysis.
- (3) Further to part (2), can the Minister clarify why the report focused only on 31 online survey responses in the analysis presented, when the document states that 151 successful contacts were made.
- (4) Can the Minister explain what a successful contact means.
- (5) Where and how were the details of these successful contacts documented and why did the feedback from these contacts not make it into the report.
- (6) Can the Minister explain how the feedback from the 16 formal interviews and 100 face-to-face feedback contacts were collated and utilised to inform the report.
- (7) Why was the input from interviews and face-to-face contact not included in the report, even as an appendix.
- (8) Does the Minister think the feedback gathered was sufficient given there were 210 trading entities, of which a total of 31 (14.75 percent) online surveys were completed.
- (9) Of the respondents listed, how many of these were located directly on or adjacent to the construction zones in the Gungahlin Town Centre.
- (10) Given the report discusses the initial working group meeting for the Gungahlin Community Festival held on 15 August 2018, how were businesses notified and invited to participate in this meeting and how many businesses actually attended.
- (11) Were community groups and other local stakeholders also invited to help plan this event; if so, what criteria was applied to determine which groups were involved and how were they engaged to participate.

- (12) How many subsequent fortnightly meetings with local businesses and community groups were scheduled to plan this event, how were stakeholders notified and invited to participate and how many attended each meeting from both the local businesses involved and any local community groups.
- (13) Given that within the list of private sector developments which the report states contributed to accessibility concerns for the Gungahlin Town Centre is Bunnings, how can this development be seen as linked when it was completed in late 2015 and opened on 16 December 2015 – well before the Light Rail project or other major Government construction projects in the Gungahlin area.
- (14) Will any lessons be drawn from the fact the NSW Government’s Parramatta Light Rail Business Impact Assessment from August 2017 listed in the report as a case study, is a lengthy and detailed document consisting of 246 pages specifically focused on business.
- (15) Given that the Canberra Metro and ACT Government Environment Impact Statement for Light Rail Stage 1 which is just 73 pages, mentions businesses just 30 times and rates the risk to local businesses as residual and therefore not warranting specific measures, does the Minister maintain that this type of analysis and planning is sufficient to protect local business.
- (16) Can the Minister explain why the first three paragraphs of the Business survey findings section contain no data or evidence and instead relied on language such as “the findings suggested”, “as might be expected”, “common sentiment amongst respondents” and “anecdotal feedback”.
- (17) Given that the phrase “perceived” has been used 28 times when referencing the impact reported by businesses; why has this term been ascribed to the feedback provided by businesses.
- (18) What is the Minister’s response to the fact that 68 percent of businesses rated the overall support offer as “Not useful at all”.
- (19) What is the Minister’s response to the fact there has been a 22 percent decrease in businesses with more than 20 employees since construction of light rail commenced.
- (20) What is the Minister’s response to the slowed business growth since light rail construction commenced, going from 32 percent in the five years leading up to 2017, specifically 3.9 percent in 2015 and 8.5 percent in 2016, to now just 1 percent.
- (21) Why was there no analysis of retail vacancy rates, commercial rents or rates as part of this assessment.
- (22) What is the Minister’s response to the lower entry rate and higher exit rate since light rail construction commenced.
- (23) Given the lessons learnt section states that a more comprehensive lessons learnt process in partnership with other stakeholders is scheduled to be performed following the construction of Light Rail Stage 1, does this mean this assessment was not comprehensive.

- (24) What aspects were lacking that will be incorporated into a future review and when will this review take place.
- (25) Why was there no effort to distribute or communicate the final *Business Impact Assessment of ACT Government-led construction activities in Gungahlin* report to businesses that participated, businesses invited to participate and broader stakeholders
- (26) Will businesses be offered a formal opportunity to comment on the *Business Impact Assessment of ACT Government-led construction activities in Gungahlin* report.
- (27) How will the lessons learnt from this report be tracked for implementation and effectiveness across future Government infrastructure projects.

Ms Fitzharris: The answer to the member's question is as follows:

1. For the purpose of the retail trend data analysis Gungahlin was defined as the Australian Bureau of Statistics (ABS) Statistical Areas Level 2 (SA2) area that surrounds the Gungahlin Town Centre known as the suburb of Gungahlin. The ABS notes the data published at the SA2 level has been confidentialised so as not to reveal the identity of any business units.
2. The online survey provided a quantitative data source. Comment and feedback garnered outside of the survey was qualitative in nature and was used to inform the analysis and interpretation of the survey results.

Information obtained from face to face interviews is not conducive to statistical analysis.
3. The survey process involved 210 businesses being contacted either by email, telephone or in person. 151 of the contacts were successful and feedback was received from 100. 16 of these was via formal interviews.

All information garnered via either the survey, phone or face-to-face sessions provided qualitative feedback which informed the analysis and interpretation of the survey results.
4. A successful contact includes where contact was attempted and made with a business, by either phone, online survey or face-to-face.
5. The details of successful contacts were documented by field staff and feedback was used as qualitative data to inform the analysis of the survey and general report findings.
6. The face-to-face feedback sessions provided an opportunity to elaborate on the survey as well as discuss other matters to inform the analysis. While providing an opportunity to respond to the survey, the face-to-face sessions also offered qualitative feedback which informed the analysis and interpretation of the survey results.
7. The primary purpose of the assessment was to garner opinions from business operators, which would then enable Government to better understand the impact of delivering large projects and assist in better planning in the future around projects of a similar nature.

The provision of qualitative feedback formed an important data source in the analysis of the findings.

Businesses were encouraged to undertake the online survey, in full confidence with the assurance that any personal information will be held securely. Participants could also choose to remain anonymous in the final report but were asked for identification details to maintain the integrity of the survey field.

Given that information was provided with assurances around confidentiality the Territory did not include individual responses in the report.

Quantitative information relating to the survey garnered from on-premise interviews was included in the report findings while qualitative feedback informed the interpretation and analysis of these findings.

8. The CBC has indicated in its survey report that the survey completion rate 14.7% which exceeds industry norms, which, its states, is 10% for external surveys of this nature.
9. The survey area is inclusive of the site bounded by Hinder St, Efkarpidis St, Gozzard St and Ernest Kavanagh St.
10. Over 200 businesses in the Gungahlin Town Centre precinct were notified of the first working group meeting on 15 August 2018 by letter drop. The letter drop was received by businesses in the area outlined on the map below.

15 people from local businesses or local community groups attended the first working group meeting on 15 August 2018.

(Image available at the Chamber Support Office).

11. Community groups were also invited to get involved in the event. This included MyGungahlin, the Gungahlin Community Council, Communities@Work and local sporting and community groups.
12. Following the first meeting there were an additional two working group meetings held on 5 and 19 September 2018.

Another letter drop was undertaken providing local businesses with the dates of both these working group sessions. This letter drop covered the same area as the first letter drop (please see the map above).

A walk around to local food traders was also undertaken on 21 August 2018. Contact details for 25 businesses were collected during this walk around.

Ahead of the second working group meeting, a notice was sent to an email distribution list for the working group. This included the local food traders who provided their email address during the walk around on 21 August as well as the people who attended the first working group meeting and provided their email address on the sign-in sheet.

Around 15 people from local businesses or local community groups attended the second working group meeting on 5 September 2018.

Ahead of the third working group meeting, another email was sent to the working group distribution list which included the email addresses collected at the second working group meeting.

Around 10 people from local businesses or local community groups attended the third working group meeting on 19 September 2018.

Businesses were also encouraged to be involved outside of the working group meetings.

In September 2018, The Marketplace Gungahlin sent a memo to their traders to seek interest in being involved in the event and passed on the Event Manager's details.

On 25 September 2018, the Event Manager visited traders in the Gungahlin Town Centre to seek their interest in being involved in the event. This was done through a conversation with a manager or representative from each store and the provision of information about the event and necessary contact details.

On 3 October 2018, a drop-in session was held at the Gungahlin Library and on 6 October 2018, the Event Manager again visited all traders in the Gungahlin Town Centre to deliver promotional packs of posters, flyers and programs for the event.

13. The report uses the development of Bunnings and other developments in the Gungahlin town centre vicinity to demonstrate the breadth and length of construction activity in this area over recent years. These projects have seen access to and within the Gungahlin Town Centre impacted in various forms over this period. This particular example was not to attribute these impacts away from more recent works but rather to demonstrate the continued growth and investment in the town centre.
 14. Yes, both this report and future lessons learned activities will draw on a range of sources including primary data sources, literature reviews and case studies such as those explored in the Parramatta Light Rail Business Impact Assessment.
 15. The Environmental Impact Statement for Light Rail Stage 1 is available online at <https://www.transport.act.gov.au/about-us/public-transport-options/light-rail/project-history/eis>.
- This document runs to 444 pages, plus Appendices A-H.
16. This section of the report provides descriptive analysis of the survey responses and qualitative data.
 17. The survey asked respondents to indicate impact they felt in accordance with a scale of 'no change', 'slight deterioration', 'significant deterioration', 'slight improvement' and 'significant improvement'. As the responses are provided on a scale of 'felt' impact, the resultant impacts are considered to be a perception of the respondent.
 18. This will inform the lessons learnt through this process.
 19. The number of businesses with over 20 employees decreased from 18 in 2016 to 14 in 2017. With the exception of Home Hardware the identity and reason for departure of these businesses is unknown and may be suggestive of the definitions in the collection of ABS data.

20. The business growth trends in Gungahlin echo those across the whole of the ACT albeit with higher peaks in growth at 2014 and 2016. The growth rate of 1% from 2016 – 2017 remains above the ACT's rate of 0.1%.
 21. Analysis of business entry and exit data was used to inform changes in business growth over the period. This dataset was used as it provides a replicable and consistent data set to assess trends over time and to compare these trends with other locations.
 22. Figure 11 of the report is illustrative of an establishing market rather than established market. Establishing markets can be prone to higher entry and exits as they mature due to their changeable and dynamic nature. Business by industry data suggests exits primarily occurred in the Administrative support services, Real Estate, Transport Postal and Warehousing and wholesale trade.
 23. No.
 24. Aspects of a future review are to be determined.
 25. The Minister reported back on this issue to the Legislative Assembly on 20 September 2018.
 26. The ACT Government funds the Light Rail Business Link program to support businesses. We always welcome feedback from local businesses about this report, and any other issue, at any time.
 27. Findings from the Gungahlin report will be considered during the delivery of future ACT Government projects, noting each project must address site and local issues.
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Questions without notice taken on notice

ACT Health—workplace culture

Ms Fitzharris (*in reply to a question and a supplementary question by Mr Parton on Tuesday, 18 September 2018*):

1. There are two specific reports, both of which are publically available on the ACT health website:
 - a. The ACT health Review of Clinical Training Culture undertaken by KPMG in 2018.
 - b. The Review of Service Delivery and Clinical Outcomes at the Public Maternity Units in the Australian Capital Territory in 2010. One of the 31 recommendations was related to behavioural issues.
2.
 - a. Of seven recommendations, four have been fully implemented and three recommendations partially implemented.

- b. One recommendation related to health culture was implemented.

Mental health—bullying

Mr Rattenbury (*in reply to a supplementary question by Mr Wall on Thursday, 20 September 2018*):

In ACT Mental Health Services, Calvary Public Hospital Bruce have reported:

- Oct 2016 to June 2017 – 0 cases
- Full year 2017-18 – 1 case
- YTD 2018-19 – 1 case

In ACT Mental Health Services, ACT Health Directorate and Canberra Health Services have reported:

- Oct 2016 to June 2017 – 0 cases
- Full year 2017-18 – 1 case
- YTD 2018-19 – 0 cases

Please note: Cases are those that are referred for investigation after a preliminary assessment.

ACTION bus service—school services

Ms Fitzharris (*in reply to a question and a supplementary question by Miss C Burch on Tuesday, 23 October 2018*):

Operating procedures for all situations regarding school bus services that have been involved in incidents such as bus breakdowns or motor vehicle collisions are as follows:

Bus drivers are required to:

- Notify the Communications Centre (COMCEN) that their school service has broken down/been involved in an incident.
- Confirm that the bus is safe and students can remain on the bus.
- Advise COMCEN of the approximate number of students on board and approximate primary and secondary student numbers.
- Announce to the students that an alternate bus is on route and will collect them to continue their trip.
- Direct the students not to leave the bus unless they notify the driver.

If the bus is not safe for students to remain on board the bus the bus driver should:

- Notify COMCEN immediately.
 - COMCEN will send two teams of Transport Officers to the bus and emergency services if required.
 - One team to specifically assist with student duty of care.
 - The other team will monitor/assist with bus breakdown/emergency issue.

- Advise COMCEN of the approximate number of students on board and approximate primary and secondary student numbers.
- Announce to the students that an alternate bus is on route and will collect them to continue their trip.
- Direct students to relocate to a safe area under the driver's supervision.
- Direct the students not to leave the area unless they notify the driver.

Field Transport Officers (FTO) are required to:

- Once on location FTO's will be responsible for students until they are transferred to a replacement bus or collected by a parent.
- In addition FTO's must:
 - Maintain passenger safety.
 - Identify and confirm student numbers from the bus/buses involved.
 - Collect details of students affected by the incident.
 - Ask students to remain on the bus/or in the area while safe to do so.
 - Release students into the care of an identified parent/carer.
 - Notifying COMCEN when this occurs.
 - Assist and monitor the transfer of students to replacement services/field vans.
 - Notify COMCEN when student transfer is complete.

Canberra Hospital—emergency waiting times

Ms Fitzharris (*in reply to a supplementary question by Miss C Burch on Wednesday, 24 October 2018*):

The attached briefs and reports about emergency department waiting times were provided from the Health Directorate during July and August 2017.

Canberra Hospital—emergency waiting times

Ms Fitzharris (*in reply to a supplementary question by Mrs Dunne on Wednesday, 24 October 2018*):

1. Nursing staff are not rostered to the Emergency Department corridor.
2. See response to Question 1.

Canberra Hospital—radiology department

Ms Fitzharris (*in reply to question and a supplementary question by Miss C Burch on Thursday, 25 October 2018*):

1. I was briefed by ACT Health on 15 May 2018 that the College was downgrading the accreditation of the training program in the Radiology Department at Canberra Hospital, one day after the College released its preliminary report to the hospital. I continue to be kept informed of the hospital's progress on this matter.
2. Refer to the answer to Question 1.

Health—breast screening

Ms Fitzharris (*in reply to supplementary questions by Ms Lee and Mrs Dunne on Thursday, 25 October 2018*):

1. Nil.
2. Yes. BreastScreen ACT outsources image reading to Applied Imaging, a Sydney based company, as there are insufficient radiologists with breast imaging skills in the ACT to meet the demand. Images have been sent to Sydney on a weekly basis for 15 years. During 2017, 15,453 image reads were completed by Applied Imaging. The remaining 35,930 were completed BreastScreen ACT. The contract with Applied Imaging has expired and BreastScreen ACT is currently negotiating contracts with an ACT based reading company.

ACT Health—SPIRE project

Ms Fitzharris (*in reply to a question and a supplementary question by Mr Coe on Tuesday, 30 October 2018*):

On 1 November 2018 I provided the Assembly with a verbal update on SPIRE and tabled the statement at the conclusion of the update.

Canberra Hospital—plumbing issues

Ms Fitzharris (*in reply to a question and a supplementary question by Mr Milligan and Mrs Dunne on Tuesday, 30 October 2018*):

1. There has been one occasion in 2018 whereby a patient in the Neurology Ward (Building 1, Level 7) was required to use an alternative room for showering as a result of temporary low water temperature in the patient's assigned room.
2. The cause of the short term low water temperature was linked to planned hydraulic works in Building 1, Level 6 that necessitated system rebalancing works after completion of upgrade works. System rebalancing is a necessary part of hydraulic upgrades works and the project team undertake extensive planning and consultation with impacted areas to avoid unplanned disruptions to clinical operations. There was no cost to rectify the short term shower water low temperature.

ACT Health—joint replacements

Ms Fitzharris (*in reply to a supplementary question by Mrs Dunne on Tuesday, 30 October 2018*):

None. The treating specialist makes the decision on what prosthetic would best suit the patient's clinical needs.

Where a clinician identifies a need for a prosthetic that is outside of the standard items available and carries an additional cost, this can be provided with executive level approval. Providing the optimal outcome to the patient is the primary consideration.

ACT Health—elective surgery

Ms Fitzharris (*in reply to a supplementary question by Ms Lawder on Tuesday, 30 October 2018*):

The ACT Health Directorate is working with Canberra Health Services and Calvary Public Hospital Bruce in relation to improving timeliness for elective surgery in the ACT.

Centenary Hospital for Women and Children—plumbing issues

Ms Fitzharris (*in reply to supplementary questions by Mrs Jones and Mrs Dunne on Tuesday, 30 October 2018*):

1. On 3 August 2018, three patients were moved as a result of a leak in the medical paediatric ward.
2. Investigations are still ongoing and have yet to determine if this issue is covered by building insurance or warranty.

Taxation—commercial property rates

Mr Barr (*in reply to a question by Mr Coe on Wednesday, 31 October 2018*):

In 2016 a number of properties along Melrose Drive and Parramatta Street Phillip had been purchased for between \$4 million and \$9 million. Some of the purchases were made by car dealers seeking strategic acquisitions or to consolidate their property holdings in Phillip.

These sales indicated that property values in Phillip had increased significantly and that existing unimproved values were well below the market. The sales established a benchmark for unimproved values of around \$700 to \$1200 per square metre. Consequently, unimproved values for rating purposes were increased from 1 January 2017 to reflect these new benchmarks.

The revised unimproved values maintain the integrity of the rating system by ensuring that the property valuations for Phillip are comparable with other commercial areas of the Territory. They also maintain the equity and progressivity of the Territory's ACT rates system by ensuring that increases in property wealth are appropriately recognised and taxed accordingly.

Ginninderry—environmental impact statement

Mr Gentleman (*in reply to a supplementary question by Ms Lee on Wednesday, 31 October 2018*):

The Environment, Planning and Sustainable Development Directorate has no record of any Ministerial approach during the assessment of this application or the making of a decision for the EIS Exemption.

As required under the *Planning and Development Act 2007*, the planning and land authority consulted with a number of entities who provided expert advice on the application. The advice and all conditions were incorporated into the Assessment Report. Future development applications (DAs) will need to respond to these conditions through the DA process.

Canberra Hospital—pharmacy service

Ms Fitzharris (*in reply to a supplementary question by Mr Hanson on Thursday, 1 November 2018*):

There is no evidence that the turnover in staff in the Canberra Hospital Pharmacy Department has affected the levels of risk, delayed script fulfilment or resulted in mistakes in fulfilling scripts for patients.

Light rail—drivers

Ms Fitzharris (*in reply to a question and a supplementary question by Miss C Burch on Thursday, 1 November 2018*):

Canberra Metro advise that 35 drivers will initially be employed with 32 having commenced employment. Drivers have commenced progressively to start training since February 2018. Conditions of employment are that wage payments are from commencement of employment.

Centenary Hospital for Women and Children—maintenance

Ms Fitzharris (*in reply to a question by Mrs Jones on Tuesday, 27 November 2018*):

Remediation works began in October 2017 and are expected to be complete in 2018. Five (5) ensuites have been completed so far with works ongoing in remaining ensuites.

ACT Health—catering expenditure

Ms Fitzharris (*in reply to a question and a supplementary question by Miss C Burch on Tuesday, 27 November 2018*):

- (1) The event was an all-day event, attended by staff from ACT Health and Canberra Health Services (CHS). Bringing together the leadership teams was an investment to ensure managers were equipped with the tools and the information needed to successfully lead staff through the transition. It was also a key professional development opportunity focussed on positive workplace culture.

The catering expenditure was part of the all-day conference package, not just for lunch. The conference package rate compares favourably with other conference venues in Canberra.

Expenditure for the event was approved by the then Acting Executive Director, People and Culture.

- (2) It is not possible to provide an accurate comparison as requested. CHS served 1.3 million meals to patients in the 2017-18 financial year.

Health—abortion

Ms Fitzharris (*in reply to a question by Ms Le Couteur on Tuesday, 27 November 2018*):

- (1) No. The latest commencement date of the legislation is 20 September 2019.
- (2) This date allows time for:
- education and awareness-raising amongst GP practices; and
 - time to work with community pharmacies about the dispensing arrangements under this new legislation.

Government—procurement policies

Mr Barr (*in reply to a question by Mr Wall on Wednesday, 28 November 2018*):

- In October 2017, when the overspend on Floriade 2017 was first detected, a preliminary assessment of contracts identified some deficiencies with procurement processes by Events ACT. At that point, the event had been delivered and expenditure was already committed.
- These deficiencies were brought to the attention of the Chief Minister via a brief (CMTEDD2018/160) dated 12 January 2018.
- The following information has been provided for *Question on Notice No. 6 Inquiry info referred 2017-18 Annual and Financial Reports, CMTEDD2018/6657*:
 - Since the end of 2017, staff within Events ACT have undertaken training in contract management, government procurement, risk management and project management. Financial delegations were circulated to managers and senior managers within Events ACT on 31 October 2017 and annual training on delegations for all staff has been scheduled for November each year.
 - The table below provides details in relation to a) who facilitated the training; b) how many employees received training; c) what the cost per employee was; and d) when the training commenced.

Training course	Facilitator	Cost (per person)	No. of employees	Date of training
Contract management	Learning Options	\$325	12	28 November 2017
Introduction to Government Procurement	Procurement ACT	Free	12	5 December 2017 19 December 2017 4 June 2018 5 June 2018
Introduction to Risk Management	ACT Insurance Agency	Free	12	29 November 2017
Project Management	Learning Options	\$395	12	13-14 December 2017

Roads—traffic management

Mr Barr (*in reply to a question and a supplementary question by Miss C Burch on Wednesday, 28 November 2018*):

As explained above, the event management for the Anthems event sat with a private event management company.

Please see 'Attachment A' for a copy of the approved Temporary Traffic Management Plan for the Anthems event.

(A copy of the attachment is available at the Chamber Support Office).