



# Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

**NINTH ASSEMBLY**

**21 FEBRUARY 2019**

[www.hansard.act.gov.au](http://www.hansard.act.gov.au)

## Thursday, 21 February 2019

The Hon Jeffrey Miles AO (Motion of condolence) .....	551
Reflection on the chair (Statement by Speaker) .....	556
Administration and Procedure—Standing Committee .....	556
Royal Commission into Institutional Responses to Child Sexual Abuse recommendations—progress report (Ministerial statement) .....	557
Royal Commission Criminal Justice Legislation Amendment Bill 2019 .....	560
Estimates 2019-2020—Select Committee .....	563
Administration and Procedure—Standing Committee .....	564
Planning and Urban Renewal—Standing Committee.....	565
Fuel Pricing—Select Committee .....	569
Environment and Transport and City Services—Standing Committee .....	569
Executive business—precedence .....	570
Residential Tenancies Amendment Bill 2018 (No 2).....	570
Questions without notice:	
Schools—violence .....	586
Schools—safe and supportive schools program .....	586
Planning—housing choices .....	587
Schools—safe and supportive schools program .....	588
Roads—upgrades .....	588
Schools—violence .....	590
Schools—violence .....	590
Environment—threatened species .....	592
Schools—violence .....	593
Schools—violence .....	593
City Renewal Authority—city centre improvements .....	594
ACT Health—SPIRE project.....	596
Sport—basketball .....	598
Papers .....	600
Capital works program—progress report.....	600
Justice and Community Safety—Standing Committee.....	601
Age friendly Canberra—a vision for our city .....	604
School chaplains (Matter of public importance).....	606
Administration and Procedure—Standing Committee .....	611
Residential Tenancies Amendment Bill 2018 (No 2) .....	614
Leave of absence .....	624
Estimates 2019-2020—Select Committee .....	624
Adjournment:	
Theodore community.....	624
National Multicultural Festival.....	625
Appendix A .....	628
Schedules of amendments:	
Schedule 1: Residential Tenancies Amendment Bill 2018 (No 2).....	630
Schedule 2: Residential Tenancies Amendment Bill 2018 (No 2).....	637
Answers to questions:	
Hospitals—pharmacy dispensing arrangements (Question No 2083).....	639
Municipal services—playgrounds (Question No 2084) .....	639
ACT Ambulance Service—crews (Question No 2085) .....	642

Multicultural affairs—grants (Question No 2086) .....	643
Multicultural affairs—multicultural advisory council (Question No 2087)...	646
Multicultural affairs—policy framework (Question No 2088) .....	647
Multicultural affairs—services (Question No 2089) .....	647
Multicultural affairs—summit (Question No 2090) .....	651
Multicultural affairs—policy framework (Question No 2091) .....	653
Multicultural affairs—communications (Question No 2092) .....	653
Multicultural affairs—community participation (Question No 2093) .....	655
Multicultural affairs—English language training (Question No 2094).....	658
Multicultural affairs—government employment (Question No 2095).....	661
Multicultural affairs—translation service (Question No 2096).....	662
Schools—ovals (Question No 2097) .....	663
Schools—funding (Question No 2098) .....	663
Schools—Harmony Day (Question No 2099).....	664
Schools—language teaching (Question No 2100).....	664
Justice—restorative (Question No 2101) .....	665
ACT Policing—community engagement (Question No 2102) .....	667
Schools—language teaching (Question No 2103).....	668
Schools—language teaching (Question No 2104).....	669
Schools—student congress (Question No 2105) .....	669
Community Services Directorate—community schools (Question No 2106) .....	670
Men’s shed program—mental health (Question No 2107).....	671
Children and young people—care and protection (Question No 2108) .....	672
Roads—pedestrian crossings (Question No 2109) .....	674
Canberra—population projection (Question No 2110) .....	675
Environment—land management (Question No 2111) .....	675
Schools—Teach for Australia partnership (Question No 2112) .....	677
Arts—event fund (Question No 2113) .....	678

**Thursday, 21 February 2019**

**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.

**The Hon Jeffrey Miles AO**  
**Motion of condolence**

**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) (10.01): I move:

That this Assembly expresses its deep regret at the passing of the Honourable Jeffrey Miles AO, who served as Chief Justice of the ACT Supreme Court from 1985 until 2002 and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

I am sure I speak on behalf of all my colleagues in the Assembly in expressing our deep regret at the passing of the Hon Jeffrey Miles AO, who served as our Chief Justice from 1985 until 2002.

Justice Miles was admitted as a solicitor of the New South Wales Supreme Court in 1958 and to the New South Wales and Northern Territory bars in 1965. His Honour practised as a barrister until his appointment to the judiciary in 1980, including working as a New South Wales public defender from 1978.

During his career at the bar, His Honour defended conscientious objectors, anti-conscription demonstrators, and demonstrators who opposed the Vietnam War. He was also closely associated with the Council for Civil Liberties, and this work is testament to Justice Miles's resolve and commitment to upholding his sense of moral obligations.

In 1985 Justice Miles was appointed to the ACT Supreme Court, where he served as Chief Justice until his retirement in 2002. During this time, His Honour presided over numerous notable civil and criminal matters, including leading an inquiry into the fitness of David Eastman to be tried. Justice Miles also played a leading role in ensuring that the constitutional arrangements for the Australian Capital Territory during the period of transition to self-government included the securing of judicial independence.

After his retirement in 2002, Justice Miles continued serving the legal profession as an acting judge for the New South Wales and ACT supreme courts and on the Law Council of Australia's human rights observer panel.

His contribution to the Australian and ACT judicial systems and community was significant. This contribution was reflected when His Honour was made an Officer in

the General Division of the Order of Australia in 1994, when he received the Centenary Medal in 2003, and when his name was added to the ACT Honour Walk here in Civic in 2016.

This morning, Madam Speaker, on behalf of the ACT government, I would like to extend our deepest condolences to Justice Miles's wife, Patricia; children, Anna and James; grandchildren, Finlay, Oliana and Jackson; and other family members and friends.

**MR COE** (Yerrabi—Leader of the Opposition) (10.04): Madam Speaker, I too rise today to express condolences on behalf of the opposition at the passing of former ACT Supreme Court Chief Justice the Hon Jeffrey Miles AO.

Chief Justice Miles was born in Newcastle in 1935, attending Newcastle Boys High School. The *Newcastle Sun* of 7 November 1951 reported that a young Jeff Miles spoke at a father and son dinner upon graduation. I imagine with a fair degree of hilarity, he is reported as saying that the departing fifth-year students were not as cooperative as they might have been and examinations were not their highest priority.

Whilst enrolled at the University of Sydney, Justice Miles was a model student, graduating with a Bachelor of Arts and a Bachelor of Laws before undertaking further study and completing a Master of Laws in 1973.

Justice Miles's legal career began in Sydney, where he was admitted as a solicitor of the Supreme Court of New South Wales in 1958. After practising as a solicitor for some time in London, Justice Miles returned to Australia and was admitted to the bar in both New South Wales and the Northern Territory in 1965.

Notably, Justice Miles was appointed as the solicitor for the Beatles during their Beatlemania tour in 1966. Whilst his services were not used throughout the tour's duration, he did meet the world-famous group.

Justice Miles continued to practise as a barrister until 1980, when he was appointed a judge of the National Court of Papua New Guinea. He served in this role for two years, before moving back to Sydney after his appointment as a justice of the Supreme Court of New South Wales.

In 1985 Justice Miles was appointed Chief Justice of the Australian Capital Territory by then Attorney-General and Deputy Prime Minister Lionel Bowen, and was concurrently appointed to the Federal Court of Australia, roles he held for 17 years until his retirement in 2002.

Chief Justice Miles presided over some of the biggest, most complicated and most controversial legal cases that have ever come before the Supreme Court. One of his most notable roles came when he presided over the inquiry into whether David Eastman was fit to stand trial for murder. Another notable case, particularly for our side of politics, was *Champion v Canberra World Cup Show Jumping and Carnell*, in which Justice Miles awarded \$85,000 for injury to the horse that was being ridden

backwards by former Chief Minister Kate Carnell for a photo opportunity. Luckily, we are yet to see Mr Barr attempt such a stunt.

His colleague Justice Higgins described him as having a reputation for upholding civil liberties whilst also being a diligent and conscientious upholder of the law and legal process. Also described as a student of the law, Justice Miles was known to be fair, balanced and courteous in all he did. He was renowned for his loyalty to his fellow justices and for his love for Canberra and the community. Even after retirement, Justice Miles continued to be a servant of the community as an acting judge, as well as in a number of other roles.

His time as Chief Justice included the transfer to self-government and the associated complexities. In his retirement speech in September 2002 he said:

There is inevitably tension between the judicial branch and the other branches of government, no less in a small community such as the ACT than in larger communities ... Canberrans are first and foremost Australians. I came to office in that frame of mind and thus I leave it.

As a measure of the man, in his humble retirement speech he thanked many, including the janitor of the court, by name—gardeners, personal staff, and many others. He was respected by all. In fact, respect and admiration went even further than you might think, with a person he sent to prison sending him Christmas cards during his term and after his release.

On a topical note, he said in 2002:

I came to Canberra in 1985 with the understanding that plans for a new building to house the Supreme Court, put on hold in 1981, would be revived. The Attorney-General at the time, Mr Bowen, gave me substantial hope in that regard ... If I have one word of advice to urge upon my successor it is to get something, some firm undertaking from the Government in writing, in concrete if possible, made known to the world, that this Court will be provided with the premises and facilities that are necessary for the proper discharge of its role in the public interest.

I hope the new building honours him and all the others who have served in the court.

Chief Justice Miles's commitment to Canberra, including authoring *A History of the Supreme Court of the Australian Capital* in 2009, has been extensive. He received a number of honours for his work as a legal practitioner and as a Supreme Court judge. In 1994 he was made an Officer of the Order of Australia, as well as receiving a Centenary Medal in 2003. In 2016 he was honoured with a place on the ACT Honour Walk in Civic.

Of course, being a justice of the Supreme Court is not a simple task, particularly in the role of Chief Justice, and quite often this Assembly does not make it any easier. I would like to again acknowledge the immense contribution to the territory, as well as to the country, that His Honour Chief Justice Miles made throughout his

distinguished career. On behalf of the opposition, I give my condolences to his wife, his children and his grandchildren.

**MR RATTENBURY** (Kurrajong) (10.10): On behalf of the ACT Greens, I join my Assembly colleagues in expressing my condolences at the death of former Chief Justice of the Supreme Court Jeffrey Miles AO. Justice Miles died last week, aged 83.

Justice Miles was appointed to head the territory's highest court in 1985 and remained in the role until his retirement in 2002. As has been noted, he began his career as a solicitor in New South Wales in 1958 and became a barrister in 1965. In 1978 he was appointed public defender in New South Wales and, in what was no doubt a fascinating experience, he spent two years as a judge of the National Court of Papua New Guinea from 1980 until he was appointed to the Supreme Court of New South Wales in 1982.

During his time as ACT Chief Justice, he presided over several high-profile cases as well as negotiating the territory's transition to self-government. Following his retirement as Chief Justice in 2002, he continued his work in the law as an acting judge in the supreme courts of both New South Wales and the ACT.

In 2005 Justice Miles led an inquiry into the 1995 conviction of David Eastman for the 1989 murder of assistant police commissioner Colin Winchester. Justice Miles would describe this inquiry as "all-consuming for several years". He was quoted as saying:

... many years went by when never a day passed without me thinking about the Eastman case.

He told that to the *Canberra Times* in 2018.

On the bench, Justice Miles was known for being courteous and scrupulously fair. President of the ACT Bar Association Steven Whybrow described how Justice Miles took his position as an arbiter of the law very seriously. He said:

He was a good judge and a good administrator, and I think that all comes from him being a real servant of the law.

These sentiments were echoed by Justice Miles's close friend John Purnell, a senior counsel who named his chamber after Justice Miles. Mr Purnell said:

He'll be remembered as a judge who was very effective as a chief justice and as a trial judge, because he got his judgements out in a timely fashion, and very few of them were overturned on appeal.

Mr Whybrow also described Justice Miles as being prepared to give up his time to be a mentor for young lawyers. Mr Whybrow said:

He always maintained contact with the bar, he was never in the least bit reticent to talk to young barristers, and he was a lovely person.

Despite not originally being from Canberra, Justice Miles would come to love this city. He said:

I liked Canberra—I knew it a bit because my parents had lived here, and during the time I was on the bench, I was just caught up in the work, there was no question of going anywhere else, our children were brought up here.

Despite intending to spend his retirement in Sydney, after only six months of living in Sydney Justice Miles and his wife moved back to Canberra. We can all imagine exactly why.

The Canberra community has benefited greatly from Justice Miles's many years of service. On behalf of the ACT Greens, I convey my thoughts and sympathies to his wife, Tricia; his children, Anna Sinclair and James Miles; and his grandchildren.

**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) (10.14): As Attorney-General I am pleased to rise and support the Chief Minister's motion of condolence on the passing of the Hon Jeffrey Miles AO, former Chief Justice of the ACT Supreme Court from 1985 to 2002.

As has already been well outlined in this Assembly, over a career spanning more than four decades Justice Miles served the ACT, and indeed the Australian judicial system, with honour and distinction. His Honour's appointment as the ACT Chief Justice in 1985 followed judicial postings in New South Wales and New Guinea. During this tenure he played an integral role in ensuring that judicial independence was upheld under constitutional arrangements for the ACT.

Few beyond judicial circles may be aware of Mr Miles's commitment to assisting conscientious objectors, following the introduction of conscription in 1965. His first case was successful, and he continued defending both conscientious objectors and anti-conscription demonstrators, testament to his resolve and commitment to honouring and upholding his sense of moral obligation.

Having dealt with many important cases throughout his career—including, as has been stated, leading the inquiry into the fitness of David Eastman to be tried—His Honour continued to contribute his legal expertise beyond his retirement in 2002. As has been noted, after stepping down as Chief Justice, His Honour was appointed as an acting judge in the supreme courts of both New South Wales and the ACT, positions he held until 2005, when he agreed to sit on the Law Council of Australia's human rights observer panel.

His Honour was rewarded and made an Officer in the General Division of the Order of Australia in 1994 for his service to law and the community. He received a Centenary Medal in 2003, and in 2016 was added to the ACT Honour Walk in Civic.



His Honour was a great advocate for positive change. He was known to be firm and fair. His contribution to our community and those in other jurisdictions has left a legacy that will not be forgotten. Instead, it will be admired and remembered for a long time to come.

Madam Speaker, while the Canberra community will undoubtedly miss Justice Miles, he leaves a remarkable legacy. The people who suffer most at this difficult time are his family and his close friends. Our thoughts and our sympathies are with them during this period of bereavement. I extend my condolences to Patricia and to the entire family.

*Question resolved in the affirmative, members standing in their places.*

## **Reflection on the chair**

### **Statement by Speaker**

**MADAM SPEAKER:** Members, last night, during the adjournment debate, Mrs Kikkert made some remarks about the performance of the Speaker. Members will recall that earlier that day Mrs Kikkert had been given Speaker's leave to make a personal explanation to explain where Mrs Kikkert had been misrepresented. I considered that Mrs Kikkert was simply continuing the debate over a question asked by Mrs Kikkert and answered by Ms Stephen-Smith. I directed Mrs Kikkert to resume her seat, as I did not consider Mrs Kikkert was making a personal explanation. In the adjournment debate Mrs Kikkert made the following statement:

I found it disappointing that earlier ... you gave me leave to make a personal explanation about why I should not have been mocked in this chamber; then, under pressure from your side of the chamber and without any explanation, you had me sit down. I may not be as pushy as the Chief Minister but I deserve a fair hearing and fair treatment in this place.

As set out at page 74 of the *Companion to the standing orders*, it is not in order to criticise or reflect on the actions of the chair, and the Speaker's actions can only be criticised by way of a substantive motion. That section of the *Companion* outlines several precedents where the Speaker has considered an accusation of partiality in the discharge of their duties and has asked that that reflection be withdrawn.

Having considered Mrs Kikkert's statement in the Assembly last night, I am of the view that it implies that I acted under pressure, and that I did not give Mrs Kikkert a fair hearing. Both of those accusations reflect on the impartiality of the chair, and I ask Mrs Kikkert to withdraw any reflection on the impartiality of the chair. As she is not in the chamber, I will ask her to withdraw that when she is next in the chamber.

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

**MR WALL** (Brindabella) (10.20), by leave: I move:

That the resolution of the Assembly of 1 November, as amended 27 November 2018, which referred the possible expansion of the ACT Register of Lobbyists be amended by omitting the words “last sitting day in February 2019” and substituting “last sitting day in March 2019”.

I will provide members with an explanation on behalf of the admin and procedure committee. Members will recall that this matter was first referred to the committee on 1 November last year, with a very short reporting time frame—due back by 29 November, in that same month. Subsequently, the Assembly altered the reporting date to the last sitting day in February 2019. That allowed the committee time to seek submissions. When the committee advertised the inquiry, it sought views on the following matters:

- (1) in light of recent developments such as the publication of Ministers’ diaries as required by the amended Freedom of Information legislation, and the intended formation of an integrity commission ...

We were inquiring as to the purpose and extent of use of the lobbyists register under these new changes. We were also examining:

- (a) the scope of who is covered by the Lobbyists Register and who should/should not be included; and
- (b) whether the scheme should be administered by the Clerk of the Legislative Assembly (as currently exists) or whether the Lobbyists Register should be in the remit of the proposed Integrity Commissioner or some other body.

The committee has been unable as yet to conclude a view on various options that have been put in place. It has also been seeking extra views on this matter amongst colleagues. It is my understanding that this matter should now be easily concluded at the next meeting of the admin and procedure committee, and a report should be tabled at the next sitting of the Assembly.

Question resolved in the affirmative.

## **Royal Commission into Institutional Responses to Child Sexual Abuse recommendations—progress report Ministerial statement**

**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) (10.22): I would like to formally table the ACT government’s progress report responding to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. As members are aware, the royal commission released its final report and recommendations in December 2017 and the ACT government responded swiftly, in June 2018.

The government, and indeed everyone who sits in this chamber, condemns the sexual abuse of children. We will continue to work closely with the community to create

child safe environments and take responsibility for responding to and preventing child sexual abuse.

In responding to the royal commission's final report, the ACT government demonstrated our commitment to improving how we respond to child sexual abuse by accepting, or accepting in principle, 290 of the 307 recommendations relevant to the ACT. The remaining 17 recommendations were noted or taken under further consideration. Today I can report that we have made significant, important progress in our ongoing commitment to make our community a safe place for children and young people to live, learn and play.

In December 2018 the territory government, along with other jurisdictions, released our first annual progress report, highlighting the significant work that has been undertaken to make Canberra a safer and more inclusive city for children and young people. As I stated in my mid-term address to this place, we have been working to deliver a more inclusive, progressive and connected Canberra. In doing so, we have been proactive in implementing recommendations from the royal commission since they began being issued in 2015.

We recognise that ongoing work is necessary to support victims and survivors of child sexual abuse and to prevent abuse from occurring. We have undertaken key legislative changes, including progressing amendments to the Education Act and the ACT Teacher Quality Institute Act to improve child safety. This includes strengthening the type of information the government collects in order to support more informed teacher registration decisions.

We have introduced legislation to improve information sharing within our jurisdiction, to ensure that law enforcement, child protection and oversight bodies have access to the information they need, when they need it, to effectively deal with child welfare and safety concerns. We have also made critical changes to criminal justice legislation to improve the way child sexual abuse offenders are sentenced and we have introduced two new grooming offences.

In 2018 we passed the Royal Commission Criminal Justice Legislation Amendment Bill to implement a further eight recommendations from the royal commission, including a new offence of failing to protect against institutional child sexual abuse.

Further civil law reforms already implemented include the removal of the Ellis defence to ensure survivors are able to take civil action against institutions, regardless of their legal structure. We have also implemented a reportable conduct scheme, which has been active since July 2017. This scheme was expanded to include religious institutions providing pastoral care and religious instruction in July 2018.

We have consulted on the implementation of royal commission recommendations regarding the reporting of child sexual abuse, which have implications for the confessional seal. This has included commissioning the Hon Justice Julie Dodds-Streeton to consult with key stakeholders and produce an analysis report which provides advice on how best to implement the relevant recommendations.

We are also committed to recognising survivors of institutional child sexual abuse, and our jurisdiction was one of the first to join the national redress scheme, which commenced in the ACT on 1 July last year. This 10-year scheme offers support to survivors through access to psychological counselling, a direct personal response from the responsible institution, and a monetary payment of up to \$150,000.

To ensure that the scheme is effectively implemented to support survivors, we have established a hub in the Justice and Community Safety Directorate to coordinate and monitor the provision of ACT responses to requests for information from the commonwealth Department of Social Services to help it to assess applications for redress.

Our out of home care system also continues to mature. The A step up for our kids out of home care strategy supports the development of new therapeutic, trauma-informed care and provides support for young people transitioning from care up to the age of 25 years. Our child at risk health unit provides specialist therapeutic services to children, young people and their families who have been affected by abuse or neglect and provides services for children under 10 years of age who are engaging in problematic sexual behaviour.

Additionally, the ACT has been actively working with other jurisdictions to finalise the national principles for child safe organisations. We have written to the Prime Minister providing our endorsement of the national principles, which will be a valuable resource to guide organisations in the development of child safe practices and cultures. We will work with the National Office for Child Safety to promote and implement the national principles across organisations and the community services sector who work with children and young people.

To build on these national principles, the ACT government is also undertaking work to understand how we can support the wider ACT community and organisations to strengthen their approaches to child safety and protect our children through the introduction of child safe standards.

In October 2018 we partnered with the ACT Public Advocate and Children and Young People Commissioner to conduct stakeholder forums to better understand organisational readiness to implement the child safe standards. These forums were attended by representatives of a wide range of community, sport, religious, residential and educational institutions and organisations that provide services to children and young people.

Importantly, the forums highlighted the range of processes and policies currently in place across organisations to protect the safety of children and young people, and the need for increased awareness of obligations to ensure compliance with the regulatory schemes operating in the territory.

Our education system already has a strong approach to upholding the rights of children and promoting child safety and wellbeing, with child safe standards embedded in Education Directorate policy and procedures. During 2019

non-government schools will be required to take appropriate steps towards implementing these standards. Over the coming year we will continue to make important changes in the area of child safety and progress legislative reform to ensure that Canberra continues to develop as a child safe and child-friendly city.

Legislation will be amended to enhance the operation and administration of the working with vulnerable people scheme, as we continue to work with other jurisdictions to develop and implement national standards for working with children checks. We will introduce further staged civil and criminal legislative reforms as part of our continued commitment to implementing the royal commission's recommendations.

We are working with other states and territories to improve information sharing between jurisdictions so that we can make more informed decisions and better protect children. We will also continue working closely with other jurisdictions to focus on national priority recommendations and ensure the harmonisation of our approaches to implementing recommendations.

The Royal Commission into Institutional Responses to Child Sexual Abuse uncovered the failure by Australian governments to protect tens of thousands of children, across generations, across the country. As Prime Minister Scott Morrison and opposition leader Bill Shorten noted during their speeches in the national apology to survivors of institutional child sexual abuse, our nation let these children down. We can do better, and we will do better.

The progress report I have tabled today is part of the ACT government's ongoing commitment to ensuring that history does not repeat, to ensuring that victims are never again silenced, to ensuring that perpetrators of child sexual abuse are brought to justice, and to ensuring that our community is a safe place for children and young people to live, learn and play.

I present the following papers:

Royal Commission into Institutional Responses to Child Sexual Abuse—  
ACT Government Progress Report responding to recommendations—

Ministerial statement, 21 February 2019.

First Annual Progress Report, dated December 2018.

I move:

That the Assembly take note of the ministerial statement.

Question resolved in the affirmative.

## **Royal Commission Criminal Justice Legislation Amendment Bill 2019**

**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) (10.32): I move:

That this bill be agreed to in principle.

Today I present the Royal Commission Criminal Justice Legislation Amendment Bill 2019 to the Assembly. This bill makes a number of substantive and positive changes to the ACT legislation, following the Royal Commission into Institutional Responses to Child Sexual Abuse. The bill is the third bill to implement criminal justice recommendations from the royal commission, establishing the legal framework for the protection of people, primarily children, from sexual abuse. It implements eight recommendations in total.

In summary, the bill will create a new criminal offence for failing to report child sexual abuse. It will make ministers of religion mandated reporters under the Children and Young People Act. It will clarify the scope of the reportable conduct scheme's application to information disclosed in religious confession. It will improve our court and evidence procedures to better support victims to make a victim impact statement in court. And it will make some technical improvements to laws regarding child sexual abuse.

I have spoken before in this place about the importance of this royal commission. As I have said and I will continue to say, the abuse of a child is a terrible crime, perpetrated against the most vulnerable in our community, which cannot be tolerated. It is a fundamental breach of the trust which children are entitled to place in adults. We must acknowledge our collective failures to protect children in the past and take responsibility for protecting them in the future. Today's bill is an acknowledgment of our responsibility and it represents our ongoing commitment to taking action.

The government has already implemented a number of recommendations from the royal commission, some non-legislative and some legislative. The Assembly passed the Crimes Legislation Amendment Bill in February last year and the Royal Commission Criminal Justice Legislation Amendment Bill in December last year. And this bill represents the third legislative implementation of the royal commission's criminal justice recommendations and will be followed by further reforms both through future bills and non-legislative reforms.

I turn to each of the amendments that give effect to the royal commission's recommendations in this bill. I note that the recommendations represent an important step as we keep on working towards a safer society for children and a stronger legal framework for survivors.

The bill includes a new offence for failing to report child sexual abuse. The construction of the new offence has been informed by the valuable work which was undertaken by Her Honour Justice Julie Dodds-Streeton in late 2018 and her report to me last month. This was focused on the most effective way to implement the

recommendations of the royal commission on the reporting of child sexual abuse, which had implications for the treatment of the confessional seal.

The royal commission's report details countless instances of adults knowing about child sexual abuse and yet staying silent. The testimony of survivors made clear the further abuse and trauma facilitated by that silence. This offence makes clear that adults must not stay silent and that they have a duty to report child sexual abuse to police.

As the royal commission emphasised, it is important that adults proactively report information about child sexual abuse. Children are less likely to have the ability to report the abuse or to take steps to protect themselves. We also know that those who commit child sexual abuse offences may have multiple victims and may offend against particular victims over lengthy periods of time. A failure to report leaves the particular child exposed to repeated abuse and it exposes other children to abuse, leading to a fundamental breach of a child's most basic human right to safety and protection.

I have spoken before about the primacy of children's rights to safety and the priority that must be accorded to their rights. In view of this, the offence makes clear that a member of the clergy must report relevant information that is disclosed in religious confession. The right to freedom of religion is not absolute, and the freedom to practise religion in a particular way must never take precedence over children's rights to safety. This new offence sends a clear message that a child's rights are paramount and that we all play a part in keeping our society safe for our children.

The bill also adds ministers of religion as mandated reporters under the Children and Young People Act. This will require ministers of religion, religious leaders and members of the clergy to report physical and sexual abuse to child and youth protective services. These amendments recognise that ministers of religion are likely to be the recipients of information relating both to the sexual and physical abuse of children. Like the new failure to report offence, the new obligations under the mandatory reporting scheme apply to information disclosed in the confessional seal, recognising the primary importance of protecting children's safety.

The third change this bill makes to reporting laws is to clarify the application of the reportable conduct scheme to information disclosed in a religious confession. Last year the Assembly passed the Ombudsman Amendment Act. That act extended the application of the reportable conduct scheme to religious organisations, ensuring that they came within the scope of the ACT's scheme for the oversight of investigations of employee misconduct involving children. The act included a nine-month exclusion for information disclosed in a religious confession, to allow time to undertake further consultation on this element of the scheme. There has been extensive consultation on this in recent months, in particular, the work that was undertaken by Her Honour Justice Julie Dodds-Streeton.

Based on this consultation, the bill amends the Ombudsman Act so that physical or sexual abuse against a child disclosed in a religious confession falls within the purview of the reportable conduct scheme. This achieves consistency between the

treatment of the confessional seal in both the reportable conduct and mandatory reporting schemes and ensures freedom of religion is limited only to the extent necessary to protect children from harm.

In addition to making important changes to reporting obligations, the bill also makes other improvements to the legal framework that improve access to justice for survivors of child sexual abuse. The bill will extend the application of the ACT's extensive special measures scheme to those making a victim impact statement in court. This supports victims to be heard in court and helps reduce the trauma associated with making a victim impact statement.

The bill will also retrospectively repeal an outdated and anachronistic common-law presumption that a male under 14 years was incapable of sexual intercourse. This presumption was abolished in the ACT in 1985. However, the presumption was not abolished retrospectively, with the effect that there is a potential to cause real injustice to a victim. Removing this presumption facilitates access to justice for historic victims of child sexual abuse who were abused by male perpetrators under the age of 14.

Finally, the bill will retrospectively amend section 70 of the Crimes Act to rectify a technical inconsistency in the availability of alternative verdicts for child sexual abuse.

Overall, this bill will improve the way society protects children from child sexual abuse. It will enhance the effectiveness of the ACT's justice system in holding perpetrators accountable and it will improve access to justice for victims. It does this by turning the recommendations of the royal commission into concrete changes in our legislation.

This bill is yet another example of the government's commitment, solemn commitment, to take responsibility and to implement the findings of the royal commission. We will keep working to improve our legal system and we will keep demonstrating in our words, in our actions and in our laws that protecting children is our absolute priority. I commend the bill to the Assembly.

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

## **Estimates 2019-2020—Select Committee Establishment**

**MR WALL** (Brindabella) (10.42): I move:

That:

- (1) a Select Committee on Estimates 2019-2020 be appointed to examine the expenditure proposals contained in the Appropriation Bill 2019-2020, the Appropriation (Office of the Legislative Assembly) Bill 2019-2020 and any revenue estimates proposed by the government in the 2019-2020 Budget and prepare a report to the Assembly;
- (2) the Committee be composed of:
  - (a) two Members to be nominated by the Government;



- (b) two Members to be nominated by the Opposition; and
  - (c) one Member to be nominated by the Greens; and
- to be notified in writing to the Speaker within two hours of this motion passing;
- (3) an Opposition Member shall be elected chair of the Committee by the Committee;
  - (4) funds be provided by the Assembly to permit the engagement of external expertise to work with the Committee to facilitate the analysis of the Budget and the preparation of the report of the Committee;
  - (5) the Committee is to report by Tuesday, 30 July 2019;
  - (6) if the Assembly is not sitting when the Committee has completed its inquiry, the Committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publishing and circulation; and
  - (7) the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the standing orders.

This is the standard motion that is brought every year to establish the estimates committee.

**Mr Barr:** Here we go again.

**MR WALL:** Here we go again, yes. Everyone is getting a shiver down their spine that is reminiscent of those cold mornings and afternoons sitting in that committee room. The motion is a standard one that has been brought forward for the last number of years. The composition of the committee will be two members from the opposition, two from the government and one from the crossbench, to inquire into the appropriation papers as they come forward from the Treasurer in due course.

The reason for setting it up at this time of the year, as with previous years, just gives the committee adequate time to go through the procurement process, should they choose to do so, to get an expert reviewer to advise the estimates committee in their preparations for estimates and in their deliberations. I commend the motion to the Assembly.

Question resolved in the affirmative.

## **Administration and Procedure—Standing Committee Report 9**

**MS J BURCH** (Brindabella) (10.43): I present the following report:

Administration and Procedure—Standing Committee—Report 9—*Citizen's Right of Reply—Australian Education Union*, dated 20 February 2019, together with a copy of the extracts of the relevant minutes of proceedings.

**MR WALL** (Brindabella) (10.44), by leave: I move:

That the report be adopted.

**MS ORR** (Yerrabi) (10.44): I would just like to take a moment. I will need to get a copy of the report. This has been an ongoing debate within the Assembly. There has been a lot of discussion on this topic and I feel it is important that the statement as presented in the report is actually read in the chamber. I would like to take a moment to read that statement.

Debate (on motion by **Ms Cheyne**) adjourned to a later hour.

## **Planning and Urban Renewal—Standing Committee Report 7**

**MS LE COUTEUR** (Murrumbidgee) (10.45): I present the following report:

Planning and Urban Renewal—Standing Committee—Report 7—*Draft Variation to the Territory Plan No 350: Changes to definition of ‘single dwelling block’*, dated February 2019, including a dissenting report (*Mr Parton*), together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

This is the seventh report of the planning and urban renewal committee for the Ninth Assembly. On 11 September 2018, pursuant to section 73 of the Planning and Development Act 2007, the Minister for Planning and Land Management, Mr Mick Gentleman, referred draft variation No 350 changes to the definition of “single dwelling block” to the standing committee for consideration and report to the Legislative Assembly. On 26 September the committee advised the minister that they would be conducting an inquiry into draft variation No 350.

We held two public hearings and heard from 10 witnesses, which included members of the ACT community, community organisations, industry groups, and the Minister for Planning and Land Management as well as his directorate officials. The report has three recommendations.

Recommendation 1:

The Committee recommends that, subject to the following recommendations, Draft Variation 350: Changes to the definition of a ‘single dwelling block’ be approved.

Recommendation 2:

The Committee recommends that the Environment, Planning and Sustainable Development Directorate consider a review of references to the Planning and Development Act 2007 in draft variation 350: Changes to the definition of a ‘single dwelling block’ and in future draft variations.

Then recommendation 3:

The Committee recommends that the ACT Government reword the proposed definition of the 'standard block' so that drafting errors are corrected.

I would very much like to note and acknowledge the contribution of Mr Peter Young in identifying these drafting errors. I will now move to more personal comments. It was really refreshing to have a member of the public come in after having actually looked at the draft well enough to realise that in fact there was a drafting error. In all my time at committees I have never seen anything like this and, from discussion with other people, they have never seen anything like this. Thank you, Mr Young.

I would also of course like to extend my thanks to all the people who provided information and evidence to the inquiry, including directorate officials, interested organisations and members of the community. I would like to thank the other members of the committee, Ms Suzanne Orr and Mr Mark Parton, and our hardworking secretary, Annemieke.

Now I am going to make a few comments which, as I said, will be my own interpretation. For the committee's interpretation, please see the report. What this variation was about was a small but important issue, because a number of residential leases in older suburbs did not limit the number of dwellings. And in the 1960s and 1970s two dwellings were allowed on these blocks, as long as they looked like one from the street. The aim of this, the laudable aim of this, was to have higher density while maintaining the suburban feel.

But we had a problem that, before this Territory Plan variation, it became known that the Territory Plan variation of a single dwelling block did not apply to these blocks. This consequently meant that some of the parts of the multi-unit housing code did not apply and this led to some developers exploiting this loophole and building significant multi-unit developments which were out of character with the rest of the street and the suburb. This led to considerable unhappiness amongst the community affected, and in particular I would note the Friends of Hawker Village.

Of course I support some increasing density in parts of Canberra. We cannot keep on expanding out into the greenfields, but the way to do it is not by exploiting loopholes like this. The way to do it is in a considered way and to use regulations to ensure that we still have spaces for trees and green spaces, and that the traffic management issues are taken account of. The committee discussed all of these issues. I note that Mr Parton has written dissenting comments to the major report, and I anticipate that he will speak on it in a second.

**MR PARTON** (Brindabella) (10.51): Our committee system here in the Legislative Assembly is robust. Typically speaking, I think it is very good at coming up with good outcomes. It is with a little disappointment that I stand here today to discuss my reluctance to support the entirety of the planning and urban renewal committee's report on draft variation 350 to the Territory Plan.

It is the first time in my time here that I have provided dissenting comments. We in this place attend committee meetings with an expectation of listening to the reasoned views of witnesses and taking these into account in committee deliberations. As a matter of fundamental principle, we should not be taking decisions that unfairly penalise community members who are pursuing an activity that was permitted within a valid law. Quite rightly, the community would have an expectation of a reasonable time frame to accommodate those who had commenced a legitimate activity before the rules were changed by the government.

I am not going to stand here and go over the ins and outs of the body of DV 350. Ms Le Couteur has done a fine job of summarising the matter. Suffice to say that, following my time in this inquiry, I formed a view which was consistent with the rest of the committee regarding the need to make these changes. I fully support what has been done in terms of the change to DV 350, except regarding the harshness of interim effect.

Draft variations to the Territory Plan must have a date of effect. In this case DV 350 was notified as being subject to section 65 of the Planning and Development Act. This means the draft variation had an interim effect which applied from 25 May last year. This was well in advance of the minister's referral to the planning committee, dated 3 September 2018. So the new rules applied from that earlier date, even though the committee had not commenced its review and the proposed variation remained in draft form. If a property owner had a development application 99 per cent ready to go but not lodged before 25 May 2018, it was bad luck; their options were chopped off.

The original draft of the committee report did in fact anticipate this problem, or at least pay some heed to it. It contained a recommendation seeking the government's provision of a transitional arrangement during the interim effect period—not necessarily for this particular case but perhaps that it should be considered for future draft variations. At present, once the interim effect is invoked, there is no means of accommodating a phase-in period. There was a moment of clarity for this tripartisan committee when it went very close to recommending that the government set up a process whereby they could provide a transitional arrangement for the sake of fairness.

This recommendation for a transition period was far from unreasonable. It would have provided relief for property owners who had reached an advanced stage of preparation to redevelop an affected block and who had incurred costs but had not yet lodged a development application. The reality, based on the evidence given to the committee, is that there were quite a number who were at that point.

A number of key stakeholder groups made representations to the committee, including the MBA and the HIA. They highlighted the absence of a transition period, with the HIA specifically seeking an exemption for blocks purchased before 25 May 2018, and also an ability to lodge a development application up to 1 July this year. Of course, there would have to be limits on the transitional arrangement. Obviously, developers would need to have real proof of where they intended to head.

Such evidence might include an owner being able to prove they were committed to a development proposal, commencement or completion of works to facilitate redevelopment, payments made for site plans and drawings, or obtaining loans or credit to proceed with a development. The directorate recognised that it was possible to establish a transitional arrangement, but the directorate rejected this as it could have resulted in developments that did not meet community expectations and would not comply with the multi-unit housing code. They advised that a hard decision was needed, rather than a reasonable and fair concession.

Aren't we seeing this time and again from this government? Decisions are made with no real regard for those who are impacted by them financially or emotionally. When those consequences become known, the government just looks the other way and says, "Talk to the hand." Labor and the Greens effectively say to these people, "We know that this decision has impacted you heavily. We understand that you've lost bucketloads of money. We know that we have the ability to change that, but we don't really care. We don't really care."

Closing a planning loophole had to be achieved at any cost, including costs incurred by property owners arising from any reasonable expenses they incurred in compliance with the previous planning rules. But the minister chose to ignore the damage imposed on these people because community expectations were paramount. I had a belief during the hearings that the evidence in this space was so overwhelming that perhaps the other committee members would join me in this position, but that was not the case. It is a pity that the minister is quite selective in his application of this virtue. Indeed, we see time and again that he ignores community interests or simply pretends to listen and then ploughs on regardless.

During the hearings I compared the interim effect provisions of this draft variation to a scenario where the government changed the speed limit on the GDE and lowered it from 90km to 80km an hour. They announced it at nine one morning and very promptly fined everyone who was driving at the previous speed limit. The drivers on the GDE had no idea that the speed limit had changed, but they had to pay the consequences of the interim effect of the speed limit change and of being in the wrong place at the wrong time.

It is unfortunate that my committee colleagues fell for the line taken by the minister and his directorate, even though the number of cases eligible for a grace period is quite small. A fair transition period would still enable a standardised definition to be applied for the vast majority of affected blocks, but this was rebutted. The committee noted the need for fairness and equity for proponents and residents alike. Unfortunately, the fairness factor goes only one way—by totalling ignoring the impact on those who incurred costs in good faith. After some discussion, what was known as recommendation 3, around interim effect, was purged from the committee report. This allowed the guillotine to fall on those owners who had commenced a development process and incurred expenses in doing so, and who did so in good faith.

Given these considerations, and in all fairness, I could not support all of the committee's conclusions. I believed it was my reasonable obligation to submit a

dissenting report calling for a stronger balance between impacted stakeholder groups. The report speaks of fairness and equity, but on this single matter I do not think it is fair and equitable. At a broader level, I think that the government should also be more sensitive to the potential damage it imposes on community groups when it considers policy options in other fields. In conclusion, the government does not have a remit to ride roughshod over those who are negatively impacted by its decisions. It does have an obligation to listen to reasonable argument.

Question resolved in the affirmative.

### **Fuel Pricing—Select Committee Statement by chair**

**MS CHEYNE** (Ginninderra) (10.59): Pursuant to standing order 246A, I wish to make a statement on behalf of the Select Committee on Fuel Pricing. The select committee has now advertised for and directly sent invitations for submissions to be lodged with the committee by close of business on Monday, 11 March 2019. The select committee has also put details of the inquiry and its terms of reference on the committee website, social media and with a range of media outlets in the ACT.

The committee is seeking the views of participants in the Canberra fuel market at all levels, including principal suppliers, refiners and marketing groups, regulators and consumer protection bodies which monitor fuel pricing nationally and in the ACT, and from business operators and individuals who want to provide the committee with their views.

The select committee will start its program of public hearings shortly after the closing date for submissions. The program of hearings will be placed on the website and will be included in public announcements by the committee which will be published and put on social media in the usual way. The committee's hearings will be public, and all interested in this important inquiry are invited to attend or view the proceedings online. The committee's reporting date is the last sitting day of June 2019.

### **Environment and Transport and City Services—Standing Committee Statement by chair**

**MS ORR** (Yerrabi) (11.00): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Environment and Transport and City Services relating to the inquiry into a territory coat of arms. On 29 November 2018 the Assembly asked the committee to inquire into the matter.

The committee is currently seeking advice on and taking time to investigate the rules and protocol that apply when adopting coats of arms. Because it happens so infrequently, there is no clear and established process for adopting a jurisdictional coat of arms in Australia. The committee considers it is important to clarify the process and the requirements for the eventual design of a potential coat of arms before consulting the community.

In coming months the committee will make another announcement inviting submissions and identify other avenues by which the community can participate in the inquiry.

### **Statement by chair**

**MS ORR** (Yerrabi) (11.01): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Environment and Transport and City Services for the Ninth Assembly relating to statutory appointments, in accordance with continuing resolution 5A. I wish to inform the Assembly that during the applicable reporting period, 1 July 2018 to 31 December 2018, the committee considered a total of seven appointments and reappointments to the following bodies: the ACT Cemeteries Authority Board, the ACT Veterinary Surgeons Board and the Tree Advisory Panel.

I now table a schedule of the statutory appointments considered by the committee during this period. I present the following paper:

Standing Committee on Environment and Transport and City Services—  
Standing Committee—Schedule of Statutory Appointments—9th Assembly—  
Period 1 July to 31 December 2018.

### **Executive business—precedence**

*Ordered that executive business be called on.*

### **Residential Tenancies Amendment Bill 2018 (No 2)**

Debate resumed from 1 November 2018, on motion by **Mr Ramsay**:

That this bill be agreed to in principle.

**MS LE COUTEUR** (Murrumbidgee) (11.02): First off, I would like to thank Minister Ramsay, his office and the staff at JACS for their work on the Residential Tenancies Amendment Bill 2018 (No 2). This bill is part of an ongoing body of work in reforming the Residential Tenancies Act 1997 that began four years ago when a review into the act was commissioned. It is unfortunate that this process has taken as long as it has, although I understand that there are only limited resources within JACS to progress this work and that this must be balanced against other work that is being done, including reforms to occupancy agreements for people who rent sites in caravan parks.

Canberra has less than a one per cent vacancy rate, and that is the reason for much of the power imbalance between prospective tenants and landlords. Clearly, this bill cannot fix the shortage of rental properties, but it can help by making the processes fairer for tenants without impinging unduly on the rights of landlords. That is one of the reasons that I am taking the opportunity to introduce a number of amendments that go beyond directly addressing the content of Minister Ramsay's bill and instead provide for broader reform of the Residential Tenancies Act.

These amendments have been inspired by many people. First of all, I would like to make special mention of the work that the Tenants Union does and thank Deb Phippen for her decades of advocacy and support for renters. As well, there are all of the members of the Make Renting Fair CBR allies, including of course Unions ACT, the Tenants Union, ACT Shelter and Better Renting. There were also my Victorian Greens colleagues, who have worked extensively on this issue. And finally there are many Canberra tenants who have shared their experiences and, of course, their problems with me.

As I mentioned, I am broadly supportive of Minister Ramsay's bill and will be supporting his amendments. His bill amends the Residential Tenancies Act in a number of ways. These include placing limits on breaking lease fees so that lessors can only recover the actual losses they have sustained in finding a new tenant—and that is only being fair, I have to say; limiting rent increases and placing the onus on the lessors to demonstrate by an ACAT application why a rent increase above the rental component of CPI is warranted; allowing tenants to vacate a property during a fixed term tenancy when 26 weeks notice has been given; creating new definitions of “minor” and “special” modifications; making it easier for tenants to keep pets; and refining some provisions regarding domestic violence and personal protection order provisions to fix issues with the current drafting.

Unfortunately, and despite the rhetoric from the ALP on this issue, Minister Ramsay's bill will not make any practical difference to the current processes that tenants must use when seeking consent for minor, reversible modifications such as putting up picture hooks or anchoring furniture for child safety. Although the new provisions relating to pets are welcome, it is disappointing that the bill allows landlords to apply to ACAT to impose conditions on the keeping of animals and apply these to a property. Apart from this serving to dilute the new provisions regarding keeping of pets, one concern I have is that this is just going to lead to a rush of landlords applying to ACAT for such consent orders.

I now turn to the amendments to Minister Ramsay's bill that I will be tabling today. These strengthen two parts of the bill. Firstly, my amendments clarify and expand the definition of a minor modification to a rental dwelling and amend the bill so that a lessor's consent is not required for minor modifications. Secondly, the Greens' amendments require that any advertisement for the lease of a residential property include notice of any conditions regarding the keeping of animals that have been endorsed by ACAT, as well as any other non-standard terms that will be included in a residential tenancy agreement for a given property.

The Greens' amendments also require that any advertisement for a lease of a residential property include a notice of a lease term that is inconsistent with a standard residential tenancy agreement that has been endorsed by ACAT; establish a process for the development and enforcement of minimum housing standards for rental properties; remove the standard lease terms relating to the termination of tenancy without cause and provide additional grounds for lessors to terminate a tenancy; increase the time limit for tenants to move out of a rental property where it has been sold, from eight weeks to 12 weeks; require lessors to provide tenants with a statutory



declaration stating the reasons they are terminating the tenancy if their grounds are that a family member will be moving to the property or they are conducting major renovations or the house is to be sold; and require lessors to allow tenants to pay their rent directly into a bank account nominated by a lessor.

Before going any further, I will talk about human rights. The scrutiny committee made comments on my amendments, in particular proposed new section 11AA. This amendment requires that any advertisement for the lease of a residential property include notice of either a term that is inconsistent with standard residential tenancy agreements that had been endorsed by ACAT or a term requiring the lessor's consent to keep an animal at the property and any conditions regarding the keeping of animals at that property that had been endorsed by ACAT.

The report draws attention to the fact that this amendment may limit the freedom of expression protected by section 16 of the Human Rights Act 2004. If passed, this amendment will allow prospective tenants to avoid inspecting or applying for a particular rental property if it does not meet their requirements; for example, if there is a term prohibiting the keeping of certain animals.

Sadly, it is not common for tenants to see a lease, and any non-standard terms that may be in it, before they have been advised that they are the successful applicant for a rental property and are sitting down to sign that lease. Questioning the landlord or agent about lease conditions prior to this point may be problematical. Firstly, the person who is actually opening the property for inspection may not be aware of the existence or nature of any non-standard terms. Secondly, a prospective tenant may be concerned that asking such questions will endanger their prospects of being offered a lease.

You normally only actually see the lease and sign it when you pick up the keys, which quite possibly—generally, in fact—will be after you have already given notice where you were renting before. In fact, it may be on your moving day. In my most recent renting experience, I only saw the non-standard agreements at that stage, when it was far too late for me to disagree with some of the things which could well have been regarded as problematical. The outcome could be different if, when people were offered a lease, they were able to find out about any non-standard terms beforehand rather than being presented with the dilemma of accepting terms that are less than ideal or making a very difficult decision to reject.

In terms of human rights compliance, I believe that this amendment places a quite reasonable requirement on lessors and their agents. It places a similar requirement as section 11A of the Residential Tenancies Act 1997, which requires lessors to publish information about the energy efficiency rating of a rental dwelling, although it is worth noting that the compliance of real estate agents with this in particular is, very sadly, very lacking. Both the requirement for energy efficiency ratings and my proposed requirements serve to provide information that assists prospective tenants to make informed decisions.

Section 28 of the Human Rights Act allows for human rights to be limited if that limit is reasonable. The right that my proposed amendments may affect—the right of

lessors and their agents to freedom of expression—will not be materially impacted by the requirements set out in my proposed new section 11AA. People will still be able to provide photographs or other media when advertising a property, and they can use any form of words they choose to describe or promote the rental property. The minor obligation that this amendment will place on lessors and their agents is more than balanced by the value that this additional information would provide to renters when making a decision as to whether to inspect or apply for a property.

While we are talking about rights, what about renters' rights? There is nothing that currently stops landlords from impinging on what might be considered basic human rights that renters should enjoy. Lessors can insist, for instance, that renters use a particular rental payment app. One of my staff was very strongly encouraged to use an app called Sorted. My office was contacted by another person who told me that their rental agreement contained a term—a non-standard term—insisting that this app be used. Although this is not available within the app itself, buried within the customer terms and condition at [sortedservices.com](http://sortedservices.com) are these somewhat alarming words:

We may disclose your personal information to third parties including our service providers ... Any relevant Principal may disclose your personal information to us, to third parties including its service providers, to others providing services to you and to your authorised representatives or your legal advisers (e.g. when requested by you to do so). We use third party service providers who are in some cases located outside of Australia, for example in the USA or India. A relevant Principal may use third party service providers who are in some cases located outside of Australia, for example in New Zealand or the Philippines ... We may also use your personal information to market our or any Principal's services to you, including via telephone (this consent lasts indefinitely), mail, targeted digital marketing, email and SMS.

Many rental properties in Canberra are advertised through a company called 1form, which is a division of [realestate.com.au](http://realestate.com.au). Prospective tenants have no option but to use this service. I had to use it last time I rented. Its privacy policy is chilling. It states:

[realestate.com.au](http://realestate.com.au) may collect personal information about you including, but not limited to your name, address, phone number, email, gender, occupation, personal interests and any other information provided. For some services and products, [realestate.com.au](http://realestate.com.au) may also collect your personal information to enable verification of your identity, including information from your passport, driver's licence, and health care and concession cards.

Another one of my staff members spent the best part of two hours applying for a rental property via 1form and had to upload photos of his drivers licence and passport and, inexplicably, details of his accountant and lawyer, as he was working as a consultant at that time. As he pointed out to me, he had, of course, neither lawyer nor accountant. And, given that most of his time was spent looking after a toddler, he did not even earn enough in that period to have to pay GST on his consulting work. I have to say that if he only spent two hours on that form, he was doing well; it is a long and horrible form.

The privacy policy goes on to say that the company can do all manner of things with your information. It can provide it to third parties, including the very real estate agents who are using their services.

Surely all this information would be kept safe; they are an Australian company. No. They use outsourced data providers with data centres in Australia, the United States of America, Europe and Asia. Australia's privacy laws do not apply in these countries. In any case, no-one's data is safe. We have seen that this week with a massive data hack in Parliament House.

We have a company that collects enough sensitive data to enable full-scale identity theft, uses it for marketing and other purposes and provides renters' data to various third parties, but there is not a mention anywhere about whether or not this data is ever deleted. Why is this a problem? Surely the libertarian thinking would go: renters can simply choose not to use real estate agents who insist that renters use such products. Such reasoning is a convenient piece of sophistry. Renters basically have very little choice in the matter, because the power structure of being a renter is so asymmetrical compared to the power structure of being a landlord, all the more so given the very low vacancy rates in the ACT.

I would have liked to present an amendment which ensured that rental applications are only allowed to collect reasonable information and must be stored in Australia. Unfortunately, my team did not have the time and resources to finalise such an amendment in a way that tidied off all of the issues.

What the Greens amendments will do, if passed, is provide additional protections for renters. Some of these, such as the introduction of minimum rental standards and getting rid of no-cause evictions are major reforms. It is disappointing that the major parties have indicated that they will not be accepting them. Other amendments, such as providing tenants with an additional four weeks to move out if their landlord wishes to sell the property or giving renters the option to pay rent by direct bank transfer rather than forcing them to use a service that collects reams of data about them and stores it offshore, do not seem to me to be hugely controversial. Indeed, they are such no-brainers that it beggars belief that the ALP and the Liberals are not going to support them, to the best of my knowledge.

Minister Ramsay has told me on a number of occasions that some of our proposals need more policy work. That may be true for ones that we are not putting forward; that is possibly why we made that decision. But we do not believe that is the case; we have actually done a lot of the policy work for him on them. And even more than that, organisations such as, in particular, the Tenants Union have done an awful lot of this work, as has the Victorian Labor government, which recently passed a whole raft of amendments to its Residential Tenancies Act, not all of which the ACT Labor government is following.

Much of what we are proposing, including getting rid of no-cause evictions and introducing minimum standards, are policies endorsed by UnionsACT. I think that we should be leveraging off the good work of the Victorian Labor government and the Tenants Union. I agree that some reforms require more work, but not the ones I am presenting today.

Whether it is same-sex marriage or pill testing, the Greens are consistently leading the way. I am confident that in the future the other parties in this place will get around to recognising that in Canberra, as with the rest of the world, renting is an option that many people use and they need to have their rights protected.

I do not think that anything that we are suggesting would be a problem for any decent landlord. All we are trying to do is introduce more fair play and better processes and slightly balance the significant power imbalance that comes from a rental market with a less than one per cent vacancy rate.

**MR PARTON** (Brindabella) (11.20): The Canberra Liberals will not be supporting this bill in its entirety. There are some aspects of it that will get our support. It must be said that at another time, if we were not in the dire circumstances that we find ourselves in as a city in regard to our rental market, quite a number of these changes would get our support. But today is not the day, and this time is not the time to do it.

Despite what the sham Greens organisation Better Renting may have told you—and I note the presence of Mr Dignam from Better Renting in the gallery—I rented in this city for the best part of 20 years. I rented until three months ago. Until three months ago I had the regular inspections and I had to put up with the rent rises. I am a dog lover, and we made numerous requests to our landlord about having a dog at our house, and these were rejected. That was a bit of a pain for me and my family, but it was not my house. It was owned by someone else, so we abided by those rules. When we exited the lease while it still had months to run, we copped a hefty penalty for doing so, and we knew that was the case. I can report that we did get the entire bond back.

The rental market in the ACT served us well, but it was time for us to move on, late last year. So I think we should dismiss this absurd argument that somehow people who own a home, or, worse, people who own an investment property, are not qualified to talk about the rental merry-go-round. It is like suggesting that unless you have been sick in the last 12 months you cannot discuss ACT Health. It is absurd. There are twice as many Liberal MLAs renting as there are Labor MLAs renting, based on the numbers that I have.

I might point out that, according to that Greens report—sorry, that Better Renting report—*House of Lords: Landlords and Tenants in the Legislative Assembly*, on a per capita basis in this Assembly it is the Greens MLAs who are the biggest landlords. But I do not really think that has anything to do with the debate on this bill. This bill and its amendments have been put forward by those opposite primarily for the purpose of electoral dog whistling. Labor and the Greens, again, as was the case yesterday, are trying to outdo themselves in the progressive stakes. They are trying to convince renters that they are looking after them. This bill will do the exact opposite.

We have the tightest rental market in any capital city in Australia. We have the highest rents in Australia. And everybody in this chamber is smart enough to know that the biggest single effect of this bill will be a further tightening of the market. They are already leaving the market. They are already getting out. This bill will result

in more investors leaving the market. They are doing it already. This will result in fewer and fewer properties in the rental pool, which will exacerbate every single negative experience that renters, and potential renters, are going through.

I have spoken to a genuine rental advocate, who quietly agrees with me but did not want to go on the public record as saying it because this individual would be out of step with those who are pushing for it. You can get out all of your flyers to rental apartment blocks; you can send off your emails to all of those renters whose email addresses you might have got through Better Renting; you can sidle up to those renters and declare your love for them; you can tell them how good you were with this bill and how those evil Liberals were opposing it. But the stark reality is that this bill, this document, at its most extreme point, will actually make people homeless. The rental market will tighten. You can roll your eyes all you like, Mr Pettersson. It will make people homeless. It will tighten the market. The fact that we are sitting here debating it is already tightening the market.

There is no doubt that this bill's entire purpose is an attempt to fool renters into thinking that the Labor Party and the Greens care about them. Josh is a young man with a dog. You can write to him and tell him how much you have helped him and that you have won the right for him to have his dog in his home. If he gets completely priced out of the market by its further tightening, Josh becomes a homeless man with a dog, who can sleep soundly on the street in the blissful knowledge that Labor and the Greens won these rights for him. This will tighten the market. It will make it more difficult for people to get into the private rental market.

Ms Cheyne, you can make that face at me all you like, but that will be the result. There is no doubt that the housing affordability crisis engulfing the ACT has been created by the excessive tax policies and restrictive land release policies implemented by this Labor-Greens government. Rather than take real and decisive action on this affordability crisis that we are witnessing in the territory, we now have the highest rents in the country.

I worked out the speaking notes for this speech in part because I was expecting it to be brought on in November. In those speaking notes I said that I could guarantee that in 2019 we would become the most expensive rental city in Australia. And we are, already. This is not the time to do it. I am sure that all renters out there in the suburbs will go to bed tonight and breathe a sigh of relief in knowing that, despite their rents being almost to the point of being out of control, they will now be able to hang a picture on the wall without asking permission of the property owner.

I am not saying that that stuff is not important. That is not what I am saying. I am saying that, at this time, in this market, it is not the time to do it. It is just not the time to move those goalposts. Of course, the relief for those renters will be short and very temporary, as we know that these changes, along with a multitude of changes made last year, will further restrict the rights of the property owner and will push them out of the market. Along with restrictive land tax policies, higher rates and this government's hell-bent attitude of demonising those who own rental properties, we are seeing more property owners leaving the market than ever before.

I know that Mr Pettersson seems to think that if all rental properties were sold tomorrow it would be good for renters like himself. Of course, all renters are not in the same financial position that Mr Pettersson finds himself in. In case you missed Mr Pettersson's performance on ABC radio earlier in the week, in his bleatings seeking the Xbox vote, he was asked about the consequences of investors departing the market in great numbers. Mr Pettersson said, "That'd be great. It'd be a wonderful result for renters because they would be able to afford to buy their own property." The reality is that 75 per cent of the market are owner-occupiers. Investors are not distorting the market. It was an absurd suggestion for Mr Pettersson to make.

For many renters it is not just about being able to find a property available to purchase; it is that they are not in a position to purchase a house. Unlike Mr Pettersson, those of us on this side of the chamber understand that the relationship between property owners and renters is symbiotic. Renters need property owners, just as property owners need renters.

It is with this understanding that the Canberra Liberals will oppose this bill. The Canberra Liberals understand that there needs to be a delicate balance between the rights of property owners and the rights of renters. But the policy agenda of the Labor-Greens government has been to create an environment that pushes property owners out of the market. In a market that is already squeezed for competition, that boasts the highest rents in the country, we cannot support a bill that will force more property owners out of the market and further squeeze the market.

Last week, while I was out in the suburbs of Brindabella, I spoke to a number of property owners who said that they were watching this debate with great interest. They told me that reducing yields and this debate have pretty much inspired them to list their properties, and they have done so in the last two weeks. That was said by two investors. One of them had two properties and one had another property. Of course, that means that even before this bill has been passed, renters in the ACT have been forced out of their homes and back into the huge queue of people looking for rental properties in Canberra. The anecdotal evidence that I am getting from those in the industry is that 75 per cent of those properties are being purchased by owner-occupiers; they are not going back onto the rental round.

I am genuinely concerned about the consequences of this bill. This bill will absolutely guarantee that Canberra continues to lead the nation as the highest rental city in Australia. Please, mark my words on that. This bill, which was supposed to make life easier for renters, will do the exact opposite.

With respect to the amendments that I understand will be moved by the Greens, while the Canberra Liberals believe that property owners should retain the right to decide whether animals reside in their property or not, we do believe that it is extremely reasonable that this is advertised by property owners. We are certainly on the same page as Ms Le Couteur in that sense, and, when we get to that, we will be supporting that amendment. With the other amendments proposed by the Greens, some of them will not gain support. I am in discussion with the attorney on a few of those.

The Canberra Liberals do not believe that it is fair that a renter can make a modification to a property without at least informing the property owner. As was pointed out on ABC radio this morning, I cannot think of the name of the woman who was speaking on behalf of landlords, but she pointed out that there really are two types of landlords in this city. You have the people who have an investment property that they just wish to put in the market as a rental property, but you also have people in this city who, for whatever reason—people are posted overseas or for other reasons—are renting a property that they have either lived in and intend to live in again or that ultimately they wish to make their home. Many aspects of this bill impact so heavily on that latter path of so-called property investors.

The Canberra Liberals will not be supporting the Greens' proposal to implement minimum standards in its current form. It is not because we disagree with the principle. That is not what it is about. It is progressive utopia stuff. We are concerned about the effect that it will have on the market. We can already see, even before the bill is passed, the effect that it will have on the market. We cannot support implementing a standard when we do not know what it looks like. The proposal does not include any transition period for these standards to be implemented, and it could be introduced at any time. We think it is very hazy. These proposals in their current form are unrealistic and will not be supported by the Canberra Liberals.

I stand here in support of tenants' rights. The view of the Canberra Liberals is that the primary right of a tenant is to actually have a roof over their head. That is the first right. When we are at rental vacancy of diddly squat, it is not the time to be making those changes.

**MR PETTERSSON** (Yerrabi) (11.33): I just had a wonderful time listening to Mr Parton's speech. There were several things I want to comment on in what he said. Mr Parton outlined that he did indeed want a dog when he rented, and his justification as to why he could not get a dog was that the rules said he could not. Mr Parton, as a politician, should know that opinions count in this place. The question I have for Mr Parton is whether he should be able to have a dog. He says he wants a dog but, for some strange reason, something does not connect. He does not think he can change the rules on whether he could have a dog. Believe it or not, Mr Parton, those in this place have the power to change those rules. We can allow people to have dogs in their rental properties.

I also want to question some of their claims about renters in the Liberal Party. By some chance, does one of those renters also own an investment property? It is a bit rough to lump them in with the renters that are struggling to get by. The key point Mr Parton made was not that he necessarily thought these changes were bad. He went to great lengths to say, "These ideas are actually not too bad, but now is the wrong time. Surely there's a better time, not now."

But we need to talk about the rental crisis that is going on in this country right now—from 40 years ago to now. Forty years ago, 60 per cent of young people earning the lowest incomes owned a home. Right now, it is only 20 per cent of young people on the lowest incomes. There is a generation of permanent renters being created in this

country. They are never going to own a home. They are going to rent for their entire life, and they want to make a home out of their rental property. You seem to refer to students in everything you do, as if students are the only renters you have ever heard of.

**Mrs Dunne:** I was the only person who mentioned students.

**MR PETTERSSON:** You did. What we have seen in this country is a generation of permanent renters created, and these people will never own a home. It saddens me to stand here and say this, but they will never own a home. What we are trying to do is create laws and rules that allow these people to have a home.

These people, if our current laws stand, will never be able to own a dog. If you find one rental property that allows you to own a dog or another pet, that is great, but renters know, and you should know as a former renter, Mr Parton, that just because you find one property where you can own a pet does not mean you will be able to find another one. Far too often, renters who want to get a pet do not make that decision because they know that if they ever have to move, which is the life of renters, they will not be able to keep their dog.

The other thing that frustrates me so much about this debate is the idea that these are drastic changes. The idea that hanging a picture frame will cause someone to sell an investment property is ludicrous. It is genuinely ludicrous. We know that speculative property investors are investing in the housing market because they are making sweet, sweet money out of it.

Housing prices have gone up in this country because speculative property investors keep buying into the market. About 20 years ago, house prices became detached from wages. Do you know what has not become detached from wages? Rent. Rent has continued at the same rate as wages but house prices have skyrocketed. That tells me one thing: people are investing in property not because of the returns from rent but because they know of the capital gains they are going to receive on their investment.

I want to talk about the second-class system that we have created in this country. Being a permanent renter is something that now exists in this country. It used to be the Australian dream that you could one day save up enough money to buy a house with a white picket fence. You would probably have a family, some kids, and you would own a pet.

I am a politician. I get great money. The chances are I will be like a lot of you and own some investment properties in a few years, because politicians make sweet, sweet coin. Most of my friends, people who are teachers and nurses, are not going to own investment properties. If they are lucky and they can go to the bank of mum and dad, they might be able to get a home loan. But the ones that are not so lucky are going to be renting. And these are not just students like you think they are; these are hardworking Canberrans that you come across every day. They don't talk about their housing struggles. It is not something we talk about. No-one likes to go to a barbecue on the weekend and say, "I'm really struggling to pay rent or save up for a mortgage." We do not talk about that.



There is a generation of people in this country that the Liberal Party is ignorant of. What you do, however, is claim to speak on their behalf. There is something amazing about the Liberal Party, not just locally but the Liberal Party as a whole across this country, in that you claim to speak for those that you do not represent. You do not represent renters. Do you know who you do represent? It is the property barons in this country. Do you know how I know that? It is because the property barons in this country think that you speak for them. If you ask them, they say they think that you are doing a good job. If you ask renters, they will tell you the exact opposite. Yet for some reason, you come into this place and claim to—

**MADAM SPEAKER:** Mr Pettersson, make your comments through the chair, please.

**MR PETTERSSON:** Those opposite come into this place and claim to speak for both sides. That frustrates me to no end. It is not just on housing affordability and on rental reforms; they do it when it comes to the workplace. They claim to speak for the benefit of workers. They somehow manage to speak for both large businesses and the working man. You do not get to have it both ways.

I find it very funny that Mr Parton keeps referring to young people in a derogatory manner. It says a lot about the Liberal Party that they do not think young people's opinions matter. This is going to come back to bite the Liberal Party. The Liberal Party attack young people. They dismiss them. But I have bad news for the Liberal Party: there are a lot of young people and they can all vote.

**MRS DUNNE (Ginninderra) (11.40):** Madam Speaker, I was not going to speak, but Mr Pettersson's complete lack of understanding of how the property market works in this country and the impacts that that has on people cannot go uncommented upon. Mr Pettersson lives in an inner north bubble of hip young people and has very little real life experience of what it is like to be a parent. I am the mother of five. Four of them are renters. Most of them are renters in this town. I know how difficult it is. I know that most of them have a dog-shaped hole in their life because they cannot own a dog in a rental property most of the time.

Some landlords do allow dogs to be owned and held in their properties. That is the choice of the person who owns the home. I will give you an example of the sorts of reasons why a landlord may not want to have a dog in a property. That person might live in that house and suddenly be posted overseas, or plan to be posted overseas, and put their house up for rent for the term that they are overseas. That family who have gone overseas who own this property may have children with, or may themselves have, allergies to dogs and not want dogs in the house that they will be returning to that is their own home. That is their right. These are circumstances where it is inappropriate for landlords to be forced to do something in the property that they own.

This is all about give and take. But this legislation is not about give and take. This legislation is about forcing landlords. It is not about giving. If you give someone rights over somebody else and there is not a balance, an equilibrium, you put one group at a disadvantage over the other. What will happen, as Mr Parton has already said, is that, if it becomes too difficult to be a landlord, people will walk away from

the market. That family, rather than being subjected to having a dog in their property while they are away and then fixing up the mess when they come home, getting the allergens out of the house so that their family can move back into it and not have their health threatened—and there are plenty of people like that—will sell their house or will not put it up on the rental market and will keep it empty for two or three years while they are on a posting. These are the practical things.

Mr Pettersson is right on one thing: the fact that once upon a time, 20 or 25 years ago, it did not matter what your income status was; there was still a high proportion of home ownership, no matter what your income status was. Even the lowest percentile of people in this country aspired to and achieved home ownership. It is without doubt a startling fact that today that is not the case. It is extraordinarily difficult for even people on very good incomes to get into the home ownership market.

As a parent, I know how difficult that is. As a parent, it is a barbecue stopper. For people of my generation who know the advantages of home ownership and know how difficult it is for their children to get into the home ownership market, it is a barbecue stopper. We talk about it all the time. Not every family can help all of their children through the bank of mum and dad. Not every family is sufficiently well off to help their children through the bank of mum and dad. Sometimes their families are too large. If you do it for one, you have to do it for all. The bank of mum and dad, when you have got five children, is pretty stretched. These are realities.

What was the thing that caused the decoupling of wages and house prices 25 years ago? I contend that it was not simply a sudden entry into the market of rapacious landlords. There were a range of issues. And what is the biggest and most significant issue in the ACT? It is the cost of servicing land and the fact that the cost of land has risen disproportionately in relation to the cost of building. That is the most significant issue. State governments and this territory government have in their possession the levers to fix that, to modify that, and they will not because they get fat on the revenues of selling land. The higher they sell the land, the more revenues they get, especially when they are the only owner of land in the territory.

The ACT government, which has been here for 18 years, has overseen the rising of prices of land so that it is disproportionately the big factor in house prices. This government, like every other state and territory government in the country, is addicted to the revenue that comes from land sales. That is the principal reason why there has been a decoupling of house prices from wages, not because building prices have gone up, not because rapacious builders are making a motza out of this.

They may laugh, but this is the truth. Mr Pettersson and I were at the same presentation in Melbourne on this very issue. What was the take-home message? The take-home message was that governments were making a killing on land sales and that was the thing that was driving up the cost of land. That is why young people today on low incomes cannot get into the housing market.

Mr Pettersson very conveniently did not report that part of the information. Mr Pettersson said that we on the Liberal Party side think that the only people in this town who are renters are students. I, in passing, by way of interjection, talked about

how students would not be able to go out and buy their own property if everyone departed the market, as an example of how stupid Mr Pettersson's comments were. That is the case.

Mr Pettersson is going on the radio and saying, "It would be really great if all the landlords left the market." Tell that to the students who are struggling to pay \$150 each a week for rent in a group house. That is roughly what they are paying. I know that because that is the conversation I have had this week. You put three or four kids together. They have to rustle it up out of their salaries that they earn while studying, probably working in hospitality. Probably, if they are really lucky, they are earning \$21 or \$22 an hour. You tell them that if their landlord leaves the market they can just buy the house. I know that Mr Pettersson is young and idealistic, but that is utterly and completely ridiculous. It is not going to happen. These students are not going to be able to buy the house they are living in or any other house, because they do not have a savings record. They do not have the capacity to borrow.

Does he expect that we are going to create a whole lot of basket-weaving collectives of people going out and building units? I do not think so. Mr Pettersson has little understanding of the economic realities of the housing market. Mr Pettersson will trot out the lies of the CFMEU. That is about all his understanding is.

The parents in this town know that it is increasingly difficult, probably impossible in some cases, for their children to own property and that they will not have the advantages their parents had. Our children will be worse off than we are because they will not have the same access to home ownership as we did. That makes you poor all your life. What happens to you when you are no longer earning an income? When you are on a pension or limited superannuation, how do you pay your rent?

These are real, long-term issues that keep people awake at night. They keep my children and their generation awake at night. And it keeps me, my husband and our generation awake at night wondering how our children will get on. Mr Pettersson needs to wake up to himself and realise that some of the issues we face in here are a little more complex than young men who have very little world experience, except through the Xbox, know.

*Members interjecting—*

**MADAM SPEAKER:** Members, please. Ms Cheyne, I do not want to have to warn you.

**MS CODY** (Murrumbidgee) (11.51): I was not planning on speaking on this debate. I am actually an extremely privileged young person. I count my lucky stars every day. I left school at 14. I was working full time for many years as an apprentice hairdresser, earning bugger-all money, but I managed—

**MADAM SPEAKER:** Language, Ms Cody!

**MS CODY:** I beg your pardon. I was earning very little money and I was lucky enough to live at home with my parents so that I could save up the deposit for my first house.

I do not actually know what it is like to rent. I will be the very first member of this particular Legislative Assembly to admit the fact that I have never rented. I hear of the struggles out on the streets. I hear of the struggles when I doorknock renters. They tell me how terrible some landlords can be. But they also tell me great stories, fabulous stories, about some landlords—some landlords that actually get it, that actually understand what it is like to be in the rental market. Mind you, they are few and far between. But there are some.

As a mum, I have a son who rents. I wish he was paying only \$150 a week, let me tell you. It would be so much better for both of us if he could pay only \$150 a week. But, no. He works in a small country town in New South Wales, where he pays \$320 a week for a room in shared accommodation—shared bathroom, shared kitchen, shared dining area, \$320 a week! And he has zero rights as a renter.

What this bill is trying to do is allow some of the niceties that people living in a house deserve, whether they own it or whether they rent it. People deserve to have a roof over their heads. People deserve to be able to come home and call the place they live in a home. They deserve to be able to hang a picture. They deserve to have the love and affection of a pet that does not just offer companionship; it can often offer stress relief, and there are a whole number of service animals out there that offer support to their owners.

Mrs Dunne—through you, Madam Speaker—is saying that she believes that no-one should have a pet in a rental property. Let me say this: the law does not force any landlord to accept a renter with a pet. The law is simply asking that it be considered for everyone to feel at home, to feel the love of an animal, to feel that their house that they pay a motza for in rent is able to be called a home. It is very, very important—and I am sure Minister Ramsay will wrap up with some more comments about this—that tenants are given the option to have a house that meets their requirements. I think these changes to the Residential Tenancies Act go some way to offering that. They go some way to ensuring that everyone that rents a property is able to call it their home.

**MRS DUNNE** (Ginninderra) (11.56): Under standing order 47, I seek leave to explain certain words that may have been misunderstood.

**MADAM SPEAKER:** Mrs Dunne.

**MRS DUNNE:** Thank you. I do not know whether Ms Cody was getting carried away, but I did not at any stage say that I believed that renters should not be allowed to have dogs. In fact, I highlighted circumstances where I thought that it was a possibility. But I did raise the issue of where people should have the right to decline to have a dog. And I think that the notion that Ms Cody put forward needs to be put to bed.

**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) (11.57), in reply: I am pleased to speak at the conclusion of a particularly heated debate which was at times rather disconnected from the bill that is before us. Access to housing is fundamental

for human rights and human dignity, and what this bill does is make significant inroads into providing a fairer housing system for tenants in the ACT.

Given that the recent figures show close to a third of Australian households rent their housing, what these amendments will do is improve the lives of a significant proportion of people in our community. These changes are timely. They closely align with the goals and objectives in the new ACT housing strategy that was launched by the Chief Minister and the Deputy Chief Minister in October last year.

In short, the bill amends the Residential Tenancies Act to make it easier for tenants to keep pets in their rental property and to make modifications to the property. It also balances the rights of tenants and landlords in relation to ending leases and changing rental rates. For many people, having a pet is a crucial part of making their house a home. Animal companions are often part of our family. Recognising this, the bill provides that the standard residential tenancy terms will include a clause giving tenants the right to keep a pet. This will be the default option for new tenancy agreements going forward.

Despite the assertions of the opposition, as with other aspects of the bill the new framework will take into account the interest of landlords. In fact, I wonder if Mrs Dunne has even read the bill that is before the Assembly. The tenant may be required to seek written consent to keep an animal on the premises. A landlord can give consent with reasonable conditions in place in relation to the number of pets allowed or the cleaning or the maintenance of the premises. The landlord can impose additional or different conditions, with the approval of the tribunal. And the landlord can only refuse consent for a pet altogether if they seek and obtain the approval of the tribunal.

The amendments recognise that decisions regarding pets in rental properties should be made on a case-by-case basis instead of having blanket conditions. For example, a landlord may not be concerned about a tenant keeping a small pet, but they might apply to the tribunal for consideration if a tenant wants to keep a German shepherd in their studio apartment. It is a clear and comprehensive framework overseen by an independent arbiter, and that strikes the right balance between the genuine interests of landlords and tenants and it recognises the value of pets in many of our lives.

The bill introduces reforms that will make it easier for tenants to make modifications to a rental property. Landlords will need to seek an order from the tribunal to refuse consent to minor or other prescribed special modifications. Special modifications include those that are made to support the safety and security of the premises, as well as those that would assist tenants in relation to their disability. By example, a tenant may wish to anchor a television. The landlord can impose conditions on their consent provided that those conditions are reasonable.

In relation to modifications that are not minor or special, a landlord cannot unreasonably refuse consent. If a tenant believes that a landlord has done this, they can apply to the tribunal for an order that the request was unreasonably refused. This new framework for modifications in the bill gives tenants more choice and control in

how they make a house a home—again with independent oversight to help resolve difficult cases.

The final set of amendments promotes model behaviour by landlords when it comes to rental increases and tenancy termination. The amendments directly support the housing strategy objective of strengthening rights and protections for tenants. One of the ways the bill does this is by making break-lease fees fairer for tenants. Currently, the break-lease clause is optional but it is included in most fixed term tenancies. Under the existing arrangement, if a tenant ends the lease for a reason that is not provided in the act, they will be liable for a break-lease fee. In most cases this is between four and six weeks rent, depending on how much time has passed. The bill amends that clause to limit the fees payable to the actual loss experienced by the landlord.

The bill will also introduce a fairer process for negotiating rental increases. The bill provides that if a landlord wishes to increase the rent above a prescribed amount, which will be set by regulation, and the tenant does not agree, it is the landlord who must seek approval from the tribunal. That prescribed amount will be set at the consumer price index, plus 10 per cent of that index. Tenants can also apply for a review of the rental increase if they wish to do so, but shifting the burden makes the system fairer and increases the independent oversight that will be available in relation to rental increases.

In conclusion, the amendments in this bill are a result of very close consultation with government and community stakeholders. I would especially like to thank the Tenants Union ACT, Canberra Community Law, the Real Estate Institute of the ACT, ACT Shelter, the ACT Civil and Administrative Tribunal and others for their engagement. Their immense practical experience has informed the bill in many respects, and I look forward to collaboration with them on future work.

I know that this is an issue where there is a broad spectrum of opinions, and it is important for us to make sure that the voices of the people that work in this space are acknowledged and heard. I am pleased that these reforms have been the subject of much interest in the media and the community. This shows the importance of getting rental laws right, which I am confident that this bill does. This bill will make renting better and fairer, and I commend it to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Clause 1.

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

**Sitting suspended from 12.04 to 2.00 pm.**

## **Questions without notice**

### **Schools—violence**

**MR COE:** My question is to the Minister for Education and Early Childhood Development. Minister, why is data relating to school-based violence kept only at a school level and not collated and monitored by the directorate?

**MS BERRY:** It is not kept only at the school level. There is a lot of data that is collected at the school level and also within the Education Directorate. Some of that is paper based; some of that is via Riskman. Bringing that all together is the challenge for circumstances around violence in schools.

**MR COE:** Minister, what data types are collected, collated and/or monitored centrally?

**MS BERRY:** I have just referenced two: Riskman and data at paper base level for individual students' circumstances at school.

**MR WALL:** Minister, what steps are in place to ensure compliance with reporting in schools?

**MS BERRY:** Recording in schools for what?

**MR WALL:** Sorry, I asked: what steps—policies—are in place to ensure compliance with reporting in schools into those management systems?

**MS BERRY:** We are just transitioning, as I spoke about in detail, to a new system in our schools, the SAS system. That will gather all of the information that we need in one place. That is in a transition period now. It has been transitioning since 2017. Once that process is complete, we will have all of the data that is being currently—

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

**MADAM SPEAKER:** Resume your seat. Point of order?

**Mr Wall:** It is a point of order on relevance. The question was specifically: what policies or procedures are in place. I am aware that there are systems there but certainly part of the issue that has been raised is that there is a lack of reporting of these statistics.

**MADAM SPEAKER:** To that point in the remaining time that you have, minister.

**MS BERRY:** Madam Speaker, I said that we are going through a transition period now of moving data collection on to a new system.

### **Schools—safe and supportive schools program**

**MR WALL:** My question is to the Minister for Education and Early Childhood Development. Minister, children at a Tuggeranong primary school received a survey

recently as part of the safe and supportive schools program. The survey describes itself as being “delivered annually in the first half of term 3 to all students in years 3-6 (and a small selection of students from the junior school)”. Minister, why isn’t the survey anonymous? And why does it expect children as young as eight and even younger to complete it and to name names?

**MS BERRY:** I will take some of the substance of that question on notice. Student agency is an important thing to the ACT government. We have heard that young people want to be part of having a say in what happens in their school communities. We have heard that loud and clear. We want to make sure that that is the case across all our school system.

**MR WALL:** Minister, are parents informed ahead of time about the survey taking place, and what privacy provisions are in place to ensure the individual’s privacy?

**MS BERRY:** Again, I will take the detail of that question on notice, specifically around how parents are notified, and with regard to privacy and how that is notified to individuals.

**MR PARTON:** Minister, who approved the use of this survey and who designed its questions?

**MS BERRY:** I will take that question on notice.

### **Planning—housing choices**

**MS LE COUTEUR:** My question is to the Minister for Planning and Land Management and relates to the housing choices review of planning rules for Canberra’s residential areas. This time last year the community was busy writing housing choices submissions to government. When will communities see action on their issues and suggestions?

**MR GENTLEMAN:** I thank Ms Le Couteur for the question. It was a very good process, I think—the housing choices process and the collaboration hub—and of course government has responded and agreed to the recommendations from that. Work has already begun within EPSDD on the proposed changes from those recommendations and I will come back with the detail on the time line for changes to the Territory Plan.

**MS LE COUTEUR:** Minister, can you reassure the community that progress will not be delayed because of the Territory Plan review, which could take years to finish?

**MR GENTLEMAN:** As I said, the work has already begun, so I do not expect that there will be a delay. Of course, we have to work through the planning process and the changes to the Territory Plan from those recommendations, and we will do that as speedily as we can.

**MR PARTON:** Minister, when is the Territory Plan review due to be completed?



**MR GENTLEMAN:** I understand that it will be probably by the end of next year.

### **Schools—safe and supportive schools program**

**MS LAWDER:** My question is to the Minister for Education and Early Childhood Development regarding the safe and supportive schools survey distributed in some primary schools. How long has this survey been used in ACT schools, has it been delivered annually and, if so, for how long?

**MS BERRY:** There are three parts to that question, and I will take them on notice.

**MS LAWDER:** Minister, who receives the information elicited by the survey, and is it passed on to the directorate to be compiled centrally?

**MS BERRY:** The survey is collected at the school level, of course, in delivering the survey. I will take the rest of that question on notice.

**MR WALL:** Minister, what briefings have you had on the outcomes of surveys conducted as part of the safe and supportive schools program? If you have not been briefed, why not?

**MS BERRY:** I have been briefed on the safe and supportive schools program.

### **Roads—upgrades**

**MS CHEYNE:** My question is to the Minister for Roads. Can the minister update the Assembly on recent improvements to ACT roads?

**MR STEEL:** I thank Ms Cheyne for her interest in roads in the ACT. Since October 2016 the ACT government has invested over \$206 million in road projects to ease congestion for commuters and for Canberra residents in surrounding areas. One of the major focuses of the ACT government is to invest in and upgrade Canberra's major arterial roads. The government has been delivering on these critical road infrastructure projects, which include the \$28.9 million Cotter Road duplication, demonstrating our continued support for the growing Weston Creek and Molonglo region.

The ACT government has identified roads that currently experience high levels of traffic, as well as working to anticipate areas that are expected to increase in volume and transport demand in the future. The 2018-19 budget included funding for planning to begin on duplicating William Slim Drive to a dual carriageway between Ginninderra Drive and the Barton Highway. The duplication will cater for the 20,000 vehicles on the road each day, with two lanes in each direction between Ginninderra Drive and the Barton Highway and a new signalised intersection at Dumas Street and William Slim Drive.

It was interesting to see the full page ads in the *Canberra Times* and the *City News* today celebrating the federal Liberal government regarding Canberra roads. Stunningly, this taxpayer-funded propaganda in the lead-up to the next federal

election has a very prominent photo of William Slim Drive, yet there has been no federal government funding for this road, despite the federal government's plans to develop the massive 701 hectare CSIRO site directly adjacent to the road, which could accommodate up to three suburbs. Our government has called on the federal government to support the duplication to deal with the expected congestion caused by the development, yet ACT ratepayers are set to foot the bill alone. I table the advertisement in the Assembly.

**MS CHEYNE:** Can the minister update the Assembly on the Tillyard Drive, Ginninderra Drive and Lhotsky Street intersection upgrade?

**MR STEEL:** I thank Ms Cheyne for her interest in and advocacy for this particular intersection. As one of the oldest major arterial roads in Canberra, Ginninderra Drive, at the intersection of Tillyard Drive and Lhotsky Street, needed upgrading to ensure the safety of pedestrians, cyclists and road users. I am pleased to say that works will begin soon on the vital improvements to the intersection, which is a main public transport and active travel connection to Charnwood, local shops, local schools and community facilities.

The intersection upgrade will link the Ginninderra Drive and Tillyard Drive intersection with the Lhotsky Street and Tillyard Drive intersection, ensuring that there is one movement for motorists, pedestrians and cyclists. This will improve safety and see a reduction in the number of crashes that occur at the intersection. Design and construction tender documentation has been finalised. The construction tender was advertised in December last year, with works scheduled to commence in the first quarter of this year, and it will be completed around midyear.

**MS CODY:** Can the minister advise the Assembly on the progress of Horse Park Drive?

**MR STEEL:** I thank Ms Cody for her supplementary. The Gungahlin region is one of the fastest growing regions in Australia, and Horse Park Drive is a key access road for the region, with around 18,000 vehicles travelling along it each day. The duplication of this important road has been underway for some time and I am pleased to advise that work is on schedule for completion by around mid-2019.

This project involves the duplication of Horse Park Drive between the Federal Highway interchange and Amaroo playing fields. The upgrade will see the duplication of four kilometres of road and includes the installation of traffic lights on Francis Forde Boulevard, Katherine Avenue south and Mulligans Flat Road intersections. There will be a number of safety features included in the road which will improve safety for children travelling to and from school, including indented bus bays, signalised pedestrian crossings and the installation of fencing for median strips, and a reduction of the speed limit from 90 kilometres an hour to 60 kilometres an hour. Work is well underway on the final part of the duplication between Well Station Drive and the Federal Highway. This work is expected to be completed soon.

The last section of work will include a duplication of the road, a new three-metre wide shared path along the southern side of Horse Park Drive, a new road and footpath

bridge over Sullivans Creek and better parking access to the Gorooyarroo nature park. I am looking forward to delivering better roads to the residents of Gungahlin and the ACT.

### **Schools—violence**

**MR PARTON:** My question is to the Minister for Education and Early Childhood Development. Minister, yesterday in this chamber when I outlined some of the stories of violence in schools you said that it was the first you had heard of those stories of violence and fear. Why did it take my comments to draw your attention to stories which had either been mentioned in the *Canberra Times* or about which the parents had written directly to your office?

**MS BERRY:** The stories I was referring to that I heard referred to yesterday I had not heard before in my office. Some of those stories I had not. The ones in the paper had been referred to my office; I was aware of those. But there were a couple of references yesterday, and visitors here yesterday, about which I had not heard before.

**MR PARTON:** Minister, are your staff or staff within the directorate hiding these stories from you?

**MS BERRY:** Maybe Mr Parton is trying to be a little bit too tricky here. Specifically with regard to those stories that were referred to yesterday, those people have not been in touch with my office. So I had not heard from those individuals. That was what I was referring to yesterday. I have since, as Mr Parton is aware, spoken to a number of those families that were here yesterday. I have now heard their stories and I am working with them and the directorate and the schools to make sure that they are being supported and that their issues are addressed.

**MRS DUNNE:** Minister, what are you doing to ensure that you are properly briefed in future about the violence in ACT government schools?

**MS BERRY:** I am briefed properly by the education directorate but I have sought for further—

**Mrs Dunne:** It does not seem to be sticking, then.

**MS BERRY:** You asked the question, Mrs Dunne; I am trying to answer it for you. I have asked the directorate to pay further careful attention to ensuring that I am briefed more regularly and in more detail. When my office is contacted by individuals, I respond to those individuals.

### **Schools—violence**

**MR HANSON:** My question is to the Minister for Education and Early Childhood Development. Minister, in answer to a number of questions in the Assembly last week about incidents at Theodore Primary School, you said you had received daily briefings from the Education Directorate and that you would continue to be personally involved in how that school recovers. Some parents that opposition MLAs have met with who

wrote to you have advised that they have heard nothing from you. Minister, why have you not yet responded to all parents who have written to you?

**MS BERRY:** I refer members to my answers to questions last week on this issue. I did say that there were some people that I had not responded to yet, because of more work that was happening within the school. I wanted to assure myself that the Education Directorate, the school and the community were being supported. Those families will be responded to. I will make sure that they are responded to in time. But I did say that I wanted to make sure that the responses I provided had all the up-to-date information in them.

**MR HANSON:** Minister, when can those parents expect to hear from you and what direction have you given to the school with regard to those parents who are yet to hear from you?

**MS BERRY:** I have signed a letter today to one of those families. Sorry, did you say what direction have I given to the school?

**Mr Hanson:** Yes. You said that you were waiting to hear from the directorate and the school and you were waiting before you wrote because you were waiting for information. Have you been in contact with the school and have you given them any direction?

**MADAM SPEAKER:** You have asked the question. There is not an exchange across the floor.

**Mr Hanson:** She asked for a point of clarification. I am just trying to provide that clarity, Madam Speaker.

**MADAM SPEAKER:** I think you have provided it, Mr Hanson.

**MS BERRY:** I feel like I am being verbally a bit here. I have said that I was waiting to make sure I had the correct information and the up-to-date information. I was carefully considering my response to those families.

**MR PARTON:** Minister, given the Assembly's unified concern about violence at Theodore, will you agree to jointly visit the school with Ms Lee and Minister Rattenbury and if not, why not?

**MS BERRY:** Since I took that question on notice last week I have reflected on an answer, and my response to that is no. The reason for my saying no to a joint visit is because schools, particularly Theodore primary at the moment, are not places for a bunch of politicians to go in there and ogle at them like it is some weird science experiment. I am not interested in that at a moment in time when the school is going through a period of recovery, which we agree is going to be a difficult time given the stories that have been made public over recent times. That school deserves and is entitled to a chance to recover to get the expert advice from the Education Directorate and others to work on a strong, inclusive and safe school community. That is what I am interested in for Theodore Primary School.

### **Environment—threatened species**

**MS ORR:** My question is to the Minister for the Environment and Heritage. What update does the minister have about striped legless lizards at Palmer Nature Reserve?

**MR GENTLEMAN:** I thank Ms Orr for her question and also for her interest in the environment. The future is brighter for the threatened striped legless lizard at the Palmer Nature Reserve. This is because we are establishing a new population of the species at the reserve. I am advised that there are only about half a dozen healthy populations remaining in the territory.

Striped legless lizards were declared vulnerable in the ACT in 1996 and have a special protection status. The lizards moved to the reserve have survived. My advice is that we may be at the beginning of a self-sustaining population, although this could be some years away.

Palmer Nature Reserve plays an important role in the conservation of natural grassy ecosystems favoured by the striped legless lizard. The government is committed to protecting our threatened species. Our 37 reserves within the Canberra Nature Park are essential to this task.

**MS ORR:** Minister, how is the government protecting other threatened species across the territory?

**MR GENTLEMAN:** Last year the government launched an updated aquatic and riparian conservation strategy, along with seven associated action plans for threatened species. The strategy outlines how the government can continue to partner with the community, given that the community volunteers are essential to aquatic and riparian management and rehabilitation programs. The action plans to further protect threatened species in these ecosystems include the Macquarie perch, two-spined blackfish, trout cod, Murray crayfish, silver perch, Murrumbidgee bossiaea and Tuggeranong lignum. The strategy builds on the successful protection and management of aquatic and riparian areas achieved since the original 2007 aquatic species and riparian zone strategy and will be integral to the upcoming ACT water resource plan, the urban lakes and ponds land management plan and the environmental flow guidelines.

**MR PETTERSSON:** Minister, has the government provided support to local groups to support environmental protection?

**MR GENTLEMAN:** I thank Mr Pettersson for his interest in these local volunteer groups. Protecting the environment is a shared effort; we rely on the volunteers and local groups to help with many of our efforts and it is pleasing to be able to recognise their efforts.

Eleven grants have been awarded through the 2018-19 environmental grants program. The grant recipients have a broad range of objectives, from landscape restoration to biodiversity and native habitat enhancement, threatened species research and

education on our Indigenous heritage. The 11 projects to receive funding prove that they will have a lasting legacy and provide strong value for money.

This is the 21st year of our environmental grants program, and each year we have seen the number of applicants rise as the community becomes more environmentally minded.

### **Schools—violence**

**MR MILLIGAN:** My question is to the Minister for Education and Early Childhood Development. Minister, a Tuggeranong parent has removed her child from a primary school at the centre of current behavioural incidents because of the frequency of lockdowns. How frequent are lockdowns due to student violence in ACT schools and how is the determination to call a lockdown made?

**MS BERRY:** I will take the detail of that question on notice, if it is available. Lockdowns occur to keep safe either a student who might have an escalation of behaviour or other students in the area or in the classroom. They are an important part of managing issues that might arise in our schools. It also speaks to the inclusive nature of our schools, which means that some students will have behaviours that are challenging. It is about making sure that the right supports are in place so that that child also gets the opportunity to have a great education. Keeping other children safe is a priority for schools in the ACT and the ACT government. As to the detail of the actual numbers, I will take that on notice. I am not aware of the actual school that Mr Milligan is referring to. Rather than talk about it in this place, if it is not a school that is known to me, perhaps he could email my office.

**MR MILLIGAN:** Minister, are you alerted when an ACT school goes into lockdown due to student violence?

**MS BERRY:** I am advised when a school community is locked down due to managing challenging behaviour amongst some of our students.

**MR WALL:** Minister, what is the procedure for a school to follow when a lockdown occurs?

**MS BERRY:** It depends on the circumstances when a lockdown might occur and what the description of the lockdown might be: whether it is the entire school or just a classroom. Individual circumstances will require a different response on each occasion.

### **Schools—violence**

**MISS C BURCH:** My question is to the Minister for Education and Early Childhood Development. Minister, a number of parents at Theodore Primary School have requested that their children transfer from that school because they fear for their safety. How many transfer requests have been made, and have these requests for transfer been granted for student safety?

**MS BERRY:** I will take that question on notice.

**MISS C BURCH:** Minister, are these requests as frequent as in other schools in the ACT?

**MS BERRY:** I will take that question on notice.

**MS LAWDER:** Minister, how many times must a child be bullied or physically assaulted in a school before you will take action?

**MS BERRY:** The Education Directorate and schools take action. Violence or bullying in schools is not acceptable. Violence or bullying in our community is not acceptable. It is a serious issue that has been around for a long time, and it will continue. The government is working to make sure that our schools have the right systems in place and the support for teachers and parents and families to ensure that our schools are safe communities.

### **City Renewal Authority—city centre improvements**

**MR PETTERSSON:** My question is to the Chief Minister. Could the Chief Minister please update the Assembly on how the government is improving Canberra's CBD through the work of the City Renewal Authority?

**MR BARR:** I thank Mr Pettersson for the question. The City Renewal Authority has been very busy since its establishment. I am sure that members would have noticed the significant footpath and pavement upgrades that have been occurring throughout the city.

Just last week the new Northbourne plaza was opened and the verges adjacent to the Sydney and Melbourne buildings have been significantly enhanced. The government is also completing upgrades on London Circuit and Akuna Street, complete with new street trees and street furniture. This is all about improving city presentation for residents and visitors alike.

The CRA has been active in supporting community organisations as well as providing grants and undertaking activities of their own through, for example, new street furniture, art installations to activate spaces as well as, as I have mentioned, supporting community organisations to make the city a more colourful and active place. Not all the space in our CBD is publicly owned so the CRA works with private developers to see that the areas that are privately owned are completed to a quality standard. With better quality public spaces and quality private development, we are seeing a significant renewal of our city centre.

When light rail opens in the not too distant future and the work is complete in that precinct, together with the billions of dollars of investment along the light rail corridor leading into the city, we will have witnessed the most significant transformation of our city centre in living memory.

**MR PETTERSSON:** Chief Minister, what is the City Renewal Authority doing outside the city centre to improve Canberra's north?

**MR BARR:** The City Renewal Authority precinct extends along the light rail stage 1 corridor. The authority has been focused on a number of different precincts in this area. Haig Park is one such example, a much underutilised part of our city for far too long. There is no doubt that Canberrans want Haig Park to be improved and better utilised.

The authority has already delivered upgrades on the Braddon side of Haig Park, which has included more lighting, better footpaths and street furniture, in a way that respects the park's heritage value. An exciting mix of events will also help to activate the park. We will continue to focus on improvements in Haig Park as outlined in the authority's place plan. The authority has also published place plans for Dickson and Braddon that outline a shared vision for the precincts that are inviting and pleasant, whilst maintaining, and indeed enhancing, the unique characteristics of each area.

Future CRA projects and investment will prioritise high quality spaces for people to enjoy. These plans have been created through extensive community consultation. The authority has been busy working with local residents, workers and traders to enhance these precincts.

**MS CHEYNE:** Chief Minister, why is it so important that Canberra has a CBD that makes people want to live in, work in and visit the city centre?

**MR BARR:** It is important that our CBD reflects the best that our city has to offer. Many of us who have lived nearly all of our lives in the city might have heard all too frequently that Canberra was a hundred suburbs in search of a city, a sentiment that I have always found quite frustrating. We live in a vibrant, progressive and inclusive city, one that deserves a CBD that showcases the best of this city and highlights the great potential that Canberra has.

A thriving city centre is crucial to our territory's economy. It allows businesses to flourish and helps our city to attract more people from other cities and countries. Many small businesses in the city rely on local customers, and having more residents and better quality spaces will help many existing businesses in the CBD and also support the establishment of new businesses.

Canberra cannot continue to sprawl endlessly, and having a city centre with more residents and better quality developments means that a wider part of the Australian Capital Territory can remain protected. This delivers greater housing choices for Canberrans and also ensures that we strike the balance between a vibrant city heart and our more than 100 leafy suburbs.

A strong city centre helps Canberra's culture and arts scene to develop. We want to see a CBD that supports live music and events, and we are taking further steps to support the nation-leading growth in our night-time economy. Restaurants, bars, theatres and galleries will be successful when we deliver a better CBD, and we are



well advanced. You can see all around us, from the vantage point of this building, just how much change, development, renewal and enhancement are occurring in Canberra's CBD.

### **ACT Health—SPIRE project**

**MRS DUNNE:** My question is to the Minister for Health and Wellbeing. Minister, I refer to the concept brief regarding the SPIRE project dated 15 October 2018, which was prepared for you. I seek leave to table a copy of the concept brief, which I received under the Freedom of Information Act.

Leave granted.

**MRS DUNNE:** Minister, in relation to this concept brief prepared in relation to SPIRE dated 15 October, it says, "The earliest the project would now deliver functional clinical areas would be 2025-26." Minister, when will the SPIRE project deliver functional clinical areas?

**MS FITZHARRIS:** As previously stated, it will be in the 2023-24 financial year, subject to ongoing planning. But I can confirm the date, which has previously been set at 2023-24.

**MRS DUNNE:** Minister, what level of confidence do you have that the project will be completed by the time you state, as opposed to that stated in the concept brief that was prepared for you on 5 October last year?

**MS FITZHARRIS:** As members will know, large infrastructure projects are subject to detailed planning. That is well underway. Based on the planning to date, I have a high level of confidence that it will be delivered in that financial year.

**MISS C BURCH:** Minister, why should the Canberra community have confidence in your ability to deliver this project on time given your failure to deliver other projects on time?

**MS FITZHARRIS:** I am not sure what Miss Burch is referring to, but I note that in the past two years we have delivered the University of Canberra Hospital, we have also delivered the Gungahlin walk-in centre and we have updated and upgraded the acute aged-care ward at Canberra Hospital in addition to a range of other projects. I think the Canberra community can have confidence that this project is progressing well. Indeed, clinician workshops were held just last week to further inform the service planning for SPIRE. I very much look forward to construction commencing by next year.

*Mrs Kikkert rising—*

**MADAM SPEAKER:** Mrs Kikkert, before I give you the call for your question, you would be aware that I made a statement this morning in relation to your comments in the adjournment debate last night. You are aware of the statement I made this morning

in relation to your comments in the adjournment debate? Do you want me to read them again for you?

**Mrs Kikkert:** I understood that question time is the first priority and then we do that later?

**MADAM SPEAKER:** No, I think this is the priority.

**Mrs Kikkert:** We are all learning here.

**MADAM SPEAKER:** Mrs Kikkert, let me read the last of this:

Having considered Mrs Kikkert's statement in the Assembly last night, I am of the view that it implies that I acted under pressure and that I did not give Mrs Kikkert a fair hearing. Both of those accusations reflect on the impartiality of the chair."

I ask, you, Mrs Kikkert, to withdraw any reflection on the impartiality of the chair.

**Mrs Dunne:** On the issue before us, I am not speaking for Mrs Kikkert as to whether she intends to withdraw. My understanding is that at 2 o'clock question time takes precedence over all other things and therefore other matters, such as statements that members might need to make, would happen after question time.

**MADAM SPEAKER:** I have considered that but I have also sought advice, and that advice said that I could ask Mrs Kikkert to withdraw her comments.

**Mrs Kikkert:** I feel very privileged that you have brought up this matter in the middle of question time.

**MADAM SPEAKER:** You just withdraw, Mrs Kikkert.

**Mrs Kikkert:** Thank you very much. I understand that the Speaker is disturbed—

**MADAM SPEAKER:** Mrs Kikkert—

**Mrs Kikkert:** through her own interpretation of my words yesterday.

**MADAM SPEAKER:** Mrs Kikkert, sit down.

**Mrs Kikkert:** I would like to reassure the Speaker that that was not my intention and—

**MADAM SPEAKER:** Mrs Kikkert, you are now named.

**Mrs Kikkert:** I withdraw.

**MADAM SPEAKER:** You were given an opportunity to withdraw. It was not a debate.

**Mrs Kikkert:** It was not a debate; it was an explanation.

**MADAM SPEAKER:** Withdraw: that is all you needed to do.

**Mr Coe:** On a point of order, Madam Speaker, has Mrs Kikkert been named?

**MADAM SPEAKER:** Yes.

Motion (by **Madam Speaker**) put:

That Mrs Kikkert be suspended from the service of the Assembly.

The Assembly voted—

Ayes 12		Noes 9	
Mr Barr	Ms Orr	Miss C Burch	Mr Milligan
Ms Berry	Mr Pettersson	Mr Coe	Mr Parton
Ms J Burch	Mr Ramsay	Mrs Dunne	Mr Wall
Ms Fitzharris	Mr Rattenbury	Mr Hanson	
Mr Gentleman	Mr Steel	Mrs Kikkert	
Ms Le Couteur	Ms Stephen-Smith	Ms Lawder	

Question resolved in the affirmative.

*Mrs Kikkert was suspended at 2.39 pm for three sitting hours in accordance with standing order 204, and she withdrew from the chamber.*

**Mr Hanson:** Madam Speaker, on your previous ruling, would you do us the courtesy of providing the advice you received that it was appropriate to do what just occurred?

**MADAM SPEAKER:** It is not written advice, Mr Hanson.

**Mr Hanson:** You are not going to table it?

**MADAM SPEAKER:** There was not written advice. I cannot table advice that has not been—

**Mr Hanson:** Could you seek written advice to confirm that what you did was appropriate and in the spirit of the standing orders?

**MADAM SPEAKER:** No, Mr Hanson. It was a straightforward matter. Mrs Kikkert was given the opportunity to come down during the morning hours when it was first raised at 10. She did not. She sought to ask a question. She had the opportunity to withdraw and she could have had her question. So there is no further detail on that.

### **Sport—basketball**

**MS CODY:** My question is to the Minister for Sport and Recreation: can you outline to the Assembly the importance of the Canberra Capitals' WNBL championship win and its likely impact on local basketball and community sport in general?

**MS BERRY:** What a great victory the University of Canberra Capitals completed on Saturday. Canberra's most successful national sporting team built on their amazing record with their eighth title after a great finals series against Adelaide Lightning. All season we have been watching as this team got better and better: their grit, their skill, their power and teamwork.

It had been a while between titles for the University of Canberra Capitals, but to see the way the Canberra fans got behind this exceptional team of athletes on Saturday was great, and there is a dividend that will flow from this victory. What I want to see now is more people shooting hoops with their friends and families, more young people taking up basketball and more people supporting elite women's sport.

I also want to make a point about the great spirit the University of Canberra Caps players showed all season in engaging with their fans. It is often this personal connection that motivates children to have a go at sport for themselves. It was great to see all of the signs posted around the AIS stadium supporting individual players, and there was a real connection between the Canberra community and some of the individual players of the University of Canberra Capitals.

As is so often the case in women's sport, the Caps players are typically not motivated by big money or fame but a desire to contribute to a great team and to a win, and to be great role models. That is why the ACT government stuck with the Caps through a few lean years and was happy to support them in their victory.

**MS CODY:** Minister, how has the ACT government supported the Capitals in this great achievement?

**MS BERRY:** We are not a bandwagon government. We never stopped believing. In the election campaign in 2016, ACT Labor made an important commitment to this team, that we would provide a four-year, \$1 million funding agreement for them to bring them more in line with government-funded elite men's sport. This funding certainty matters for staffing, player signings, facilities, sponsors and ultimately for results.

The ACT government has also supported the Caps in their move to their new home court at the National Convention Centre. Through the ACT Academy of Sport, we have also provided gym and fitness equipment for the Caps to use during the season.

The government is always conscious of the fact that it is public money that we direct to elite sports like the Caps. We ask the community to make this contribution because the gains on offer are so great. I hope members agree that it has been a worthwhile investment.

**MS ORR:** Minister, why is it important for governments to keep driving towards gender equality in elite sport and sports administration?

**MS BERRY:** I thank Ms Orr for the question. It is because we are not there yet. As with political representation and board representation, the ACT government's view,

and the Labor Party's view, is that gender equity in sport will not happen by itself. The sports community has brought this cause forward a long way in recent years, and we congratulate them on it.

But there remain areas in which there is more work to do, which is why the ACT government's policy platform works on numerous fronts: \$400,000 into leadership and participation programs in women's sport this term; \$500,000 into more inclusive sports infrastructure—and we reckon we will exceed that; and a policy for at least 40 per cent representation of women on the boards of ACT sporting bodies.

What is heartening is that there is general national agreement to these principles. The New Zealand government has also released a similar strategy and has shown strong interest in learning more about what the ACT is doing. Clearly, there is an important role for governments here, and we look forward to making further gains off the back of the Caps' success.

**Mr Barr:** Further questions may be placed on the notice paper.

## Papers

**Mr Gentleman** presented the following papers:

Financial Management Act, pursuant to subsection 30F(3)—2018-19 Capital Works Program—Progress report—Year-to-date 31 December 2018.

Justice and Community Safety—Standing Committee—Report 3—*Report on inquiry into the Crimes (Consent) Amendment Bill 2018*—Government response.

Australian Crime Commission (ACT) Act, pursuant to subsection 51(5)—Board of the Australian Criminal Intelligence Commission—Chair Annual Report—2016-17, dated 24 January 2019.

Age Friendly Canberra—A Vision for our City.

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 14 January 2019.

## Capital works program—progress report

**MR GENTLEMAN** (Brindabella—Minister for the Environment and Heritage, Minister for Planning and Land Management, Minister for Police and Emergency Services and Minister assisting the Chief Minister on Advanced Technology and Space Industries) (2.44): Pursuant to standing order 211, I move:

That the Assembly take note of the following paper:

Financial Management Act, pursuant to subsection 30F(3)—2018-19 Capital Works Program—Progress report—Year-to-date 31 December 2018.

**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) (2.44): The December quarter 2018-19 capital works progress report

for the territory has been presented to the Assembly. The 2018-19 budget committed to a works program of \$771 million. The government has successfully delivered \$299 million worth of capital investment, being \$258 million on infrastructure development and \$41 million in information communications technology and plant and equipment. This included \$38 million spent on new works, and \$261 million spent on works-in-progress. The performance of the program as at 31 December 2018 against the forecast program delivery is 48 per cent. I commend the report to the Assembly.

Question resolved in the affirmative.

### **Justice and Community Safety—Standing Committee**

**MR GENTLEMAN** (Brindabella—Minister for Police and Emergency Services, Minister for the Environment and Heritage, Minister for Planning and Land Management and Minister for Urban Renewal) (2.45): Pursuant to standing order 211, I move:

That the Assembly take note of the following paper:

Justice and Community Safety—Standing Committee—Report 3—*Report on inquiry into the Crimes (Consent) Amendment Bill 2018*—Government response.

**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) (2.45): I am pleased to note the tabling of the government response to the Standing Committee on Justice and Community Safety report No 3 on the inquiry into the Crimes (Consent) Amendment Bill 2018.

The committee's inquiry examined in detail the terms of the Crimes (Consent) Amendment Bill 2018 as introduced in the Assembly by Ms Caroline Le Couteur MLA on 11 April 2018. I acknowledge the contribution that Ms Le Couteur has made in bringing that bill to the Assembly, and her courage in speaking in support of that bill.

The bill sought to amend the Crimes Act 1900 to introduce a new statutory definition of consent for certain sexual offences and the distribution of intimate images, and to exclude the operation of specified child sex offences to some young people.

The Legislative Assembly referred the bill to the Standing Committee on Justice and Community Safety on 8 May 2018 on the recommendation of the justice and community safety committee in its legislative scrutiny role in its report No 17 dated 4 May 2018.

The purpose of the standing committee's inquiry was to examine the terms of the bill, in particular the consent provisions, which aim to introduce an affirmative definition of consent in line with modern community standards to enable better outcomes for victims and the community.

Following the receipt of 28 written submissions and public hearings in September and October 2018, the committee tabled its report on the inquiry in the Legislative Assembly on 31 October last year. The committee's report provides 10 recommendations which focus on the issue of consent in ACT sexual offence legislation, support for victims of sexual offending, and understandings of sexual consent in the ACT community.

The report largely focuses on the definition of sexual consent proposed in the bill and highlights that we need to carefully consider the impact and effectiveness of any new definition of consent before changes are made to our sexual offence laws.

The report acknowledges that the issue of sexual assault is complex, not only in relation to the technicalities involved in legislating on consent, but also as an issue which is deeply impacted by social and cultural understandings of acceptable behaviour for personal and sexual interactions.

The government is pleased to receive the committee's findings and is committed to preventing sexual assault in the ACT and improving supports for victims. The government also acknowledges the valuable evidence provided by witnesses to the inquiry, which contributed to informing the content of the committee's final report.

The government agrees to nine of the committee's recommendations and notes one recommendation. The government is focused on how the ACT can reduce rates of sexual offending, improve prosecution outcomes for victims of sexual assault, improve supports for victims within and outside the criminal justice system, and support respectful relationships and positive understandings of sexual consent in the ACT community.

The government agrees with the committee's recommendation that the Crimes (Consent) Amendment Bill 2018 should not be proceeded with in its current form due to issues in relation to the construction of the definition of consent and the challenges this would create for the prosecution of sexual offences.

However, in considering the intentions of the bill, the committee's report does recognise that introducing a positive definition of consent into ACT law may be an important step in improving outcomes for victims and influencing the social and cultural changes needed to prevent and address sexual assault more effectively.

An affirmative and communicative model of sexual consent based on a concept of "free and voluntary agreement", as proposed by the Crimes (Consent) Amendment Bill 2018, aims to reflect the reasonable views of contemporary society and to promote respect and communication in relation to sexual consent. It aims to affirm that submission to sexual advances cannot alone demonstrate consent.

The government supports consideration of this model on the basis that the changes aim to clarify the law on consent and ensure just outcomes for the prosecution of sexual offences. It is also an opportunity to provide clarity in relation to defences available for sexual offences involving issues of consent. Importantly, the committee

acknowledges that before making any changes to introduce a definition of consent, we need to better understand the impact, effectiveness and appropriate construction of a positive consent model.

The government will undertake a thorough examination of options for legal reform. Particular focus will be on whether the objectives of the affirmative and communicative model of consent may be achieved in a way which balances the right of the accused to a fair trial with the needs of the complainant and the interests of the community more broadly, and is still able to provide a clear expression of criminal liability.

The government agrees with the recommendation that a definition of consent should not be introduced into ACT law until after the final report from the New South Wales Law Reform Commission inquiry into New South Wales consent laws is presented. The New South Wales inquiry is specifically considering the utility of introducing an affirmative model of consent into New South Wales law, and so will be valuable in determining how the ACT may improve its current model of consent.

The committee also recommended that section 67 of the Crimes Act 1900, which provides how consent is to be determined in sexual offence cases, would be amended to include a provision about the communication of consent. The government notes the recommendation to amend section 67, on the basis that it is related to consideration of an affirmative and communicative model of consent and so should be determined in conjunction with any changes to establish a consent definition.

Submissions to the committee's inquiry show that there are differing views across the community, justice, human rights and legal sectors as to what a new definition of consent can achieve. The government recognises this diversity in views and is committed to engaging with all interest groups to understand how sexual assault can be addressed effectively.

What is consistent across submissions to the inquiry, and clearly stated in the committee's findings, is the importance of targeting behaviours and attitudes about sexual violence in the community. Sexual offending is not something we can deal with solely through our courts and legal processes. While a strong criminal justice response to sexual offending is vital, of equal importance is the work we do to improve community awareness and education about respectful relationships. Focus on the underlying causes of sexual assault is the substance for true, meaningful change.

The government will work closely with community and justice stakeholders to support measures which specifically address education around the nature of sexual consent issues, socially acceptable behaviour standards, the non-consensual sharing of intimate images and other non-consensual sexual acts, and the breaking down of stereotypical myths and beliefs about sexual assault and rape.

The government is focused on delivering a holistic response to the issue of sexual consent and sexual offending. Our ongoing work to address family violence and to implement the criminal justice recommendations from the Royal Commission into



Institutional Responses to Child Sexual Abuse is part of the cross-government effort to ensure comprehensive action to build a safer community.

The government's response to the committee's report on the inquiry into the Crimes (Consent) Amendment Bill 2018 demonstrates that we are committed to finding effective solutions to the way we address sexual abuse in the ACT. By working with the community and stakeholders, we aim to ensure the best possible outcome for victims as well as the broader ACT position.

**MS LE COUTEUR** (Murrumbidgee) (2.54): I thank the government and the Attorney-General for their response to the JACS committee inquiry and for the tabling statement. As I have said before, I agree with the recommendations made by the committee, including that a definition of consent should be based on the concept of free and voluntary agreement, and that affirmative and communicative consent be considered for enactment into ACT law.

I totally agree with what was said in the tabling statement from the government: that now is the time to continue to work on this. I was very pleased to note in the tabling statement that the attorney said that the government would undertake a thorough examination of options for legal reform and would work with me and the groups that participated in the committee process.

The committee process showed that there is an overwhelming appetite for a change in how we define sexual consent. The community knows that something is not right, and we need to be clearer about what we mean in this regard. That was the whole focus of my bill.

I certainly recognise that more legal advice is needed. That is why I am very pleased that the government will be working on this, hopefully with the community groups and me, as was said in the tabling statement, to achieve this. They are quite detailed, complicated legal issues because the presumption of innocence must, of course, be maintained; equally, we cannot do that in a way that means that the rights of victims will never be realised.

I thank the attorney for his statement. In particular, I am very pleased to note the last paragraph in the tabling statement, which was: "I look forward to bringing reforms based upon this important piece of work to the Assembly in this term." That is great. I look forward to being part of the continuing process that will bring this reform, which I think everyone in the Assembly agrees should happen. We just have to get the mechanism right. I thank the Attorney for his support for this.

Question resolved in the affirmative.

### **Age friendly Canberra—a vision for our city**

**MR GENTLEMAN** (Brindabella—Minister for the Environment and Heritage, Minister for Planning and Land Management, Minister for Police and Emergency Services and Minister assisting the Chief Minister on Advanced Technology and Space Industries) (2.57): Pursuant to standing order 211, I move:

That the Assembly take note of the following paper:

Age Friendly Canberra—A Vision for our City.

**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) (2.57): I am pleased to rise to speak to the tabling of *Age friendly Canberra—a vision for our city*. The document sets out foundational principles to guide the next steps for an age-friendly Canberra, a Canberra where older people's contributions, life experience, and wisdom are recognised and their active participation is valued and enabled.

Our recent age-friendly city survey highlighted the active role older Canberrans play. They work, they volunteer, they assist family and friends and they undertake advisory roles. They bring significant resources to the social, community and economic life of our city. Results from the survey indicate, however, that there are some areas with room for improvement. For example, of the 768 responses, 29 per cent of respondents said that they had been subject to age-based discrimination, including being made to feel invisible or underestimated, often when shopping or in the workplace.

Negative attitudes and behaviours in our community about ageing and older people have significant consequences for the physical and mental health of older people and for the community as a whole. We need to value the experience and knowledge of older people and ensure that they are not excluded but, rather, connected and active members of the city.

As part of our commitment to building an inclusive and welcoming city for all Canberrans, *Age friendly Canberra—a vision for our city* identifies a key set of principles to guide the next steps towards the continuing development of Canberra as an age-friendly city. The 12 foundational principles outlined were primarily developed by my Ministerial Advisory Council on Ageing and built on the findings of the age-friendly city survey. They have been endorsed by government to guide our ongoing work in this area. The priorities identified provide the foundation for an age-friendly city plan which will be developed over the next year in consultation with older Canberrans, the community sector and across government.

Through this work we will, as a priority, counter the abuse of older people. We will recognise the significant and diverse contributions older people make to our community and foster community attitudes which afford dignity and respect towards older people. We will strengthen the inclusion of the voice of older people in policy development. We will ensure that our city services are responsive to the needs of older people, and we will strengthen access to information and services.

I thank the Ministerial Advisory Council on Ageing for its contribution to *Age friendly Canberra—a vision for our city*. I also thank Canberrans who have participated in consultations. Your insights have been integral in setting the direction of Canberra's future. This is the first step we are taking in developing an integrated and truly whole-of-government age-friendly city plan.

We have begun working across directorates to create this integrated plan to ensure that we are continually improving this city so that people of all ages can feel that they belong, that they are valued and that they have the opportunity to participate. I look forward to launching the plan in 2020.

Question resolved in the affirmative.

## School chaplains

### Discussion of matter of public importance

**MADAM ASSISTANT SPEAKER** (Ms Cody): Madam Speaker has received letters from Miss C Burch, Ms Cheyne, Ms Cody, Mr Coe, Mrs Dunne, Mrs Kikkert, Ms Le Couteur, Ms Lee, Mr Milligan, Ms Orr, Mr Parton, Mr Pettersson and Mr Wall proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, Madam Speaker has determined that the matter proposed by Mr Coe be submitted to the Assembly, namely:

The importance of school chaplains.

**MR COE** (Yerrabi—Leader of the Opposition) (3.01): I am delighted to stand in the chamber today in support of not only the school chaplains of the ACT but also the concept and the program that support them, the national school chaplaincy program. It is an excellent commonwealth-funded program that serves our community and serves the country very well. School chaplains can be from any faith; however, all chaplains must be qualified by set government standards and recognised by their religious institution.

While chaplains can be and are religious themselves, they do not preach in schools. As is stated in the national agreement, they must respect, accept, and be sensitive to other people's views, values, and beliefs. I have met many chaplains over the years, and they were all committed to ensuring that our school communities thrive. They are hardworking, tolerant, respectful and supportive. They are not in schools to try to convert students to a particular religion; they are there and they are motivated to ensure that people who need support are given it.

It is important to note that just about every single step in the process is voluntary. The schools volunteer to take on a chaplain. The chaplains themselves have volunteered to take up that role. The school students also voluntarily get in touch with their school chaplain. So everything at every step is by people's own free will.

Importantly there are some interesting statistics about who actually does go to a school chaplain. Contrary to what some people might think, it appears that other staff

consult chaplains, perhaps even more than students themselves. In addition to that, parents also visit the school chaplain. So the role that a school chaplain can play in bringing together those three critical components of a school community—staff, students and parents—is, I think, an invaluable opportunity.

Chaplains provide remarkable pastoral care to students. Their services are aptly described in the national agreement as:

... the practice of looking after the personal needs of students, not just their academic needs, through the provision of general spiritual and personal advice.

Strategies to support the emotional wellbeing of students are at the heart of chaplaincy services. At a time where there is increasing violence in schools, a lot of uncertainty and all sorts of mental health concerns, chaplains are available in many of our schools to support their community. It is worth noting that chaplains have been in the ACT for 26 years, a very long time. Some school communities have had chaplains for decades.

The ACT government and school communities get a great deal. They get free experienced, qualified, passionate volunteer counsellors whose primary focus is the personal wellbeing of students. It is not always possible for teachers to give every student the attention they need all the time. School psychologists, counsellors and chaplains all have an important role to play.

The national school chaplaincy program is completely voluntary for students and schools. School officials work very closely with chaplains to provide customised and dedicated support, based on the school community's needs. I believe it is a testament to the benefits and effectiveness of chaplains that so many public and private schools take part in the program here in the ACT. I understand that some Canberra schools have even held fundraisers to support increased chaplaincy services in our schools.

There are schools that get rocked by particular hardships. It could be that a member of staff passes away, it could be that a member of the student body passes away or it could be that something happens to one of their families. Often school communities turn to their chaplain in addition to their teachers, counsellors, psychologists and other support services to provide necessary support and comfort.

Many school staff members speak in glowing terms about school chaplains. It is not surprising, given that chaplains are voluntarily taken on at schools. I know that there are many schools that would go to great lengths to ensure that their school community can continue to support a school chaplain and the services they provide.

One school staff member said to the chaplain:

Thanks ... for sharing your latest newsletter. You are such an inspirational person. I love your closing remark—"I want to thrive, not just survive". You bring so much joy into people's lives, both students and staff. Your friendly, "can do", positive approach is refreshing and motivating.

Another testimony was that the boys spoke about how the chaplain provided a safe "home" for them in her "chappy room". The chaplain shared how one male student

sought her out the day following the tragic death of his sister. He found that the chaplain was a safe person on whom he could unload his grief and confusion. He trusted the chaplain.

Another student unexpectedly became a young carer to her parents, who became seriously ill. The chaplain journeyed with her as she adjusted to juggling the caring role with her school studies. She recently graduated and got a job. She visited the chaplain, proudly wearing her work uniform, thanking her for all that she had done.

There are so many other stories that are positive about the roles of school chaplains. I think it is appropriate that, as a matter of public importance in the Assembly today, we acknowledge the wonderful work that school chaplains do. They do so in a caring, compassionate but non-religious way.

I thank all the school chaplains in the ACT for their ongoing commitment to their territory and particularly to their own school communities. They all have a big impact on the lives of the kids, parents and staff members they support. They are an asset to our community. I hope that all members, especially the Minister for Education and Early Childhood Development, agree that school chaplains and the services they provide are very much worthy of a matter of public importance.

**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) (3.10): I thank the Leader of the Opposition for putting this matter of public importance forward today. I will be speaking on behalf of the education minister who has to travel this afternoon and is unable to be here for this debate.

As members would be aware, the ACT government's focus for our schools is on student wellbeing, fulfilment, equity and achievement. And this is reflected in the future of education strategy which advocates for a holistic view of students as people. We recognise that the basic welfare and wellbeing needs—everything from nutritious food through to physical and mental health support—provide a basis on which learning can occur.

Students' social and emotional wellbeing is also extremely important, and the ACT government supports the general principle of the Australian government contributing funding for this support. The context of the current commonwealth requirement in relation to their support that school chaplains must have a religious affiliation is our one concern. The ACT government has given a lot of consideration to the appropriateness of faith-based chaplains in public schools. Education in government schools is legislatively required to be non-sectarian, secular education. And that is what the school parent community expects.

I am advised that in 2018, along with the other states and territories, the ACT was invited to participate in an extension of the national school chaplaincy program, a commonwealth-funded initiative to support the emotional wellbeing of students and the broader school community through pastoral care and services. Before agreeing to enter into the new program the education minister, the Deputy Chief Minister, wrote

to the commonwealth minister, Minister Tehan, requesting the inclusion of secular wellbeing workers in the program. Unfortunately, this request was denied.

More positively, I would note that yesterday the federal deputy opposition leader and shadow minister for education, Tanya Plibersek, confirmed that an incoming Labor government would indeed allow this flexibility. It is important to note in this context that the discussion around chaplains in government schools has no impact on the employment of chaplains in non-government schools. And the program, of course, continues for those schools.

Student wellbeing support has changed significantly since this program was first introduced in 2007. And the ACT over recent years has made a substantial investment in strengthening student wellbeing support. There is an increased need for specialist and expert mental health support for students, which is why the ACT government committed to resourcing 20 additional psychologists by 2020. These psychologists play an important role in supporting students and school communities, particularly during times of grief and loss. And we are pleased to be on track to meet this important commitment.

We also strengthened our network student engagement teams. These are multidisciplinary teams that work with school leaders to build the capacity of schools and teaching teams to support student engagement. These teams include close to 100 staff, including senior school psychologists, social workers, inclusion officers specialising in disability and behaviour support, speech pathologists, occupational therapists and specialist teachers, including those providing hearing and vision and support in our preschools. These teams support all these schools every day.

In recognising this investment in student wellbeing support in our schools, it is the government's view that now is the time to realign wellbeing supports provided by faith-based chaplains under the national school chaplaincy program to a secular support provision to align with the ACT Education Act. Providing effective support for student wellbeing does not require faith-based workers. Every government school is resourced to provide for learning and wellbeing supports needed for their students, including access to broader directorate and community support structures. And this may include youth workers, social workers, community development workers, allied health workers and school youth health nurses.

Schools have flexibility in how these teams operate to ensure that they meet the unique needs of their school community. Every government school has access to school psychologists. Every government high school has access to a youth support worker. But not every school has or wants a chaplain.

We want every child to feel included and understood by supportive adults in the school community and we want schools to have the choice how they can achieve this. Across our 88 schools, there is evidence of great wellbeing initiatives taking place on a day-to-day basis that provide social and emotional support to students, parents and staff. This includes collaborative partnerships between schools, government and community service providers. For example, a number of schools have established

ongoing connections with providers such as the PCYC, the YWCA and Menslink to deliver information and supports that meet the needs of each school community.

Where the Education Directorate recognises that a particular expertise or strategy is required to promote wellbeing for particular students, they act to meet these needs. For example, the ACT government funds the safe and inclusive schools initiative to ensure that schools can access support if and when they need it to assist them in building inclusive and welcoming environments for all students.

Many schools offer breakfast programs to ensure that students have a healthy start to the day and are ready to take on their learning. School chaplains have been and continue to be a valuable overall addition and they are valued members of their school communities, a fact that is well understood by the government.

Public schools will therefore be supported to directly employ these workers on a secular basis going forward. This has been clearly communicated to relevant schools and to the chaplaincy providers that engage chaplains for our schools. I understand Minister Berry has written to the Scripture Union to advise them of this position and to provide reassurance that we will work with their organisation, schools and chaplains to ensure a smooth transition for all parties.

To be clear, for those communities that value the contribution of the individual currently delivering a chaplaincy role in their school there will an opportunity for that to continue and for them to continue to support the school and the community. The Education Directorate will be working with providers, schools and chaplains to manage this transition process throughout 2019. The safety and wellbeing of students in schools is of the utmost importance in this transition.

We have invested heavily in ensuring that these supports are in place and we are clear on our future direction. We will continue to do all that we can to ensure that students within our system benefit from learning in safe and supportive school environments. I thank the Leader of the Opposition for raising the matter of public importance today.

**MR RATTENBURY** (Kurrajong) (3.18): I would like to rise briefly on this issue today to speak on behalf of the Greens and also as a former education minister. It is a real shame that the Canberra Liberals could not consider raising this matter of public importance under the title “The importance of school pastoral care”. By doing so, they could have avoided elevating chaplains over youth workers, social workers and other pastoral care providers in our schools.

I am fully aware of the positive role that chaplains can play in the support networks at schools, both government and non-government. And I appreciate that chaplains can and do provide this positive role without veering into proselytising. But, by definition, chaplains are religious and this fact alone may preclude some young people accessing their services.

So effectively the Canberra Liberals are drawing attention to religious activities in schools and highlighting what they believe to be the benefit for children and young people. I can respect that. That is some people’s faith. But by being exclusive of

secular society and by ignoring that this approach, which can reduce the likelihood of some young people reaching out for help, they are doing the broader community support services a disservice.

I would like to read out the University of Canberra's definition of pastoral care as a great example of inclusivity:

Pastoral care is an ancient model of emotional and spiritual support that can be found in all cultures and traditions. It has been described in our modern context as individual and corporate patience in which trained pastoral carers support people in their pain, loss and anxiety, and their triumphs, joys, and victories.

Pastoral care as a care model and profession is emerging in a public arena in its own right, in our day, and its value and helpfulness is now recognised as applicable to people generally in their everyday life.

These pastoral care workers can be of great value to students, parents, and even teachers in the daily challenges that appear. They can be a comforting presence in trying times, or provide more targeted interventions in response to specific incidents. They can also act as a link to services outside the school gates, and help to ensure that these referrals are relevant and useful.

It is my understanding that the commonwealth has committed funding for the national school chaplaincy program for the 2019 to 2022 period. Once again, the commonwealth will only provide funding for chaplains, and secular student welfare workers are specifically not allowed, which is to me an example of ideology that belongs more in 1950s America than in modern Australian society and the needs of our modern 2018, 2019 and 2020 students.

I said I would be brief and, in closing, children and young people and their school communities should be offered options regarding the services they can access under commonwealth funding, and that may well be a chaplain, in consultation with the parents and carers and probably actually the students themselves. But to restrict this type of support to religious providers—and citing it in motions like this—to chaplains and not secular pastoral care workers does a disservice to us all and particularly to the children and young people who do need that pastoral care support.

*Discussion concluded.*

## **Administration and Procedure—Standing Committee Report 9**

Debate resumed.

**MS ORR** (Yerrabi) (3.22), by leave: As I said this morning, the intention of standing up today and asking to do this comes with the uniqueness of a citizen's reply and my understanding that, while the report will be tabled, the statement will not be read within the chamber.



Given how much debate we have had on this, I feel that it is important for members of this place to hear these words within the chamber. All I will be doing is reading the statement that has been attached as appendix A to the report; I am not making any comment on anyone else. It is not my intention to start a debate; it is simply to read the statement so we all hear it.

The response by Mr Fowler, Secretary of the Australian Education Union, ACT Branch, says:

I am the Secretary of the Australian Education Union ACT Branch (AEU). On 24 October 2018, Ms Elizabeth Lee MLA referred to the AEU during the debate over a motion that she moved in relation to workplace safety in ACT Government public schools. The AEU is one of the largest unions in the ACT. We represent over 3500 members made up of teachers, principals and learning support assistants in public schools and CIT.

On 24 October Ms Lee asserted that the AEU had not advocated sufficiently for our members who were victims of occupational violence. Ms Lee implied that we had failed to keep our members safe in their workplaces and suggested that we were not fulfilling our duty to represent members. The representation of our members is our core business as is ensuring that they work in safe workplaces.

I seek to correct the record in relation to Ms Lee's comments which are an attempt to sully the reputation of our union and of me personally. The AEU stand by the well-known historical union principle that an injury to one is an injury to all.

In October 2016, WorkSafe ACT (WorkSafe) were alerted to the issue of occupational violence in ACT Government Schools by the AEU office. To my knowledge the information that we provided to WorkSafe sparked the investigation that WorkSafe conducted into occupational violence in ACT schools. Our first complaint to WorkSafe was in the form of an affidavit by AEU member now known in the media as Melanie. Melanie first contacted the AEU office in July 2016 about alleged occupational violence that she had suffered at her workplace. It was Melanie's case that alerted the AEU to begin the journey that we embarked on to address what we discovered were systemic failures to address occupational violence (OV) in schools.

In late 2016 we conducted a survey of our members. The response to this survey was the strongest that we had ever had in a short timeframe. The results indicated widespread under-reporting of OV. A culture of acceptance of OV had developed and little was being done to minimise the OV risks to our members. The survey prompted members to contact our office if they had been or were currently victims of occupational violence. It was at this time that the AEU became aware of the enormity of the issue of OV in the workplaces of our members. It also became clear that OV was perpetrated by people including parents and carers and that this issue needed to be addressed on a systemic level.

As the WorkSafe investigation progressed we needed to respect the process, but we did not rest on our laurels. We sought meetings with the relevant Minister, with the Education Directorate and through the broader union movement we were successful in achieving a position on the ACT Work Safety Council. We embarked on what we knew would be a long journey and we embarked on it with the Minister for Education, Ms Yvette Berry and the Education Directorate who

both took our complaints with the seriousness that they required. One cannot underestimate the willingness of the Education Directorate and the minister to address the issue of OV in public schools as I know from my counterparts in other states and territories that no other education system in Australia was willing to genuinely tackle the problem of OV in schools.

Our union decided on a four-pronged approach to tackling this issue. We would contribute to the WorkSafe investigation, use our position on the Work Safety Council, advocate for change through the Minister and work with the Education Directorate to effect change. We have done all of this in spades and then some.

We have engaged more employees to work to effect change in the way OV is addressed in schools and to provide support, advocacy and advice to members experiencing OV in their workplaces, to consult, draft policies, set agendas, solve problems, provide training, draft complaints, attend meetings, research best practice and closely support our members who have been injured. Some of our employees have potentially experienced vicarious trauma due to the exposure to the trauma our members have experienced.

I am proud of the work that our union has done to effect real change for our members experiencing OV in their workplaces. I am proud that we have dedicated hours, weeks, months, and years of work to keep our members safe in their workplaces. I am proud of our members, our union and our office staff for tackling what up until now has been a silent problem, the problem of OV in schools.

I am proud that we have embarked on this journey with the Education Directorate and with the Minister for Education Yvette Berry. No one of us alone could have worked to effect real change in this space. Real change to address OV in schools could only occur through a collaborative approach.

You may ask what has all this work led to? Firstly, I must contend that the work is not finished, and we are still on the journey, we will learn with our members and from our members about how to best minimise the risks that OV poses in workplaces, but we are a long way down the road. We now have a joint understanding that an educator's right to safety is equal to the rights of families to access education; we have a hazard identification and risk management approach to worker safety in schools; we have a section in the Education Directorate that deals specifically with OV risks; we have workers being trained about the risk of OV; we have open discussions about OV; we have consultation about OV risks; we have enhanced reporting and, due to the work our union undertook, we have a record breaking enforceable undertaking. This year, educators, administrators and unionists from around the country will converge on Canberra for a national forum on OV.

Ms Lee asks, "where were the union?" We were there all along, working away to achieve safe workplaces for our members. We were doing what all good unions do, advocating for our members using all mechanisms available to us. Unlike Ms Lee we did not yell loudly about the work we were doing in order to protect the wellbeing of our members, to protect their right to privacy and to protect their rights to a safe workplace.

Question resolved in the affirmative.

## **Residential Tenancies Amendment Bill 2018 (No 2)** **Detail stage**

Debate resumed.

Clause 1 agreed to.

Clauses 2 to 4, by leave, taken together.

**MS LE COUTEUR** (Murrumbidgee) (3.30): Madam Assistant Speaker, this is a purely procedural question. I have not been given a script.

**MADAM ASSISTANT SPEAKER** (Ms Cody): Ms Le Couteur, I understand that you have a script that may be able to provide you with some direction. If you resume your seat you can have a look for it.

**MR COE** (Yerrabi—Leader of the Opposition) (3.31): Madam Assistant Speaker, I propose that the Assembly suspend for five or 10 minutes.

**MADAM ASSISTANT SPEAKER**: The sitting will be suspended and the chair will be resumed at the ringing of the bells.

*At 3.31 the sitting was suspended until the ringing of the bells.*

*The bells having been rung, Madam Assistant Speaker resumed the chair at 3.34.*

Clauses 2 to 4 agreed to.

Proposed new clauses 4A to 4C.

**MS LE COUTEUR** (Murrumbidgee) (3.34): I move amendment No 1 circulated in my name which inserts new clauses 4A to 4C, and table a supplementary explanatory statement to the amendments [*see schedule 1 at page 630*].

First, thank you, Madam Assistant Speaker, and all concerned for finding me a set of instructions, because it will all be a lot easier with these. Hopefully, it will all go right.

This is new section 11AA, as I understand it. This clause requires that certain conditions must be advertised, being either of a term that is inconsistent with a standard residential tenancy agreement that has been endorsed by ACAT, a term requiring the lessor's consent to keep an animal at the property, and any other conditions regarding the keeping of animals at that property that have been endorsed by the ACAT.

This proposed new section will provide prospective tenants with the information that will assist their decision-making regarding whether or not to inspect or apply for a particular rental property. It responds to proposed new section 71AE(4)(b) in the bill,

which allows the lessor to obtain prior approval from ACAT to impose a condition on the consent for keeping an animal in a particular dwelling.

Proposed new clause 4B is also part of this amendment. It relates to new section 12(3)(ca). As well as the information that lessors are currently required to provide to tenants prior to entering into a residential tenancy agreement that is detailed in section 12 of the RTA, this amendment requires that the lessor provide information about the minimum standards created by these amendments. Specifically, the lessor is to provide the tenant with information that explains minimum housing standards, the processes that are open to a tenant to pursue action should the tenant believe that the house does not meet a minimum standard, and, if the premises that are leased have an exemption from any of the minimum standards, a copy of that exemption.

As I mentioned before, part 3A is about the minimum standards. These standards can relate to but are not limited to the provision and maintenance of locks and other security devices; construction, condition and safety of premises; sanitation and plumbing; supply of hot and cold water; ventilation and prevention from damp; heating; laundry and cooking facilities; electrical safety; lighting; and hard-wired smoke detectors.

The amendments provide that these standards, once developed, will be published as a notifiable instrument by the minister. There is a lot more that goes behind this—definitions of what “rectification notice” and “rectification work” are. I will not bore the Assembly by going through all of the details, because after all it is in the amendments. But I would point out a couple of things.

The minimum housing standards must be determined by the minister. There will be a disallowable instrument on these, if my amendment is changed. The amendments also require the minister to have public consultation about this. It sets up a whole regime regarding the minimum standards, and how the tenants would give notice to the lessor et cetera, and the rectification notices.

There are a number of new points, and they basically go through how this would work in practice. I will not bother talking about those in great detail, because no doubt we have all read them. It also talks about what happens if there is a disagreement; eventually it goes to ACAT, in the same way that everything else does. There is also a possibility that the minister can exempt either a premise or a class of premise from complying with the minimum housing standards. I can think of a number of possible things there. It could relate to the age of the premises, potentially, one of them is having a functional kitchen. I have heard of very small apartments being advertised in mixed use areas where the assumption is that people will never eat at home. They will only need to make a cup of tea; thus they do not really have a kitchen, and it is basically a hotel room. Nonetheless the proposed legislation would allow for that. I commend my amendments to the Assembly.

**MR PARTON** (Brindabella) (3.39): As is the case with a number of parts of the original bill—certainly, it applies to quite a number of these amendments—it seems to have been constructed in response to the current market conditions. If we had a balanced market, if we did not have a situation where vacancies are at one per cent or

lower, there would not be a need to legislate in this way. My great fear with a number of these changes is that, as I said in my opening remarks, whatever we do in this space is likely to drive more people out of the market.

Ms Le Couteur and I have spoken about a number of these amendments. With the special conditions for animals and advertising, to me, that sounds like a very common-sense thing. If someone has applied and got a bit of paper that says, “No, animals aren’t to be in this house,” that should be advertised, because it will get rid of a hell of a lot of running around.

Unfortunately, most other aspects of those amendments will drive people further out of the market, and I cannot support them. I got some advice from a management agent today who reached out to his extensive network and suggested to me that, based on his research in the last fortnight, rental stocks in the ACT have dropped eight per cent in the past 12 months. He is estimating, based on the feedback that he is getting from those in the space, that that trend will continue, if not escalate.

Vacancy rates, of course, continue to sit below one per cent, and the feedback from these investors is that they are going from the ACT to New South Wales, where land tax has a threshold. He also said that one of the worrying things in this space is that, when it comes to the new apartment developments, there was a time not all that long ago when 40 per cent of those apartments were being purchased as investment properties, but, based on the numbers that he was able to collate from recent activity, his suggestion to me is that that has fallen from 40 per cent to 11 per cent.

We understand that, talking about those properties, we do have some more owner-occupiers who are able to enter the market, but when you consider the increasing population of the ACT, when you consider the dire situation that we are in at the moment in regard to rental vacancy rates, I cannot comprehend that we could make the changes that we are advocating in this bill.

I may, like Ms Le Couteur, have to seek assistance, in that the position of the Canberra Liberals is that we are fully in support of the special conditions for animals advertising but we are not likely to support any of these other amendments. I am not sure where we go to on the vote for that, but I will—

**Mrs Dunne:** You can divide the question.

**MR PARTON:** Thank you.

**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) (3.43): I flag that I will be moving that this question be divided. At this stage I will speak briefly in general about a number of the amendments that are being proposed. Hopefully, as part of that, it will streamline the debate that we have, clause by clause, later on.

One area that the government are clearly going to be examining is no-cause terminations. I know my colleagues in the ACT Greens want to abolish no-cause

terminations in the ACT. That is a view that is shared by some key advocacy groups in the community. I am aware of recent changes to residential tenancy laws in Victoria which included the removal of the ability to effect no-cause terminations.

The present bill does not make any changes in relation to the existing framework for no-cause terminations. In our view, at the moment there are sufficient checks and balances for tenants and landlords. Currently, the tenant cannot be required to vacate during the fixed term of the lease, and to terminate a periodic tenancy without cause the lessor must give the tenant six months notice. The notice for with-cause termination periods is shorter, between four and 12 weeks.

It is important to get any changes to the current framework right, given the sensitivity, and the sensitive nature of the decisions to end leases. We need to make sure that the changes do not inadvertently reduce protections for tenants. I can assure the Assembly that the government will continue to work in this area.

Another issue that requires further work is the minimum standards in rental properties, including energy efficiency standards. The Make Renting Fair Alliance and the ACT Greens have urged the government to establish standards at this stage. I am aware of a private member's bill that my colleague Mr Rattenbury tabled some time ago in a previous assembly a number of years back. The government of the day, including the then Attorney-General, Simon Corbell MLA, described the intention of the bill as noble, but had concerns about how it would operate in practice. These included considering whether the costs of retrofitting, to bring rental properties up to the minimum standards, would be passed on to the tenants in the form of higher rents, and whether rental supply may be reduced if properties were withdrawn from the market due to the costs of retrofitting.

The government shares Mr Corbell's views on this issue. The aim is noble. The practicalities need more work. The last thing that we want is higher costs for tenants or fewer properties available for rent. I have asked the Justice and Community Safety Directorate to give further consideration to the minimum standards so that we can have an informed debate on the merits of this proposal at a later stage.

On these and other issues, the government will continue to listen to the community to drive a reform agenda that meets the needs of current and future tenants. Today's bill is a key milestone in that effort.

When it comes to the particular proposed new clauses, 4A, 4B and 4C, the government supports the introduction of 4A. That gives prospective tenants more information up front about the lease terms that might differ from a standard residential tenancy agreement.

However, the government will not be agreeing at this stage to the introduction of 4B and 4C. As I have flagged, we believe that there is more work to be done in this area. We do affirm that every tenant has a right to a habitable home. The government absolutely supports that principle. We want to keep working on fair residential tenancies legislation, while responding on the basis of thorough consultation and evidence, and we will do so in the fullness of time.

*Ordered that the question be divided.*

Proposed new clause 4A agreed to.

Proposed new clause 4B negatived.

Proposed new clause 4C.

**MS LE COUTEUR** (Murrumbidgee) (3.48): This is about minimum housing standards. They are not really difficult things to work out. I know this issue has been around since from two previous Assemblies ago, but I think that we can say that some of it is really bottom line stuff we can agree to. There are things like sanitation and plumbing; that you can actually lock the place that you are renting; and electrical safety and hardwired smoke detectors. We are talking about minimum standards. We are not talking about maximum standards or even average standards; we are talking about minimum standards. I am really disappointed that, I believe, this is about to go down.

Question put:

That proposed new clause 4C be agreed to.

The Assembly voted—

Ayes 2

Ms Le Couteur  
Mr Rattenbury

Noes 18

Miss C Burch	Ms Lawder
Ms J Burch	Mr Milligan
Ms Cheyne	Ms Orr
Ms Cody	Mr Parton
Mr Coe	Mr Pettersson
Mrs Dunne	Mr Ramsay
Ms Fitzharris	Mr Steel
Mr Gentleman	Ms Stephen-Smith
Mr Hanson	Mr Wall

Amendment negatived.

Proposed new clause 4C negatived.

Clauses 5 to 12, by leave, taken together and agreed to.

Clause 13.

**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) (3.53): Pursuant to standing order 182A(b), I seek leave to move an amendment to this clause that is minor and technical in nature.

Leave granted.

**MR RAMSAY:** I move amendment No 1 circulated in my name and table a supplementary explanatory statement to the amendment [*see schedule 2 at page 637*].

The bill proposes amendments to make it easier for tenants to make special modifications to rental properties. These include minor modifications and modifications made to improve safety and energy efficiency.

The government consulted the Tenants Union ACT in the development of this bill, and the Tenants Union raised some concerns about clause 13 of the bill, referring to swimming pool fencing as an example of a special modification relating to safety. The Tenants Union is concerned that this example might give the impression that tenants, rather than lessors, are responsible for making sure that a swimming pool has appropriate fencing. The proposed amendment removes swimming pool fencing from the list of examples.

We propose this amendment to respond to the Tenants Union's concerns and make sure that the bill is not inadvertently seen to place additional obligations on tenants. This amendment does not alter the substance of the bill.

**MR PARTON (Brindabella) (3.55):** It gives me great pleasure to be on the same page as my friend Mr Ramsay on this. This is very much a commonsense amendment, and we support it wholeheartedly.

**MS LE COUTEUR (Murrumbidgee) (3.55):** The Greens also support it. I wish to move amendment No 2 circulated in my name.

**MADAM ASSISTANT SPEAKER:** Ms Le Couteur, we have to get through Mr Ramsay's amendment first.

**MS LE COUTEUR:** I thought I had to do this before it was all finalised.

**MADAM ASSISTANT SPEAKER:** Ms Le Couteur, due to the technical nature of the two amendments being consequential, Mr Ramsay's amendment, which has been moved first, takes precedence, and you are unable to move your amendment No 2.

**MS LE COUTEUR:** I am unable to move amendment No 2 because—

**Mr Wall:** We have to deal with one before we can do the other.

**MADAM ASSISTANT SPEAKER:** My understanding is that amendment No 2 cannot be moved.

**MS LE COUTEUR:** Can I seek leave to move my amendment?



**MADAM ASSISTANT SPEAKER:** Ms Le Couteur, my understanding is that your amendment No 2 cannot be moved because it is amending the same part of the clause, and Mr Ramsay's amendment was the first one moved and agreed to.

**Mr Coe:** The cheat sheet says "first to the floor".

**MS LE COUTEUR:** It says "first" but—

**Mr Coe:** The first to rise.

**MS LE COUTEUR:** It says "first to rise".

**Mr Coe:** And you missed out.

**MS LE COUTEUR:** Oh well, such is life.

**MADAM ASSISTANT SPEAKER:** The question is that Mr Ramsay's amendment No 1 be agreed to.

Amendment agreed to.

Clause 13, as amended, agreed to.

Clauses 14 and 15, by leave, taken together and agreed to.

Clause 16.

**MS LE COUTEUR** (Murrumbidgee) (3.58): I move amendment No 4 circulated in my name [*see schedule 1 at page 635*]. Amendment No 4 is to insert new clause 16 relating to schedule 1, clause 67 so that tenants can make a minor modification to a rental premises without a lessor's consent.

**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) (3.58): The government will not be supporting this amendment, which seeks to make consequential amendments to a later one. For the reasons previously stated, the government opposes this amendment.

Amendment negatived.

Clause 16 agreed to.

Clause 17 agreed to.

Clause 18.

**MS LE COUTEUR** (Murrumbidgee) (3.59): I move amendment No 5 circulated in my name [*see schedule 1 at page 636*]. This amendment removes clauses 94 and

95 from the standard tenancy terms. These terms relate to termination of a tenancy by a lessor without cause. They currently provide for a notice period of 26 weeks. Removing these two clauses together will end no-cause evictions. Lessors will instead have to provide a reason for terminating a tenancy.

The Greens believe that there is a huge range of perfectly reasonable situations in which a landlord may wish to terminate a tenancy. Not paying rent is probably one of the most obvious; having a genuine need to move back into the property is another.

Once a tenancy shifts from fixed term to a periodic tenancy, landlords are currently able to give tenants 26 weeks notice to vacate without having to provide any sort of reason whatsoever for this. The problem with this is that we know what this leads to. It leads to unfair evictions.

We have heard many stories of tenants who have been given 26 weeks notice to vacate after they have complained about a maintenance issue or raised some other type of issue. More often than not, however, the mere possibility of retaliatory eviction means that tenants do not assert what rights they currently have when they would otherwise, and instead put up with substandard conditions. Basically, tenants in the very tight rental market that all members have remarked on know that if they complain about anything there is the possibility that this is going to make them homeless. This is not an outcome which we want to see happen.

This is the idea of amendment No 5: to end no-cause evictions. It would be a substantial step forward for tenants in Canberra and make little difference to any of the decent landlords in Canberra.

**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) (4.02): As indicated in my earlier comments, the government is continuing to look at this matter, but we will not be supporting this amendment today.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 2

Ms Le Couteur  
Mr Rattenbury

Noes 18

Miss C Burch	Ms Lawder
Ms J Burch	Mr Milligan
Ms Cheyne	Ms Orr
Ms Cody	Mr Parton
Mr Coe	Mr Pettersson
Mrs Dunne	Mr Ramsay
Ms Fitzharris	Mr Steel
Mr Gentleman	Ms Stephen-Smith
Mr Hanson	Mr Wall

Amendment negatived.

Clause 18 agreed to.

Proposed new clauses 18A to 18E.

**MS LE COUTEUR** (Murrumbidgee) (4.07): I move amendment No 6 circulated in my name which inserts new clauses 18A to 18E [*see schedule 1 at page 636*].

I believe that this question is going to get divided by someone other than me shortly, but I will speak on the lot, because I am not quite sure where the division is going.

New clause 18A relates to the current clause 96(1)(d) of the standard residential tenancy terms, which allows for a lessor to give the tenant eight weeks notice to terminate a periodic tenancy if the lessor genuinely intends to sell the premises. This amendment would increase that to 12 weeks, which would seem to be quite reasonable, given the time it takes to sell something and get new accommodation.

The new clauses 18B and 18C strengthen the current clause 96(1)(e) of the standard residential terms by including demolition of a building as a reason for terminating a periodic tenancy. New clause 18D provides two additional reasons for a lessor to terminate a periodic tenancy. New clause 96(1)(f) of the standard tenancy terms allows a lessor to give 12 weeks notice if they intend to use the premises for business or any purpose other than its being used as a home. Proposed new clause 96(1)(g) allows for a lessor to give 12 weeks notice if the lessor is a territory authority and the premises are required for another purpose.

Proposed new clause 18E requires lessors who serve notice to terminate a periodic tenancy on the grounds that they intend to live in the premises, an immediate relative intends to live in the premises or an interested party intends to live in the premises that they must provide the tenant with a statutory declaration about that intention.

**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) (4.09): The government will be supporting the insertion of clause 18E, but opposing clauses 18A to 18D. There is a substantial change of the law proposed in 18A to 18D, and there is substantially more work that needs to be done for those reforms on how best to regulate the ending of tenancies.

The aim is to ensure that our legislation prevents evictions being used as retaliation for renters who exercise their rights, or as a form of discrimination. There will be a need for better rules around occupancy agreements, notice periods for ending a tenancy, and enhancing the framework of regulation for agents. They are all being developed.

It is not appropriate for us to pass clauses 18A to 18D. However, the insertion of 18E, adding a requirement for a statutory declaration, will reinforce the importance of

the different notice periods that can be provided with cause. Accordingly, I will move that the question be divided into 18A to D and 18E. I move:

That the question be divided.

**MR PARTON** (Brindabella) (4.10): The Canberra Liberals will be supporting 18E. Let me make it clear what we are supporting here. If the lessor serves a notice to vacate on the grounds of intention to or belief that they or a family member are moving in or selling, we think it is a fair thing that they should provide a statutory declaration about that intention or belief. Sometimes your common sense astounds me, Ms Le Couteur.

But we do agree with the Attorney-General with regard to the changes outlined in 18A, B, C and D that more work is required there. We will look forward to voting on these individually as they come up.

*Ordered that the question be divided.*

Proposed new clauses 18A to 18D negatived.

Proposed new clause 18E agreed to.

Clause 19.

**MS LE COUTEUR** (Murrumbidgee) (4.12): Madam Deputy Speaker, I seek your guidance. I believe that clause 19 has become redundant because it was needed for my proposed new clause 18D, which the Assembly did not vote for. The same goes for my amendment 8.

**MADAM DEPUTY SPEAKER:** There is a clause 18. But now your amendment 7 is redundant and you are not moving it?

**MS LE COUTEUR:** It is my belief that that is the situation. The same goes for my amendment 8, I think you will unfortunately find.

**MADAM DEPUTY SPEAKER:** We will take them one at a time, to make sure we get it right.

Clause 19 agreed to.

Clause 20 agreed to.

Clause 21 agreed to.

Title agreed to.

Question put:

That this bill, as amended, be agreed to.

The Assembly voted—

Ayes 12		Noes 8	
Ms J Burch	Ms Orr	Miss C Burch	Mr Parton
Ms Cheyne	Mr Pettersson	Mr Coe	Mr Wall
Ms Cody	Mr Ramsay	Mrs Dunne	
Ms Fitzharris	Mr Rattenbury	Mr Hanson	
Mr Gentleman	Mr Steel	Ms Lawder	
Ms Le Couteur	Ms Stephen-Smith	Mr Milligan	

Question resolved in the affirmative.

Bill, as amended, agreed to.

### Leave of absence

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

That leave of absence be granted to Ms Lee and Mrs Jones for today's sitting for health reasons and personal reasons, respectively.

### Estimates 2019-2020—Select Committee Membership

**MADAM DEPUTY SPEAKER:** Madam Speaker has been notified of the following nominations for members of the Select Committee on Estimates 2019-20: Ms Cody, Miss C Burch, Mrs Jones, Ms Le Couteur and Mr Pettersson.

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

That the Members so nominated be appointed as members of the Select Committee on Estimates 2019-2020.

### Adjournment

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

That the Assembly do now adjourn.

### Theodore community

**MR PARTON** (Brindabella) (4.20): I wish to put on the record—at a time when the suburb where I live, Theodore, has been in the news for a lot of bad reasons recently—that a post has gone up on the Theodore community page in the last hour that much better summarises the spirit of Theodore. It is a message from a member who says:

Could you please pass on my many thanks to the beautiful young girl from Theodore Primary School. Around 8.30am this girl came across my 79yr old mother who had fallen on the footpath on Scantlebury. Mum was unable to pull her self up on the walker but this beautiful young girl stayed with her and called 000 to help.

While there won't be any more solo walks for Mum, she is home safe with just a few stitches in her leg.

The Theodore community has responded in the sort of way that you would expect them to respond, with a lot of really positive things. One of the comments just said, "This brought a smile to the face of us and we love our Theodore community spirit." It is a wonderful, wonderful place full of wonderful, wonderful people. I just wanted to say that.

## **National Multicultural Festival**

**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) (4.21): For more than 20 years, Canberrans have been enjoying the National Multicultural Festival. It is a weekend to celebrate and acknowledge our different cultures, languages and beliefs, a weekend full of vibrant performances, delicious food and people sharing their stories and experiences.

The 2019 National Multicultural Festival weekend was a great one. Thousands of people converged on the city for a three-day celebration, absorbing the different cultures, languages and performances on display.

I thank every volunteer, performer and ACT government employee who made this weekend such a success. I particularly thank the community groups and organisations who participated in the festival. Every year they share their cultures, food and languages with us, happily engaging in conversations and encouraging people to take part in a range of activities and performances.

While attending the many stalls, performances and showcases, I was reminded how lucky we are to live in a city so rich in diversity, to live in a place where the opportunity to learn about other cultures and languages is right here on our doorstep. I was also reminded how important it is to recognise and understand the different cultures, backgrounds and experiences from people across the world.

On the occasion of a weekend like the National Multicultural Festival it is also important to recognise that we are a country with the oldest living cultures in the world. When entering the festival this year, people were welcomed with signs acknowledging that the festival was being held on the lands of the Ngunnawal people. I had the pleasure of being part of the opening of the Indigenous showcase this year, the ninth to be held at the festival. The showcase is an opportunity for Aboriginal and

Torres Strait Islander communities to share their cultures, music and stories with the wider community.

A highlight was the Durrungan Cultural Dance Group, who visited the festival to share the stories of their ancestors with us, the diverse and enthusiastic audience. Isaiah Firebrace performed at the Indigenous showcase and drew a large crowd. It was lovely to see a number of young women and girls dancing at the front of the stage. Madam Deputy Speaker, I would like to sincerely thank Jo Chivers and the Canberra and District NAIDOC Committee for creating such a successful evening involving so many talented dancers and musicians.

I am pleased to say that the Indigenous showcase was not the only part of the festival recognising Aboriginal and Torres Strait Islander cultures this year. Musicians Christine Anu and Isaiah Firebrace and celebrity chef Mark Olive were the headline acts for this year: three Indigenous Australians who proudly share their connection to culture and country.

A festival highlight for me was visiting the children's sanctuary, where there were a number of activities for children to participate in. I was pleased to see young children learning about Aboriginal artwork as they took part in painting and reading activities. The sanctuary program also included a bush tucker presentation by Indigenous chef Mark Olive. Mark is a passionate advocate for native ingredients. He spoke about his love for Australian bush foods and his wish that Australians could recognise and appreciate the bounty of ingredients in our own backyard. Mark's obvious connection to the land and his motivation to share this with as many people as possible was inspiring. Madam Deputy Speaker, I almost wished that I actually cooked.

The Multicultural Festival is a fantastic opportunity for Canberrans, and indeed visitors from across Australia and the world, to reflect on the place of Aboriginal and Torres Strait Islander cultures within the context of our multicultural society. It was particularly poignant that this year's festival was dotted with flags that reminded festival goers that we were celebrating on the lands of the Ngunnawal people, a reminder that this is their land and that their sovereignty over it was never ceded.

While it is always sad to see the end of the festival for another year, Canberrans are lucky that we have a number of other opportunities throughout the year to recognise the contribution of Aboriginal and Torres Strait Islander cultures to our society as well as our diverse multicultural community.

Last year's inaugural Reconciliation Day public holiday was marked with a reconciliation in the park event that was, by all accounts, an outstanding success. I am sure that members will be pleased to know that this year's Reconciliation Day will again be marked with a family-friendly event, and I look forward to working with the Reconciliation Council on the details as 27 May approaches. In addition to this event, the government's Reconciliation Day grants program is now open for submissions. These grants will support the community to get involved in finding new and creative ways to acknowledge the ongoing journey towards reconciliation.

Canberra has been selected as the focus city for this year's celebration of NAIDOC Week. This will give Canberra national attention as we celebrate the histories, cultures and contributions of Aboriginal and Torres Strait Islander peoples from across Australia with the theme "Voice. Treaty. Truth".

Madam Deputy Speaker, the celebrations and events provide an important catalyst for community conversation, and I welcome them to our city.

Question resolved in the affirmative.

**The Assembly adjourned at 4.27 pm until Tuesday, 19 March 2019, at 10 am.**



## Appendix A

### Citizen's right of reply:

#### **Response by Mr Fowler, Secretary of the Australian Education Union, ACT Branch**

I am the Secretary of the Australian Education Union ACT Branch (AEU). On 24 October 2018, Ms Elizabeth Lee MLA referred to the AEU during the debate over a motion that she moved in relation to workplace safety in ACT Government public schools. The AEU is one of the largest unions in the ACT. We represent over 3500 members made up of teachers, principals and learning support assistants in public schools and CIT.

On 24 October Ms Lee asserted that the AEU had not advocated sufficiently for our members who were victims of occupational violence. Ms Lee implied that we had failed to keep our members safe in their workplaces and suggested that we were not fulfilling our duty to represent members. The representation of our members is our core business as is ensuring that they work in safe workplaces.

I seek to correct the record in relation to Ms Lee's comments which are an attempt to sully the reputation of our union and of me personally. The AEU stand by the well-known historical union principle that an injury to one is an injury to all.

In October 2016, WorkSafe ACT (WorkSafe) were alerted to the issue of occupational violence in ACT Government Schools by the AEU office. To my knowledge the information that we provided to WorkSafe sparked the investigation that WorkSafe conducted into occupational violence in ACT schools. Our first complaint to WorkSafe was in the form of an affidavit by AEU member now known in the media as Melanie. Melanie first contacted the AEU office in July 2016 about alleged occupational violence that she had suffered at her workplace. It was Melanie's case that alerted the AEU to begin the journey that we embarked on to address what we discovered were systemic failures to address occupational violence (OV) in schools.

In late 2016 we conducted a survey of our members. The response to this survey was the strongest that we had ever had in a short timeframe. The results indicated widespread under-reporting of OV. A culture of acceptance of OV had developed and little was being done to minimise the OV risks to our members. The survey prompted members to contact our office if they had been or were currently victims of occupational violence. It was at this time that the AEU became aware of the enormity of the issue of OV in the workplaces of our members. It also became clear that OV was perpetrated by people including parents and carers and that this issue needed to be addressed on a systemic level.

As the WorkSafe investigation progressed we needed to respect the process, but we did not rest on our laurels. We sought meetings with the relevant Minister, with the Education Directorate and through the broader union movement we were successful in achieving a position on the ACT Work Safety Council. We embarked on what we

knew would be a long journey and we embarked on it with the Minister for Education, Ms Yvette Berry and the Education Directorate who both took our complaints with the seriousness that they required. One cannot underestimate the willingness of the Education Directorate and the minister to address the issue of OV in public schools as I know from my counterparts in other states and territories that no other education system in Australia was willing to genuinely tackle the problem of OV in schools.

Our union decided on a four-pronged approach to tackling this issue. We would contribute to the WorkSafe investigation, use our position on the Work Safety Council, advocate for change through the Minister and work with the Education Directorate to effect change. We have done all of this in spades and then some.

We have engaged more employees to work to effect change in the way OV is addressed in schools and to provide support, advocacy and advice to members experiencing OV in their workplaces, to consult, draft policies, set agendas, solve problems, provide training, draft complaints, attend meetings, research best practice and closely support our members who have been injured. Some of our employees have potentially experienced vicarious trauma due to the exposure to the trauma our members have experienced.

I am proud of the work that our union has done to effect real change for our members experiencing OV in their workplaces. I am proud that we have dedicated hours, weeks, months, and years of work to keep our members safe in their workplaces. I am proud of our members, our union and our office staff for tackling what up until now has been a silent problem, the problem of OV in schools.

I am proud that we have embarked on this journey with the Education Directorate and with the Minister for Education Yvette Berry. No one of us alone could have worked to effect real change in this space. Real change to address OV in schools could only occur through a collaborative approach.

You may ask what has all this work led to? Firstly, I must contend that the work is not finished, and we are still on the journey, we will learn with our members and from our members about how to best minimise the risks that OV poses in workplaces, but we are a long way down the road. We now have a joint understanding that an educator's right to safety is equal to the rights of families to access education; we have a hazard identification and risk management approach to worker safety in schools; we have a section in the Education Directorate that deals specifically with OV risks; we have workers being trained about the risk of OV; we have open discussions about OV; we have consultation about OV risks; we have enhanced reporting and, due to the work our union undertook, we have a record breaking enforceable undertaking. This year, educators, administrators and unionists from around the country will converge on Canberra for a national forum on OV.

Ms Lee asks, "where were the union?" We were there all along, working away to achieve safe workplaces for our members. We were doing what all good unions do, advocating for our members using all mechanisms available to us. Unlike Ms Lee we did not yell loudly about the work we were doing in order to protect the wellbeing of our members, to protect their right to privacy and to protect their rights to a safe workplace.

## Schedules of amendments

### Schedule 1

#### Residential Tenancies Amendment Bill 2018 (No 2)

##### Amendments moved by Ms Le Couteur

1

**Proposed new clauses 4A, 4B and 4C**

Page 4, line 3—

*insert*

#### **4A New section 11AA**

*insert*

#### **11AA Certain special conditions must be advertised**

A person commits an offence if—

- (a) the person publishes an advertisement for the lease of residential premises; and
- (b) the proposed residential tenancy agreement for the premises—
  - (i) contains a term endorsed by the ACAT under section 10 (Endorsement of inconsistent tenancy terms by ACAT); or
  - (ii) requires the lessor's consent to keep an animal on the premises; and
- (c) the advertisement does not—
  - (i) if paragraph (b) (i) applies—state that the term applies; and
  - (ii) if paragraph (b) (ii) applies—
    - (A) state that consent is required; and
    - (B) if the lessor has prior approval from the ACAT under section 71AF to impose a condition on consent—state that a condition applies.

Maximum penalty: 5 penalty units.

#### **4B Lessor's obligations New section 12 (3) (ca)**

*insert*

- (ca) a statement setting out—
  - (i) the minimum housing standards; and
  - (ii) the investigation and rectification provisions in sections 35F to 35K; and
  - (iii) if the premises are exempted from complying with a minimum housing standard under section 35M—a copy of the exemption and any information on which the exemption is based;

#### **4C New part 3A**

*insert*

### **Part 3A Minimum housing standards**

#### **35A Definitions—pt 3A**

In this part:

**rectification notice** means a notice under section 35F.

**rectification work** means work necessary to make premises comply with the minimum housing standards.

**35B What are the *minimum housing standards*?**

In this Act:

**minimum housing standards** means standards determined by the Minister under section 35C.

**35C Determination of minimum housing standards**

- (1) The Minister—
- (a) must determine minimum housing standards in relation to the following matters:
    - (i) provision and maintenance of locks or other security devices;
    - (ii) construction, condition and safety of premises;
    - (iii) sanitation and plumbing;
    - (iv) supply of hot and cold water;
    - (v) ventilation and protection from damp;
    - (vi) heating;
    - (vii) laundry and cooking facilities;
    - (viii) electrical safety;
    - (ix) lighting;
    - (x) hard-wired smoke detectors; and
  - (b) may determine minimum housing standards in relation to any other matter.
- (2) A determination is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

**35D Minimum housing standards—public consultation**

- (1) Before determining a minimum housing standard under section 35C, the Minister must prepare a notice (a **consultation notice**)—
- (a) stating that copies of a draft of the minimum housing standards are available for inspection during a stated period of at least 15 business days at stated places; and
  - (b) inviting interested people to give written comments about the draft standards to the Minister at a stated address during a stated period ending at least 15 business days after the end of the period mentioned in paragraph (a).
- (2) A consultation notice is a notifiable instrument.

*Note* A notifiable instrument must be notified under the Legislation Act.

- (3) The Minister must give public notice of the consultation notice.

*Note* **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see Legislation Act, dict, pt 1).

**35E Premises must comply with minimum housing standards**

A lessor must ensure that premises the subject of a residential tenancy agreement comply with the minimum housing standards.

**35F Minimum housing standards—tenant may give rectification notice**

A tenant may give a lessor a written notice (a *rectification notice*) requiring the lessor to ensure that the premises comply with a stated minimum housing standard.

**35G Minimum housing standards—tenant may ask commissioner for fair trading to investigate**

- (1) This section applies if—
  - (a) a tenant gives a lessor a rectification notice; and
  - (b) the lessor does not comply with the notice within—
    - (i) 90 days after the day the notice was given; or
    - (ii) any later period agreed by the parties in writing.
- (2) The tenant may ask the commissioner for fair trading in writing to investigate whether the lessor has failed to ensure that the premises comply with the stated minimum housing standard.
- (3) The tenant must give the commissioner—
  - (a) a copy of the rectification notice given to the lessor; and
  - (b) any material in the tenant’s possession relevant to the rectification notice.

**Examples—par (b)**

- 1 copy of correspondence with lessor
- 2 photographs of premises or incomplete rectification work

**35H Minimum housing standards—commissioner for fair trading must investigate if asked by tenant**

- (1) The commissioner for fair trading must investigate if asked by a tenant under section 35G (2).
- (2) The commissioner—
  - (a) must give a written report of the commissioner’s investigation to the tenant and the lessor; and
  - (b) if the commissioner considers that the premises do not comply with a minimum housing standard—
    - (i) may negotiate with the tenant and the lessor to reach an agreement about rectification work and the timing for completion of the work; or
    - (ii) if the tenant and the lessor cannot reach an agreement—must propose rectification work, and the timing for completion of the work, reasonably required to ensure the premises comply with the minimum housing standard.
- (3) The report—
  - (a) must state whether the commissioner considers that the premises comply with the stated minimum housing standard; and
  - (b) may state any other minimum housing standard that the commissioner considers is not complied with; and

- (c) if the commissioner considers that the premises do not comply with a minimum housing standard—must state any proposed rectification work and the proposed timing for completion of the work; and
- (d) must state that the tenant may—
  - (i) apply to the ACAT for an order under section 35L if the tenant—
    - (A) disagrees with the report in relation to whether the premises comply with the stated minimum housing standard; or
    - (B) considers that any proposed rectification work or proposed timing for completion of the work is unsatisfactory; or
  - (ii) if rectification work is proposed—ask the commissioner to investigate under section 35J whether the lessor has completed proposed rectification work within the proposed time for completion of the work.

**35I Minimum housing standards—commissioner for fair trading may investigate on own initiative**

- (1) The commissioner for fair trading may, without being asked by a tenant, investigate whether a lessor has failed to ensure that premises comply with the minimum housing standards.
- (2) However, the commissioner may only enter the premises with the tenant's written consent.
- (3) The commissioner—
  - (a) must give a written report of the commissioner's investigation to the tenant and the lessor; and
  - (b) if the commissioner considers that the premises do not comply with a minimum housing standard—
    - (i) may negotiate with the tenant and the lessor to reach an agreement about rectification work and the timing for completion of the work; or
    - (ii) if the tenant and the lessor cannot reach an agreement—must propose rectification work, and the timing for completion of the work, reasonably required to ensure the premises comply with the minimum housing standard.
- (4) The report—
  - (a) must state any minimum housing standard that the commissioner considers is not complied with; and
  - (b) if the commissioner considers that the premises do not comply with a minimum housing standard—must state any proposed rectification work and the proposed timing for completion of the work; and
  - (c) must state that the tenant may—
    - (i) apply to the ACAT for an order under section 35L if the tenant—
      - (A) disagrees with the report in relation to whether the premises comply with the stated minimum housing standard; or
      - (B) considers that any proposed rectification work or proposed timing for completion of the work; or

- (ii) if rectification work is proposed—ask the commissioner to investigate under section 35J whether the lessor has completed proposed rectification work within the proposed time for completion of the work.

**35J Minimum housing standards—tenant may ask commissioner for fair trading to investigate completion of work**

- (1) This section applies if—
  - (a) a tenant is given a report under section 35H or section 35I; and
  - (b) if the report proposes rectification work—the tenant considers that the lessor has not completed the work within the proposed time for completion of the work.
- (2) The tenant may ask the commissioner for fair trading in writing to investigate whether the lessor has completed proposed rectification work within the proposed time for completion of the work.
- (3) The commissioner must investigate if asked by a tenant under subsection (2).
- (4) If the commissioner investigates and is satisfied that the lessor has not completed proposed rectification work within the proposed time for completion of the work, the commissioner must—
  - (a) apply to the ACAT for an order under section 35L; and
  - (b) consult with the tenant about the ACAT order to be applied for by the commissioner.

**35K Minimum housing standards—tenant may apply to ACAT if dissatisfied with report**

- (1) This section applies if—
  - (a) a tenant is given a report under section 35H or section 35I; and
  - (b) the tenant—
    - (i) disagrees with the report in relation to whether the premises comply with a stated minimum housing standard; or
    - (ii) considers that any proposed rectification work or proposed time for completion of the work is unsatisfactory.
- (2) The tenant may apply to the ACAT for an order under section 35L within 60 days after the day the tenant is given the report.

**35L Minimum housing standards—orders by ACAT**

- (1) This section applies if a tenant or the commissioner for fair trading has applied for an order under this part.
- (2) The ACAT may make 1 or more of the following orders:
  - (a) an order requiring the lessor to ensure that the premises comply with a stated minimum housing standard within a stated period;
  - (b) an order requiring payment of all or part of the rent payable under the residential tenancy agreement into the ACAT until the premises comply with the stated minimum housing standard;
  - (c) an order directing payment out of any amount paid into the ACAT, as appropriate;
  - (d) an order for the reduction in the rent payable under a residential tenancy agreement until the premises comply with the stated minimum housing standard;

- (e) an order terminating, with the tenant's consent, the residential tenancy agreement.

**35M Minimum housing standards—Minister may exempt premises**

- (1) The Minister may exempt premises from complying with a minimum housing standard if the Minister is satisfied on reasonable grounds that the cost to the lessor of compliance would be unreasonable.

*Note* Power to make a statutory instrument includes power to make different provision in relation to different matters or different classes of matters, and to make an instrument that applies differently by reference to stated exceptions or factors (see Legislation Act, s 48).

- (2) An exemption may be conditional.  
 (3) An exemption is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

- (4) In deciding whether to exempt premises, the Minister must—  
 (a) take into account any criteria prescribed by regulation; and  
 (b) comply with any requirement prescribed by regulation.

**35N Review—pt 3A**

The Minister must review the operation of this part and present a report of the review to the Legislative Assembly as soon as practicable after the end of this part's 2nd year of operation.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

4

**Clause 16**

Page 13, line 6—

*omit clause 16, substitute*

**16 Schedule 1, clause 67**

*substitute*

**Modifications, alterations and fixtures**

- 67 (1) The tenant may make a minor modification to the premises without the lessor's consent.  
 (2) However, the tenant must not, without the lessor's written consent, make any other renovation, alteration or addition to the premises (time limits for the lessor to refuse consent to special modifications are set out in the Residential Tenancies Act).  
 (3) The lessor may give consent subject to a reasonable condition, including a requirement that the tenant use a suitably qualified tradesperson to undertake—  
 (a) the renovation, alteration, or addition; and  
 (b) any restoration at the end of the tenancy.  
 (4) Unless otherwise agreed, the tenant is liable for the cost of any renovation, alteration or addition to the premises.



- (5) Unless otherwise agreed, at the end of the tenancy the tenant is responsible for restoring the premises to substantially the same condition as the premises were in at the commencement of the residential tenancy agreement, fair wear and tear excepted.
- (6) The lessor and tenant may agree that any renovation, alteration or addition to the premises remains in place at the end of the residential tenancy agreement.

5

**Clause 18**

Page 14, line 14—

*omit clause 18, substitute***18 Schedule 1, clauses 94 and 95***omit*

6

**Proposed new clauses 18A to 18E**

Page 14, line 26—

*insert***18A Schedule 1, clause 96 (1) (d)***omit*

8 weeks

*substitute*

12 weeks

**18B Schedule 1, clause 96 (1) (e)***before*

reconstruct

*insert*

demolish,

**18C Schedule 1, clause 96 (1) (e)***before*

reconstruction

*insert*

demolition,

**18D Schedule 1, new clauses 96 (1) (f) and (g)***insert*

- (f) 12 weeks notice if the lessor genuinely intends to use the premises for the purposes of a business or for any purpose other than granting a right to a person to occupy the premises for use as a home;
- (g) 12 weeks notice if the lessor is a territory authority and the premises are required for another purpose.

**18E Schedule 1, new clause 96 (1A)***insert*

- (1A) If the lessor serves a notice to vacate on the ground of an intention or belief mentioned in subclause (1) (a), (b) or (c), the lessor must also give the tenant a statutory declaration about the intention or belief.

**Schedule 2**

**Residential Tenancies Amendment Bill 2018 (No 2)**

Amendment moved by the Attorney-General

**1**

**Clause 13**

**Proposed new section 71AA, definition of *special modification*, examples**

**Page 8, line 5—**

*omit*

, swimming pool fencing

---

## Answers to questions

### Hospitals—pharmacy dispensing arrangements (Question No 2083)

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 30 November 2018 (*redirected to the Acting Minister for Health and Wellbeing*):

- (1) Does the ACT have the same arrangements for dispensing drugs from hospital pharmacies as other states and territories; if so, which other states and territories have the same arrangements as the ACT.
- (2) In relation to states and territories that have different arrangements from the ACT, (a) why are there differences and (b) what are those differences.
- (3) Does the ACT have any arrangements in place with the Commonwealth for the Pharmaceutical Benefits Scheme; if so, what are those arrangements; if not, why not.

**Mr Rattenbury**: The answer to the member's question is as follows:

- (1) No. The ACT, unlike other states, is not currently a signatory to the Public Hospital Pharmaceutical Reform Agreement (PHPRA). NSW is also not a signatory to the PHPRA. The ACT is currently considering this scheme.
- (2) See above.
- (3) No.

---

### Municipal services—playgrounds (Question No 2084)

**Mrs Jones** asked the Minister for City Services, upon notice, on 30 November 2018:

- (1) Following the announcement of 24 suburbs receiving playground upgrades, which 24 suburbs have been selected.
- (2) What is the street location of each of these playgrounds receiving upgrades.
- (3) What upgrades will be undertaken at each of these playgrounds.
- (4) What is the expected cost of each of these upgrades.
- (5) Of the five suburbs selected for a whole of suburb review (a) what factors are being considered in the reviews, (b) what consultations will be undertaken as part of the reviews, (c) who will conduct each review, (d) what is the rationale for conducting these reviews, given the recent Play Space's Forum which recently considered playground upgrades and (e) when will each review commence and conclude.
- (6) What is the expected cost of each of the three nature play spaces to be constructed at Eddison Park, Glebe Park and near Farrer shops.

(7) What is the exact location of the nature play space at Farrer shops.

**Mr Steel:** The answer to the member's question is as follows:

(1-4) The funding levels and specific projects and their location was determined by a group of Canberra citizens through a participatory budgeting trial. The full details of the process and the decisions made can be found in the decision summary report, publicly accessible on [www.yoursay.act.gov.au/better-suburbs](http://www.yoursay.act.gov.au/better-suburbs).

In total, 32 suburbs will benefit from works. The details are listed below:

	<b>Suburb</b>	<b>Location</b>	<b>Works to be undertaken</b>	<b>Budget</b>
1	Barton	Telopea Park	Access and inclusion	\$20,000
2	Belconnen	McDermott Place	Shade sail	\$26,000
3	Bonython	Burgoyne Street	Fencing	\$22,500
4	Campbell	White Crescent	Paths	\$2,750
4	Campbell	Glossop Crescent	Shade sail	\$26,000
4	Campbell	White Crescent	Play space refresh – Painting, mulch and repairs	\$30,000
5	Chisholm	Alston Street	Path connection	\$7,500
5	Chisholm	Alston Street	Play space refresh – Painting, mulch and repairs	\$30,000
6	Crace	CRIP Community Playground	Access and inclusion	\$20,000
7	Curtin	Carruthers Street	Play space refresh – Painting, mulch and repairs	\$30,000
8	Deakin	Hannah Place	Bike track, handball hopscotch lines on Basketball Court	\$1,200
8	Deakin	Hannah Place	Shade sail	\$26,000
8	Deakin	Latrobe park	Shade sail	\$22,000 - \$26,000
8	Deakin	Latrobe park	Path connection	\$7,700
8	Deakin	Latrobe park	Natural elements seating/play	\$1,200
8	Deakin	Latrobe park	Seating boulders	\$600
8	Deakin	Hannah Place	Play space refresh – Painting, mulch and repairs	\$30,000
8	Deakin	Bedford Street	Play space refresh – Painting, mulch and repairs	\$30,000
9	Dunlop	James Harrison Street	Access and inclusion	\$20,000
10	Farrer	Wagga Street	Natural elements seating/play	\$1,200
10	Farrer	Wagga Street	Seating boulders	\$600
10	Farrer	Wagga Street	Play space refresh – Painting, mulch and repairs	\$30,000
11	Florey	Kesteven Street	Fencing	\$6,000
12	Gordon	Iredale Place	Play space refresh – Painting, mulch and repairs	\$30,000
13				
	Gowrie	Weathers Street	Play space refresh – Painting, mulch and repairs	\$30,000
13	Gowrie	Weathers Street	Bench	\$2,000
14	Greenway	Bartlet Place	2 seats	\$4,500
14	Greenway	Limburg Way	Access and inclusion	\$20,000
15	Griffith	Throsby Lane	Park bench	\$2,000
15	Griffith	Throsby Lane	Path connection	\$5,400
15	Griffith	Captain Cook Park	Seating and tables	\$6,000
15	Griffith	Throsby Lane	Play space refresh – Painting, mulch and repairs	\$30,000
16	Gungahlin	Linear Park	Fencing	\$8,500
17	Hackett	Bragg Street	Seating, boulders, soft fall, edging, repair of basketball	\$5,000

	<b>Suburb</b>	<b>Location</b>	<b>Works to be undertaken</b>	<b>Budget</b>
17	Hackett	Tryon Street	Play space refresh – Painting, mulch and repairs	\$30,000
18	Kaleen	Gwydir Square	Fencing	\$2,000
18	Kambah	Toole Place	Benches	\$4,500
18	Kambah	Toole Place	Path connection	\$6,300
18	Kambah	Boddington Cres	Fence	\$5,000
18	Kambah	Boddington Cres	Benches	\$4,500
18	Kambah	Boddington Cres	Handball/Hopscotch	\$300
18	Kambah	Toole Place	Play space refresh – Painting, mulch and repairs	\$30,000
18	Kambah	Boddington Crescent	Play space refresh – Painting, mulch and repairs	\$30,000
19	Latham	Umbagog District Park	Move seating to shade	\$1,000
20	Lyneham	Lambert Place	Play space refresh – Painting, mulch and repairs	\$30,000
21	Lyons	Tooms Place	Natural elements seating/play	\$1,200
21	Lyons	Tooms Place	Seating boulders	\$600
21	Lyons	Tooms Place	Path connection	\$3,600
21	Lyons	Tooms Place	Play space refresh – Painting, mulch and repairs	\$30,000
22	MacGregor	John Holt Street	Fencing	\$2,000
23	Nicholls	Candlebark Close	Shade sail	\$26,000
24	O'Connor	Cockle Street	Access and inclusion	\$20,000
25	O'Malley	Culgoa Circuit	Play space refresh – Painting, mulch and repairs	\$30,000
26	Oxley	Newman-Morris Circuit	Table and Seats	\$10,500
27	Page	Burkitt Street	Shade sail	\$26,000
28	Palmerston	Spec Place	Fencing	\$5,100
29	Stirling	Bunbury Street	Play space refresh – Painting, mulch and repairs	\$30,000
30	Tuggeranong	Tuggeranong Park – Learn to Ride	Shade sails	\$26,000
31	Woden	Eddison Park	Fencing	\$11,500
31	Woden	Eddison Park	Access and inclusion	\$20,000
32	Yarralumla	Mueller Street	Move seating to shade	\$1,000

(5)

- (a) Each suburb review will look at the suburb as a whole and the availability and quality of play spaces within the suburb and in relation to other facilities and amenities, rather than reviewing one play space at a time.

The reviews will be consistent with the Priorities Framework developed by the Play Spaces Forum, to guide their funding decisions and to inform future decisions about play spaces in Canberra. The principles of this Framework are as follows:

*Principles*

- Quality over quantity: getting the right mix that delivers value (value of play, value for investment, leverage value of existing assets etc.);
  - Connecting the community (physically and socially);
  - Play spaces are inclusive;
  - Play spaces enhance physical and mental wellbeing;
  - Play spaces enhance and preserve the natural environment; and
  - Equity across the city (number, variety, location).
- (b) The reviews will be undertaken as a co-design process with the local community in each suburb.

- (c) Transport Canberra and City Services staff, supported by a design and engagement specialist.
- (d) The Forum saw these reviews as an innovative and strategic approach to planning for a better mix of play opportunities in Canberra. Each review will include the design of play concept plans for the wider suburb and the design of one key play space.
- (e) The five reviews will occur between January 2019 and June 2019.
- (6) \$175,000 was allocated by the Forum to the nature play space in Eddison Park, Woden and \$175,000 to the nature play space in Glebe Park Civic. \$150,000 is also available for the nature play space near the Farrer Shops.
- (7) The location will be determined through a co-design engagement process with the Farrer community.

### **ACT Ambulance Service—crews (Question No 2085)**

**Mrs Jones** asked the Minister for Police and Emergency Services, upon notice, on 30 November 2018:

- (1) Following the review of the minimum crew level for the ACT Ambulance Service (ACTAS), how will it be determined when ACT Fire and Rescue (ACTFR) crews are required to respond to calls for ACTAS services.
- (2) Has the potential impact on ACTFR been considered during the review of ACTAS minimum crewing.
- (3) What were these considerations.
- (4) Is it expected that greater ACTFR resources will be required following the change in crewing policy.
- (5) What additional staff from ACTFR will be required to respond to ACTAS calls for services following this change in crewing policy.
- (6) When ACTFR crews are required to respond to ACTAS incidents, are funds or other resources transferred from ACTAS to ACTFR to compensate for the response.
- (7) During the review of the policy, which ACT Government directorates and agencies were consulted.
- (8) What consultation with ACTFR was undertaken and what were the outcomes of these consultations.

**Mr Gentleman:** The answer to the member's question is as follows:

- 1. ACT Fire & Rescue (ACTF&R) will attend a medical assist if they are the closest unit in the area or if the ACT Ambulance Service (ACTAS) has requested assistance. This requirement has not changed following the review of the minimum crew level for ACTAS.

ACTF&R personnel are all first aid-qualified and can provide a range of immediate assistance, including use of an advisory defibrillator. ACTF&R personnel also carry additional medical equipment, such as Epipens, allowing first response to other high risk case types including anaphylactic reactions, where they are the closest resource.

2. Yes.
3. ACTAS considered the number of medical assists attended by ACTF&R. Between 1 July 2017 and 30 June 2018, ACTF&R attended 368 medical assist incidents, which averages to approximately one per day. To put this into context, over the same period ACTAS responded to 52,426 medical incidents, which averages to approximately 144 per day.
4. No, however, ACTAS resources will continue to grow to meet the increased demand in relation to medical incidents.
5. Nil.
6. No. Both Services are resourced through the ACT Emergency Services Agency (ESA).
7. Affected parties, including ACTAS staff, ESA staff more broadly, and the Transport Workers Union (TWU) were consulted. The TWU, ACTAS staff, and ESA staff are supportive of the revised policy.
8. Both ACTF&R and ACTAS are part of the ESA. The ESA has considered the outcomes of the review, and its impact on each of the Services – ACTAS, ACTF&R, ACT Rural Fire Service, and ACT State Emergency Service. This is in line with the ESA’s mission of ‘*We work together to care and protect through cohesive operations, collaborative management and a unified executive*’.

### **Multicultural affairs—grants (Question No 2086)**

**Mrs Kikkert** asked the Minister for Multicultural Affairs, upon notice, on 30 November 2018:

- (1) What measures will be taken to make the grants application process more accessible and less cumbersome for culturally and linguistically diverse (CALD) communities.
- (2) Does the Government plan to introduce paper applications for grants as a means of making grants application more accessible for CALD communities.
- (3) Does the Government plan to undertake a review of the current grants application criteria.
- (4) Are there plans to increase the amount of available funding for grants in the 2019-20 Budget so that there is an increased opportunity for CALD communities to make a successful application.

**Mr Steel:** The answer to the member’s question is as follows:

- (1) The Community Services Directorate uses the online Smarty Grants platform and has dedicated staff to provide technical assistance to grant applicants throughout the grant process to ensure everyone can access and understand the form and process. All grant rounds and guidelines include the direct phone number and email address for the Service Funding Support Team. The Service Funding Support Team are highly skilled in the use of SmartyGrants and in assisting with technical difficulties that applicants may be experiencing while applying for a grant.

The Environment Planning and Sustainable Development Directorate (EPSDD) makes the ACT Heritage Grants Program “Guidelines for Applications” available both digitally and in paper form on request. The Guidelines provide details on how to obtain the publication in alternative formats, such as large print, and contact numbers for a translating and interpreting service for those whose first language is not English.

Additionally, EPSDD grants for Actsmart programs, Community Garden Grants and Community Zero Emission Grants also use the online Smarty Grants platform for the application and assessment process.

The uptake of grants has improved since the introduction of the online system, over the previously used paper system, as it allows for a more streamlined approach for applicants and support for completion for community groups. Although the online forms are not multilingual, all applications are visible once they are commenced, which allows Actsmart to make contact and offer application support to any organisations, including CALD community groups.

Actsmart provide information sessions to allow community organisations to ask questions and seek assistance in the application process.

Skills Canberra does not directly provide grants to individuals or groups in CALD communities. Skills Canberra does provide grants to businesses which may provide services to people in Canberra’s CALD communities. For example, many successful projects targeting people in CALD communities who experience barriers to using digital technology have been funded by the ACT Adult Community Education (ACE) Grants Program in recent years. These projects are delivered by organisations with close ties to the CALD community of interest.

In 2019 the ACT Adult Community Education Grants Program will include a focus on providing opportunities for participants to develop their digital literacy, reading and writing skills.

The ACT Health Promotion Grants Program (ACTHPGP) includes details in its funding guidelines about translation and interpreting services to make its information more accessible. Potential applicants are encouraged to contact (face-to-face meetings, telephone and/or email) the ACTHPGP to seek further information about available funding opportunities, to discuss their project ideas and to seek more information about the application process.

- (2) The Community Services Directorate is not planning to introduce paper applications for grant programs. The applicant feedback received (as per below table) indicates that overall, applicants find the SmartyGrants system easy to navigate. The use of the Smarty Grants system ensures a consistent and transparent approach to the expenditure of grant funding.



Grant Round	No. of App submitted	Very easy	%	Easy	%	Neither	%	Difficult	%	Very Difficult	%
2018/19 PMG	82	10	12.20	41	50.00	18	21.95	8	9.76	3	3.66
2018/19 NMF Grants	102	23	22.55	44	43.14	16	15.69	6	5.88	1	0.98
2017/18 PMG	148	35	23.65	90	60.81	13	8.78	7	4.73	0	0.00
2017/18 CSIG	60	11	18.33	32	53.33	12	20.00	4	6.67	1	1.67
2017/18 Digital	38	7	18.42	25	65.79	3	7.89	1	2.63	1	2.63

The Environment Planning and Sustainability Directorate makes grant application forms for the ACT Heritage Grants Program, the ACT Natural Resource Management (NRM) Environment Grants Program and the Affordable Housing Innovation Fund available in paper form upon request.

In 2019, the ACT Adult Community Education Grants Program will provide additional funding to support the capacity of ACE Grants applicant organisations to make a successful application. It is anticipated that many of these organisations will be based within CALD communities.

The ACT Health Promotion Grants Program is not planning to introduce paper-based applications at this point in time.

- (3) Both the Community Services Directorate and the Environment, Planning and Sustainable Development Directorate reviews each grant application criteria annually prior to finalising the grant guidelines and opening the grant round.

An annual desktop review of the Actsmart grants process includes a review of the criteria and adjustments to meet the needs of the community and the policy direction of the Government.

The ACT ACE Grants Program application criteria has undergone an extensive review in 2018. The revised application guidelines are expected to be published shortly.

The ACT Health Promotion Grants Program continually reviews its grants application processes based on feedback from internal and external stakeholders.

- (4) The Community Services Directorate has no plans to increase grant funding available in 2019-20. Members of the CALD community are able to apply for a range of grants including multicultural, youth, women, disability, seniors, community support and digital.

In 2017-18, EPSDD funding for the ACT Heritage Grants Program was increased from \$180,000 to \$200,000 over 4 years 2017-2021 while Actsmart grants are funded through various programs and budget processes. At this stage there are no plans to increase funding for the current programs.

Funding for ACT ACE Grants Program projects that commence in 2019 has been increased from \$200,000 to \$400,000 due to additional funding received from the Skilling Australians Fund (SAF).

The ACT Health Promotion Grants Program is not planning to increase its budget in 2019/20 so that applications specifically from culturally and linguistically diverse communities have an increased chance of success.

---

**Multicultural affairs—multicultural advisory council  
(Question No 2087)**

**Mrs Kikkert** asked the Minister for Multicultural Affairs, upon notice, on 30 November 2018:

- (1) In relation to the Multicultural Advisory Council, besides a commitment and willingness to participate fully in Council activities, an ability to contribute to Council processes and consultation activities and a commitment to reflecting the diverse range of experiences and views of Canberra's culturally diverse communities, what other criteria is membership to the Council based on.
- (2) Is there a criterion that members are to have significant experience working within the ACT community.
- (3) Is there a criterion that members have had leadership experience within the ACT multicultural community.
- (4) During the membership appointment process, what factors are taken into account in determining what ranks one candidate above another.
- (5) Who is involved in the decision-making process of appointing Council members.
- (6) Who ultimately appoints and decides on the membership of the Council.
- (7) How many appointed members have resigned since the formation of the Council to date.
- (8) How many members have resigned from the Council to date, due to a failure of attending three consecutive meetings without an apology.
- (9) When will the Council's code of conduct be completed and implemented.

**Mr Steel:** The answer to the member's question is as follows:

- (1-3) The Terms of Reference (ToR) for the Multicultural Advisory Council is at <https://www.communityservices.act.gov.au/multicultural/act-multicultural-advisory-council>
- (4) Candidates are considered in relation to the membership criteria listed in the ToR. To ensure Council membership is reflective of the ACT community, members are selected to reflect the diversity of people residing in the ACT, including a gender balance, youth and older persons and people with disability.
- (5) The Executive Director, Inclusion & Participation, presents the Council applicants to the Minister for consideration.

- (6) The Minister for Multicultural Affairs presents the proposed appointments to Cabinet for consideration and agreement.
- (7) One member has resigned since the Council was formed. The member was offered an employment opportunity abroad.
- (8) No members.
- (9) Under the ACT Government's 'Governance Principles: Appointments, Boards and Committees in the ACT', members of the ACT Multicultural Advisory Council are required to follow Section 9 of the Public Sector Management Act 1994 which details the requirements of a public employee (which includes all appointees and members of an ACT Government board or committee) in performing his or her duties, and is known as the Code of Ethics.

A copy of the Code of Ethics has been provided to all Council members. Planning and structural processes for the future direction of the ACT Multicultural Advisory Council, including a specific membership-led code of conduct, are expected to be developed by the Council in early 2019.

### **Multicultural affairs—policy framework (Question No 2088)**

**Mrs Kikkert** asked the Minister for Multicultural Affairs, upon notice, on 30 November 2018:

Given that on 1 August 2018, the Assembly agreed to call on the ACT Government to provide a detailed update on the 28 separate actions included under the first action plan 2015–18 from the ACT Multicultural Framework, including which actions and outcomes (a) have been fully achieved and when, (b) are in progress and (c) have not been progressed yet, reasons for any delay, and projected completion dates, will the minister please provide this detailed update as described in parts (a) to (c).

**Mr Steel:** The answer to the member's question is as follows:

(1) All 28 actions under the First Action Plan 2015-18 of the *ACT Multicultural Framework 2015-20* have been actioned and work continues to ensure the intent of each action is fully realised.

a) to c) On 27 November 2018, I presented a paper to the Assembly outlining the Government's progress against each action of the First Action Plan 2015-2018.

A closure report for the First Action Plan will be completed in the first half of 2019.

### **Multicultural affairs—services (Question No 2089)**

**Mrs Kikkert** asked the Minister for Multicultural Affairs, upon notice, on 30 November 2018:

- (1) What measures is the Government taking to address the needs of a maturing multicultural community.
- (2) What needs have been identified.
- (3) What does the Government plan to do to help mature members of the multicultural community retain or otherwise improve their English language skills.
- (4) Are there plans for more services to be available offline (ie, paper applications and communications) to improve accessibility of services for certain individuals and groups; if so, which services and when will they be expected to being operation offline.

**Mr Steel:** The answer to the member's question is as follows:

- (1) The Ministerial Advisory Council on Ageing provides advice to the Minister for Seniors and Veterans on matters relating to the social inclusion and wellbeing of older Canberrans.

In 2018, additional recruitment to the Council was progressed to increase representation from members who had particular expertise relating to older culturally and linguistically diverse people. As a result of this recruitment round, Mr Grant Doran was appointed. Mr Grant Doran was previously a board member of the Migrant and Refugee Settlement Services and has worked at a Senior Executive level for a multicultural Aged Care Residential Facility.

Other supports are provided through numerous programs funded through grant rounds. The ACT Seniors Grants Round is run annually, offering a total of \$80,000 in funding for innovative projects that promote seniors as valued members of the ACT community and enable older Canberrans to actively participate in community life. The program has a particular emphasis on supporting projects which address the areas of elder abuse, enhanced social inclusion and those that address the needs of diverse seniors, including culturally and linguistically diverse seniors.

Community groups who have delivered projects through this grant program (formerly the ACT Veterans and Seniors Participation Grant Round) since 2017 include: the Australian Capital Territory Maori Performing Arts Incorporated; ACT Chinese Australian Association Incorporated; ACT-Tongan Language and Cultural School and the Bangladeshi Seniors Club Canberra.

In addition, please refer to CSD Annual Report QON 99.

The Suburban Land Agency (SLA) implements the Mingle Community Development Program. In 2018 the SLA worked with communities in the suburbs of Wright, Coombs and Moncrieff to develop multi-cultural activities as part of the Program. This resulted in the delivery of three multicultural events (Moncrieff Diwali, Molonglo Valley Diwali and Molonglo Valley Eid Fest) which were co-designed and led by the local maturing multi-cultural members of the community.

In addition the Environment, Planning and Sustainable Development Directorate provided tailored information and advice on energy efficiency in the home to members of the maturing CALD community through the advice line and onsite workshops under the ACTSmart Program.

The Canberra Institute of Technology (CIT) is committed to working with communities and specific groups to address their training needs. CIT has a dedicated Education Advisor for Migrant and Refugees who is available to work with individuals to determine their training needs, which includes consultations with a Careers Advisor. CIT is open to developing courses to meet needs on a commercial or cost recovery basis.

The 2018 ACT Mature Workers Grants Program targets groups traditionally experiencing disadvantage, including people from the multicultural community. The 2018 ACT Mature Workers Grants Program is making available \$500,000 for two new services to be delivered over 2 years. These new services will be announced early in 2019. Any mature worker or businessperson in the multicultural community will be able to access the service most relevant to their needs.

- (2) Older culturally and linguistically diverse people have particular risk factors in relation to elder abuse. The ACT is currently working with the Australian Government and other state and territory governments to develop a National Plan to address elder abuse.

It is also clear that culturally and linguistically diverse older people can be at heightened risk of social isolation and can face difficulties finding out about and gaining access to information and support. These issues will be considered when developing the Age Friendly Statement of Direction to be released in early 2019, and the Second Action Plan of the ACT Multicultural Framework. Both of these will be available in 2019.

The 2018 ACT Mature Workers Grants Program was informed by research that identified the need for a broad focus on literacy, numeracy and digital technology skills development among mature people in the multicultural community.

- (3) The ACT Government is delivering on its 2016-17 Budget commitment to provide funding to assist new Canberrans improve their English language skills through expanding English language programs.

In 2017-18 the Migrant and Refugee Settlement Services (MARSS) received funding for four years to strengthen and expand current English language programs. The funding provides English for employment, English for Living and a Home Tutor program ensuring refugees and asylum seekers living in the ACT receive the support they need to improve their English language skills. The English for Living and Home Tutor Program are specifically designed to meet the needs of older migrants or migrants with mobility issues.

The Canberra Institute of Technology also received funding for four years to deliver English language classes to asylum seekers who hold an ACT Services Access Card.

Libraries ACT provides a range of services including Bilingual Story Times, books, DVDs, and CDs in different languages, English learning resources, and English conversation groups. Libraries ACT hosts friendly and informal English conversation groups at its branches. They are free and bookings are not required.

In addition, a range of multicultural community groups provide opportunities for older people to retain or improve language skills by holding regular social functions including dance classes, morning teas and short trips. This helps build social connections and improve language skills.

The ACT Government (through CIT profile funding) facilitates English Language programs at CIT. CIT has an agreement with the ACT Government to waive fees for ACT Access Card holders (refugees).

The 2019 ACT Adult Community Education Grants Program targets projects that assist people experiencing disadvantage, including people from the multicultural community who wish to improve their English language skills. In 2019 the ACT Adult Community Education Grants Program will have a strong focus on developing foundation skills such as reading, writing and oral communication.

- (4) Access Canberra has engaged with the Council of the Ageing and Dementia Australia (ACT) to discuss continuing service delivery for older people into the future. Dementia Australia (ACT) has undertaken audits of some service centres to advise on appropriate physical design and have partnered with Access Canberra to deliver a training program on service delivery for people with dementia.

59% of the 768 respondents to the 2018 Age Friendly City Survey ranked looking online as their most preferred information source. All age groups, including those aged 70+ and 80+ were more likely to rank 'looking online' above all other options as their most preferred way of accessing information.

ABS statistics indicate 72% of ACT residents aged 65+ live in a dwelling where the Internet is available, this is the highest proportion of any state and above the Australian proportion of 61%.

Access Canberra delivers services for all Canberrans and services are designed to meet the needs of all people. Access Canberra has a digital first service approach and has over 300 services available digitally.

There are touchscreens and concierge services available in the Access Canberra Service Centres to support people who find it difficult to engage through that channel.

The ACT Government is committed to accessibility of information for our community. In addition to translation services available, consideration is given to different printed materials to ensure they support intended audiences.

Key information for workers in the retail and hospitality sectors (including in posters and postcards) was translated into key languages represented by staff in the sector being – Simple Chinese, Hindi and Vietnamese. These materials are being disseminated in the industry.

Following a community survey conducted by the Suburban Land Agency (SLA) under the Mingle Community Development Program, the SLA is planning to deliver communications in a range of languages as well as continue to deliver Mingle community newsletters in hard copy form to all residents.

In addition the SLA website includes a Google Translate function allowing every page to be translated.

CIT provides assistance with training, this includes reasonable adjustment, and English support for students studying at CIT. Students can access paper-based information when required.

Libraries ACT provides resources for our culturally and linguistically diverse communities, and employs experienced staff, including a Multicultural Learning Coordinator to work with these communities, connect them with the library and the opportunities it offers, and collaborate with them on sharing and celebrating their cultures.

Library resources which offer opportunities to engage with cultural language and heritage include:

- Library Press Display, which provides in-language digital access to hundreds of newspapers and magazines from around the world.
- eBooks and eAudio books available via BorrowBox and digital magazines available via RBdigital.
- Print newspapers in selected languages.
- Music on CD and for digital download.
- World movies on DVD.
- Mango Languages, a language learning app with language learning courses in more than 70 languages.

Both the 2019 ACT ACE Grants Program and the 2018 ACT Mature Workers Grants Program will fund new services designed to improve the accessibility of vocational education and training services for people experiencing barriers.

The new services supporting the development of employability, learning, reading, writing, oral communication, numeracy and digital technology capabilities—under the 2019 ACT ACE Grants Program—are anticipated to begin in mid-2019.

---

### **Multicultural affairs—summit (Question No 2090)**

**Mrs Kikkert** asked the Minister for Multicultural Affairs, upon notice, on 30 November 2018:

- (1) How many people were invited to attend the 2018 ACT Multicultural Summit.
- (2) How many people (a) belonging to the ACT community, (b) from interstate and (c) from overseas were invited to attend the Summit.
- (3) How many people accepted the invitation to attend the Summit.
- (4) How many people attended the Summit.
- (5) How many people from (a) interstate and (b) overseas attended the Summit.
- (6) How many youth representatives (a) attended and (b) were invited to the Summit.
- (7) Which groups/organisations were (a) invited to the Summit and (b) were represented at the Summit.
- (8) Which groups/organisations declined the invitation to attend.

- (9) Which government agencies were (a) invited to and (b) represented at the Summit?
- (10) Were there any cultural groups that were not invited to attend the Summit; if so, which groups and what was the reason for not extending an invitation.
- (11) How many people attended (a) Workshop 1: Canberra, a city where diversity is valued, (b) Workshop 2: Canberra, a city where everyone belongs, (c) Workshop 3: Canberra, a healthy and accessible city and (d) Workshop 4: Canberra's Future.

**Mr Steel:** The answer to the member's question is as follows:

- (1) Invitations to the 2018 ACT Multicultural Summit (the Summit) were sent to 179 people from 108 organisations. A list of all organisations invited is at Attachment A.
- (2)
- a. 175 invitees belong to the ACT community;
  - b. One interstate organisation was invited and a range of national organisations.
  - c. Three international organisations (Pink Umbrella International, International Organisation for Migration and World Macedonian Congress - Australia) received invitations to attend.
- (3) 148 people accepted their invitation to attend the Summit. A list of acceptances is at Attachment B.
- (4) At least 119 people attended the Summit, with some attending part time.
- (5)
- a. Two delegates from an interstate organisation attended the Summit; and
  - b. One delegate from an international organisation attended the Summit.
- (6)
- a. Four delegates representing youth services, organisations and councils attended the Summit. These are highlighted in Attachment B; and
  - b. Six delegates representing youth services, organisations and councils were invited to attend the Summit. These are highlighted in Attachment A.
- (7)
- a. Groups and organisations invited to the Summit are named at Attachment A.
  - b. Groups and organisations represented at the Summit are named at Attachment B.
- (8) Groups and organisations that declined an invitation to attend the Summit are named in Attachment B.
- (9)
- a. All ACT Government Directors-General, the Chief Executive of CIT, and Members of the ACT Legislative Assembly were invited to attend the Summit. A number of other ACT Government staff undertaking roles relating to Canberra's culturally and linguistically diverse communities were also invited to attend.
  - b. ACT Government agencies that attended the Summit are named at Attachment B.
- (10) Invitations to the Summit were extended to all cultural groups that attended the Community Consultation Roundtables. The Roundtables were open to everyone to attend and were widely advertised. People and organisations that attended a Roundtable were prioritised for invitations to the Summit. A list of all organisations invited to attend the Roundtables is provided at Attachment C.



- (11) The Summit workshops were conducted using a ‘self-select’ methodology. Delegates chose which theme they wished to explore at the start of each session. Each room was set up to accommodate up to 40 delegates and each delegate could attend three out of the four workshops during the Summit. Each workshop ran for 1 hour and 15 minutes.

*(Copies of the attachments are available at the Chamber Support Office).*

---

### **Multicultural affairs—policy framework (Question No 2091)**

**Mrs Kikkert** asked the Minister for Multicultural Affairs, upon notice, on 30 November 2018:

- (1) Will the ACT Government, in drafting the Second Action Plan of the ACT Multicultural Framework 2015-20, commit to specific actions with specific outcomes, responsible timeframes, and aim for 100 percent achievement of these actions.
- (2) Will the ACT Government commit to drafting the Second Action Plan in a way that will make clear the specific actions, outcomes and timeframes for achievement.
- (3) In the event that there are actions that cannot be achieved, or were not achieved on time, will the ACT Government provide explanations as to why, what will be done consequently and when.

**Mr Steel:** The answer to the member’s question is as follows:

- (1) The ACT Government will work with the Multicultural Advisory Council to develop the Second Action Plan of the ACT Multicultural Framework 2019-20 with measurable actions and specific outcomes.

It is intended that the Second Action Plan will include realistic timeframes for each outcome to be achieved. The ACT Government will aim for 100 percent achievement of the outcomes in the Second Action Plan 2019-20.

- (2) The Second Action Plan 2019-20 will be drafted to deliver on the three objectives of the ACT Multicultural Framework 2015-20. The specific actions, outcomes and timeframes will be articulated in a clear and concise manner to ensure actions, outcomes and timeframes for achievement are clear.
  - (3) In the event that there are actions or outcomes that are not achieved, or were not achieved within the nominated timeframes the ACT Government will provide an explanation as to why, including a proposal for how and when the identified actions and outcomes are expected to be achieved.
- 

### **Multicultural affairs—communications (Question No 2092)**

**Mrs Kikkert** asked the Minister for Multicultural Affairs, upon notice, on 30 November 2018:

- (1) What measures will the Government commit to improving communications, or assisting groups to improve communications with culturally and linguistically diverse (CALD) groups.
- (2) Are there plans to expand the Office for Multicultural Affairs to help facilitate communications and improve engagement with the CALD community.
- (3) Will the Government consider investing in the expansion of the Office for Multicultural Affairs for the 2019-20 Budget.
- (4) What measures will the Government take to ensure that individual members of CALD groups receive government and community communications.
- (5) How will the ACT Government identify isolated CALD groups in the community and promote their community engagement.
- (6) Will the ACT Government commit to provide enough funding in the 2019-20 budget to cover different and/or multiple modes of effective communication and engagement for different CALD groups.

**Mr Steel:** The answer to the member's question is as follows:

- (1) The ACT Language Services Policy details measures the ACT Government is undertaking to improve communications with people who communicate in a language other than English, including people from culturally and linguistically diverse backgrounds. The policy is available at:  
<https://www.communityservices.act.gov.au/publications/act-language-services-policy>

The ACT Government also provides funding support for community radio stations and programs to assist groups and the wider Canberra community improve their communications with culturally and linguistically diverse communities.

- (2) The resourcing for the Office for Multicultural Affairs is and continues to meet the changing needs of our diverse community. The Office for Multicultural Affairs will build on and expanding improve engagement with the CALD community within existing resources.

The Office for Multicultural Affairs facilitates effective communications and engagement with Canberra's culturally and linguistically diverse community through a range of initiatives including grants, awards, celebrations, citizenship ceremonies, special events, policy development, employment and language programs, concessions and advocacy with other ACT Government directorates and businesses.

- (3) The ACT Government systematically reviews its resourcing, policies, programs and services to ensure they continue to meet the changing and evolving needs of our community.

The Office for Multicultural Affairs will continue to engage with Canberra's culturally and linguistically diverse community through a range of initiatives including grants, awards, celebrations, citizenship ceremonies, special events, policy development, employment and language programs, concessions and advocacy within existing resources.

- (4) The ACT Government uses a range of measures to ensure individual members of the culturally and linguistically diverse community receive government and community communications including:
    - funding community radio stations;
    - regular E-Newsletters individuals can subscribe to;
    - access to interpreters and translators;
    - meetings and engagement with community leaders, the Multicultural Advisory Council and the Aboriginal and Torres Strait Islander Elected Body; and
    - accessible information on ACT Government websites.
  - (5) The ACT Government works in partnership with community groups to identify isolated individuals and groups and supports outreach programs to promote their engagement and participation. Examples include Migrant and Refugee Settlement Services, Multicultural Youth Services and Companion House.
  - (6) Different and/or multiple modes of effective communication and engagement for different culturally and linguistically diverse groups are available through current resourcing.
- 

### **Multicultural affairs—community participation (Question No 2093)**

**Mrs Kikkert** asked the Minister for Multicultural Affairs, upon notice, on 30 November 2018:

- (1) What actions does the ACT Government plan to take to support the establishment and operation of community organisations, schools and groups that work to preserve, promote, educate and engage youth and their cultural language and heritage.
- (2) What tools and opportunities will the ACT Government provide for youth to be able to use their diversity as an asset to the community.

**Mr Steel:** The answer to the member's question is as follows:

- (1) The ACT Government provides funding to the ACT Community Language School Association, which is an umbrella for community language schools in the ACT.

The Association has a number of objectives including promoting the teaching of languages, history and culture of ethnic communities. It also co-ordinates and promotes inter-ethnic school social and cultural activities. For example ACT Community Language Schools Day is a free Children's Week event. This event provides the Association's Members an opportunity to share their experiences and achievements with each other and the wider community.

The ACT Government also provides funding to a range of community organisations and groups to promote, educate and engage youth with their cultural language and heritage through different grant programs including the Community Support and Infrastructure grants, the Multicultural Participation grants and the Aboriginal and Torres Strait Islander grants. More information is available at:  
<https://www.communityservices.act.gov.au/home/grants>.

Further actions may be outlined in the ACT Multicultural Framework Second Action Plan, if identified as a priority by the community.

ACT public schools are implementing the Australian Curriculum which allows schools to preserve, promote, educate and engage students in cultural languages and heritage. The Australian Curriculum, through the Intercultural Understanding General Capability focuses on students learning about a variety of cultures and heritages including Aboriginal and Torres Strait. The Cross Curriculum Priority, Aboriginal and Torres Strait Islander Histories and Cultures enables teachers to embed Aboriginal and Torres Strait Islander education across the curriculum.

Belconnen High School is currently developing a Year 9/10 unit focussed on Aboriginal and Torres Strait Islander cultures and Languages called Connecting to Country. This program is being developed in consultation with Aboriginal students, their families, academics in Indigenous studies and linguistics, as well as local elders.

The Canberra Institute of Technology (CIT) Yurauna Centre is a community focused multi-functional Cultural Education Centre of Excellence that brings individuals together to learn in a culturally safe environment. The Centre is a gathering place that provides opportunity for people of all ages, including youth to gain an education that empowers individuals and community. Students are provided with information on the local traditional custodians Ngunnawal peoples.

At the CIT Yurauna Centre, all programs are based on Aboriginal pedagogical practices that incorporate the 8 Aboriginal ways of Learning. Indigenous students have an opportunity through their studies to research and further develop their own cultural identity and heritage through accredited and non-accredited activities. All students in CIT Yurauna have opportunity to research and engage widely with common Aboriginal Creole incorporated in classes as well as access their own languages and cultural information to preserve and promote for retention.

Indigenous students attend the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) through excursions. Students are encouraged to engage with their own community Elders for further information or advice to support their cultural language and heritage growth.

CIT Pathways run English as an Additional Language (EAL) programs and collaborate closely with educators who have extensive experience in creating materials and designing programs supporting the preservation, promotion, education and engagement in an individual's own and in others' cultural language and heritage.

- (2) Youth InterACT is the ACT Government's youth participation strategy which enables young Canberrans to contribute to discussions on youth issues and influence government policies and programs. Youth InterACT includes the opportunity for youth to join the Youth Advisory Council, access grants and scholarships and have their contributions recognised. The diversity of young people is both embraced and encouraged across all Youth InterAct initiatives:
- The **Youth Advisory Council (YAC)** provides young people with an opportunity to take a leading role in participation and consultation activities on issues that affect their lives; raise awareness of the aspirations, needs and concerns of young people; and facilitate interaction between young people, the ACT Government and the wider community.

YAC has 14 members who are all aged between 12 and 25 years (inclusive) at the time of their appointment. Membership of the YAC reflects the diversity of young people residing in the ACT and has gender balanced representation as well as representation of young people with a disability and youth from Aboriginal and Torres Strait Islander and culturally and linguistically diverse backgrounds.

- The ACT Government partnered with YAC to host the **ACT Youth Assembly** on 28 September 2018. The ACT Youth Assembly was a deliberative democracy process to draw out key ideas, policy recommendations, and encourage direct participation for young Canberrans aged 12 to 25 to speak on four contemporary issues important to them: Youth Mental Health; Homelessness and Young People; Youth Civic Participation and Equality and Equity for Aboriginal and Torres Strait Islander Young People.
- **Youth InterACT Grants** to support young people to organise projects, events, activities and programs that benefit other young people in the community.
- **Youth InterACT Scholarships** are open all year round to provide funding of up to \$500 for individuals and up to \$1,500 for groups of young people to attend learning, sporting, personal and career development opportunities.
- **ACT Youth Week Grant Program** provides small grants up to \$1,500 for groups of young people to organise events for other young people as well as for a range of free public events across Canberra. The grants are funding for innovative new projects so young people can see their ideas become a reality.
- **The Young Canberra Citizen of the Year Awards** recognises individuals or groups of young Canberrans that have made a significant contribution to the ACT.

Further actions may be outlined in the ACT Multicultural Framework Second Action Plan, if identified as a priority by the community.

The Suburban Land Agency's Mingle Community Development Program implements Y-engage which is a youth engagement strategy to engage with youth through the establishment of local resident and volunteer groups. The program collaborates with local schools, cultural groups and local organisations to establish new ways of engaging youth. Examples of initiatives being implemented are:

- i. In Molonglo Valley the Mingle Program is partnering with Charles Weston School to produce a Multicultural Information Recipe Book which is designed to share information about cultural heritage and sensitivities. This is being coordinated directly with school students;
- ii. The Mingle Program has conducted information sessions with school students at Stromlo Cottage in Coombs to share information about the heritage of the area;
- iii. The Mingle Program has provided opportunities for youth to be involved in local art projects;

- iv. The Program provided an opportunity in Moncrieff for a young Aboriginal artist to produce artwork for signage in a new Play Space – Yungaballi Park; and
- v. The Program engaged with students at Charles Weston School to help provide input into the future play space in Coombs.

The CIT Yurauna Centre provides students with opportunities to gain the following qualifications:

- Certificate 2 General Education (equivalent to Year 10)
- Year 12 Program
- Certificate 3 Community Services (pathway to work in the community services sector)
- Certificate 2 Aboriginal & Torres Strait Islander Cultural Arts (pathway to opening their own arts practice or work in cultural organisations)

Students have opportunity to provide regular feedback to CIT through the CIT Yurauna Centre and the CIT Student Association. If students wish they may elect to run for the CITSA Council.

CIT Pathways, in their Year 12 Program have a focus on valuing mother tongue and language and its use in community, culture and storytelling. EAL and Leadership students are taken to the South Coast with the Ted Noffs Organisation to surf and to value, educate and engage them with each other and the community.

### **Multicultural affairs—English language training (Question No 2094)**

**Mrs Kikkert** asked the Minister for Multicultural Affairs, upon notice, on 30 November 2018:

- (1) What government facilitated English language training programs exist in the ACT.
- (2) What incentives does the Government offer to people to encourage them to attend English language training sessions.
- (3) How much funding has/does the Government put toward English language training in (a) 2016-17, (b) 2018-19 and (c) 2019-2020.
- (4) When was the last government review into this subject and is there another one scheduled; if so, when.

**Mr Steel:** The answer to the member's question is as follows:

- (1) The Commonwealth Government funds the Adult Migrant English Program (AMEP) which provides up to 510 hours of English language tuition to eligible migrants and humanitarian entrants to assist them to improve their English literacy skills. NAVITAS delivers this program in the ACT on behalf of the Commonwealth Government.

The ACT Government is delivering on its 2016-17 Budget commitment to provide funding to assist new Canberrans to improve their English language skills through expanding English language programs.

The Migrant and Refugee Settlement Services (MARSS) received funding for four years to strengthen and expand current English language programs. The funding provides English for employment, English for living and a home tutor program ensuring refugees and asylum seekers living in the ACT receive the support they need to improve their English language skills.

The Canberra Institute of Technology (CIT) also received funding for four years to deliver free English language classes to asylum seekers who hold an ACT Services Access Card.

The Child, Youth and Family Services Program (CYFSP) is designed to assist vulnerable children, young people and their families. The program comprises a mix of services from group programs to case management. The CYFSP does not specify the delivery of English language programs, however organisations may deliver this type of support in the course of their daily work with a child, young person and their family.

While all services funded under the CYFSP work with multicultural children, young people and their families, three organisations receive dedicated funding to target multicultural communities: Companion House; MARSS; and Multicultural Youth Services.

More specifically:

#### Companion House

- Companion House delivers an integrated service model under the CYFSP. This service model includes therapeutic services; youth engagement and culturally and linguistically diverse engagement services.

#### MARSS

- Through the CYFSP, MARSS is contracted to deliver the Program for After School Studies (PASS).
- PASS is designed for clients from a non-English speaking background to assist them in their school, college, CIT and university studies after school hours.

#### Multicultural Youth Services (MYS)

- MYS offers a range of programs to promote opportunities and to address the challenges of young people from diverse backgrounds living in the ACT. This model provides outreach to young people in schools and colleges, as well as a drop-in centre and holiday programs.

The MYS program funded under the CYFSP includes the Multicultural Youth Engagement Service. This service offers:

- Case management support and group programs aimed at strengthening family and social relationships, addresses inter-generational conflict and promoting engagement with mainstream services;
- Workplace Readiness Training Program; and
- Supports culturally and linguistically diverse young people in the ACT through linking them to work experience and employment opportunities. The program also incorporates workplace language and culture training relevant to specific workplaces.

The ACT Education Directorate provides introductory English programs at six school locations across Canberra. Introductory English Centres provide beginning English students with essential conversational and age-appropriate academic language to a functional level which prepares them for transition to mainstream classroom settings. In regards to English language training, Canberra Institute of Technology (CIT) supports both broad and intensive approaches to English language acquisition.

Libraries ACT hosts friendly and informal English conversation groups at its branches. They are free and bookings are not required.

In addition, CIT ensures all vocational education programs contain activities to support language and literacy skill acquisition as identified in Australian Training Packages (Foundation Skills).

Programs offering intensive engagement in language acquisition are provided through CIT's ACT Government profile funded English Language programs. These are nationally accredited qualifications and include levels of Certificate 1-4 in Spoken and Written English. English language is also offered as part of CIT's Year 12 Program.

- (2) Improved English literacy skills decreases social isolation and fosters social and economic well-being within the ACT community. The ACT Government provides funding to enable ACT Service Access Card holders, refugees and migrants to access English language classes free of charge. The ACT Government also supports women to access classes by providing grants to cover the cost of childcare to enable them to attend free English language classes.

The English conversation groups that Libraries ACT host, are open to anyone who wants to participate and improve their English language skills, their free and informal nature makes them a welcome opportunity for many.

CIT has an agreement with the Community Services Directorate (CSD) to waive fees for ACT Access Card holders (refugees). Any students on low income (Australian resident/ citizen or New Zealand citizen) are eligible to apply for ACT Government Fee Assistance each semester (up to 75 per cent of their invoice for the semester).

CIT also award and assist students with nominations for various scholarships.

(3)

(a) Funding provided in 2016-17 for the services and programs detailed above:

- Companion House was contracted by the CYFSP to the value of \$402,510 (GST exclusive).
- MARSS was contracted by the Child, Youth and Family Services Program to the value of \$56,465 (GST exclusive).
- MYS is contracted by the CYFSP to the value of \$300,445 (GST exclusive).

(b) Funding provided in 2018-19:

- MARSS is contracted to the value of \$40,000 (GST exclusive) to provide free English language programs to refugees, asylum seekers and migrants.
- CIT is contracted to the value of \$10,000 (GST exclusive) to provide free English language classes to asylum seekers who hold an ACT Services Access Card.



- Companion House is contracted by the CYFSP to the value of \$443,841 (GST exclusive).
- MARSS is contracted by the CYFSP to the value of \$63,721 (GST exclusive).
- MYS is contracted by the CYFSP to the value of \$325,847 (GST exclusive).

(c) Funding committed for 2019-20:

- MARSS is contracted to the value of \$40,000 (GST exclusive) to provide free English language programs to refugees, asylum seekers and migrants.
- CIT is contracted to the value of \$10,000 (GST exclusive) to provide free English language classes to asylum seekers who hold an ACT Services Access Card.
- Current Service Funding Agreements for Companion House, MARSS and MYS under the Child, Youth and Family Services Program expire as of 30 June 2019, and are subject to future procurement in line with Early Support by Design.

CIT's Profile funding for English Language training (by calendar year) is below:

- 2016 – \$415,077
- 2017 – \$423,000
- 2018 – \$342,000
- 2019 – Pending

There is no specific funding for the English conversation groups at ACT libraries. These groups are facilitated by volunteers and Libraries ACT coordinates these groups as part of its broader service offering.

- (4) A review of ACT English language programs and eligibility was undertaken in 2017-18 to inform the design of the ACT Government's 2017-18 budget commitment to expand English language programs. A further review is planned at the completion of the current program funding period in 2021-22.

English conversation groups at libraries have not been formally reviewed.

### **Multicultural affairs—government employment (Question No 2095)**

**Mrs Kikkert** asked the Minister for Multicultural Affairs, upon notice, on 30 November 2018:

- (1) What methods are the ACT Government currently employing to increase employment within the ACT Government for culturally and linguistically diverse (CALD) people in Canberra.
- (2) Does the ACT Government have a goal for increasing the employment of CALD people within ACT Government positions; if so, what is that goal.
- (3) What is the percentage of people with CALD backgrounds currently working in ACT Government positions.

**Mr Steel:** The answer to the member's question is as follows:

- (1) The Community Services Directorate works with the Canberra Institute of Technology to implement the Work Experience Support Program (WESP). Two WESP intakes are conducted each year with 20 participants in each program. The participants undertake a two week CIT Business Administration course followed by an eight week work placement in the ACT Government.

In the 2nd Work Experience and Support Program (WESP) for 2017-18, after only five weeks into the work placement component of the program, one participant was offered a permanent position. Additionally, nine participants were offered temporary contracts across the ACT Government.

\$307,000 has been provided to the Multicultural Employment Service to develop and implement a 12 month individual, case managed employment program for refugees, asylum seekers and people from non-English speaking backgrounds.

- (2) The ACT Government has an ACT Public Sector Employment Framework that promotes an inclusive workplace which fosters a culture and environment where employees of all backgrounds are engaged and provided with employment opportunities to better support the diverse community we serve.
- (3) The State of the Service Report identified 3,794 (17.9%) of staff were from CALO backgrounds.

### **Multicultural affairs—translation service (Question No 2096)**

**Mrs Kikkert** asked the Minister for Multicultural Affairs, upon notice, on 30 November 2018 (*redirected to the Minister for Business and Regulatory Services*):

Does the ACT Government have any plans to create an opt-out translation service for Access Canberra; if not, why not.

**Mr Ramsay:** The answer to the member's question is as follows:

Access Canberra staff in the Contact Centre and Service Centres are well experienced in receiving calls or managing inquiries from our community. If a staff member detects that there are language barriers they actively work to offer support, either through connecting them with another staff member who is proficient in the language preference or specific translation services.

Access Canberra does this in partnership with members of our community in a respectful way so the service provided is tailored to meet their individual needs. Access Canberra advises that no concerns have been raised around how these services are provided.

Access Canberra continues to look at new ways to support information provision and engagement to support our community.

**Schools—ovals  
(Question No 2097)**

**Mrs Kikkert** asked the Minister for Education and Early Childhood Development, upon notice, on 30 November 2018:

- (1) Given that some ACT schools have ovals as part of their overall school facilities and that those schools are responsible for the management and maintenance of these ovals, provided through their repairs and maintenance allocation, do these schools receive more funds in their repairs and maintenance allocations than schools that do not have ovals as part of their overall school facilities.
- (2) If Florey Primary School were to take over the management and maintenance of the Florey Oval, would additional funding be provided to its repairs and maintenance allocation in order to meet the cost of this.

**Ms Berry:** The answer to the member's question is as follows:

- (1) The School Operational Allocation (SOA) is the mechanism that funds non-educational costs within schools. At the time of the review of SOA, utilities costs are recognised in the allocation for schools that were maintaining the ovals.

The school property portfolio is diverse and complex and it is not possible to directly compare one school with another solely on costs associated with maintaining ovals.

- (2) If responsibility for the maintenance and management of Florey oval was transferred to Education, refurbishment costs would need to be assessed as part of an annual works program. The ongoing cost of irrigation and maintenance would be a school responsibility. An assessment of the school's financial capacity to maintain this asset would be made as part of any transfer process.

---

**Schools—funding  
(Question No 2098)**

**Mrs Kikkert** asked the Minister for Education and Early Childhood Development, upon notice, on 30 November 2018:

- (1) How does an ACT government school principal determine the allocation of the budget for the school.
- (2) What groups is the principal obliged to confer with when determining the budget allocation.
- (3) Are Parents and Citizens groups and community groups able to request, from the principal, the budget allocation plans before they are finalised.

**Ms Berry:** The answer to the member's question is as follows:

- (1) As outlined in *Question on Notice 2052* individual school budgets are determined through the Student Resource Allocation (SRA) program, and calculated according to a number of components, including a core allocation and loading where appropriate.

In collaboration with staff, School Board and directorate's Education Support Office, the principal identifies the operational requirements of the school and then builds in the school's strategic priorities to develop an overall picture of the resourcing needs of the school. Many schools form a finance committee with representation to support in construction of the budget. Most decisions revolve around allocations of learning resources to year groups and faculties as well as ensuring that actions relating to strategic priorities have appropriate funding to be successful.

- (2) The School Board must approve the school budget.
- (3) The School Board must approve the budget and, out of respect to the School Board, schools would rarely share a draft budget before discussion with the Board. Groups such as the school's Parents and Citizens Association can submit budget and spending proposals, but there must be alignment with school operational and strategic needs.

### **Schools—Harmony Day (Question No 2099)**

**Mrs Kikkert** asked the Minister for Education and Early Childhood Development, upon notice, on 30 November 2018:

- (1) Which ACT government (a) schools and (b) offices currently recognise and commemorate Harmony Day.
- (2) What policies and goals does the ACT Government currently have to increase the commemoration of Harmony Day in ACT government schools and offices.

**Ms Berry:** The answer to the member's question is as follows:

- (1) Schools and offices are able to decide themselves which international and national days, such as Harmony Day, and multicultural festivals, they wish to acknowledge and celebrate.
- (2) There are no policies or goals specific to encouraging schools to celebrate Harmony Day in schools. The ACT Government is committed to celebrating the diversity of the Canberra community consistent with the theme of Harmony Day, 'Everyone Belongs'. This includes through community grants programs and a range of community engagements and events. ACT Government schools and offices may mark Harmony Day in a range of ways. The ACT Government regularly shares with schools the opportunities available for them to recognise and celebrate events such as the National Multicultural Festival, National day of Action against Bullying and Violence as well as Harmony Day.

### **Schools—language teaching (Question No 2100)**

**Mrs Kikkert** asked the Minister for Education and Early Childhood Development, upon notice, on 30 November 2018:

- (1) What funding is given to the teaching of Japanese at the Kaleen, Giralang and Latham primary schools.

- (2) What funding is given to the teaching of Mandarin at Canberra High, Melba Copland and Kingsford Smith School.
- (3) What funding is given to the teaching of language at Torrens, Charnwood-Dunlop and Florey Primary schools.
- (4) How does a school determine (a) which languages it will teach and (b) how much funding will be allocated to the teaching of languages other than English (LOTE).
- (5) What is the funding given to the teaching of LOTE subjects at ACT government schools expected to go towards.

**Ms Berry:** The answer to the member's question is as follows:

- (1) Schools are funded to meet the needs of all students and deliver the curriculum in line with the Curriculum Requirements Policy. All ACT government schools are required to provide at least one language program in one of eight priority languages (French, German, Italian, Spanish, Indonesian, Japanese, Mandarin, and Korean). Each year, from year 3 to 6, schools are required to provide students with a minimum of 60 minutes per week of languages education. In years 7 and 8, schools are required to provide students with a minimum of 150 minutes per week.
- (2) As per question (1).
- (3) As per question (1).
- (4) (a) The decision about which language/s will be taught at a school is made by the principal in consultation with the school Board.  
  
(b) The decision about the allocation of funding for LOTE is a school based decision.
- (5) As per question (1).

---

### **Justice—restorative (Question No 2101)**

**Mrs Kikkert** asked the Minister for Corrections and Justice Health, upon notice, on 30 November 2018 (*redirected to the Minister for Justice, Consumer Affairs and Road Safety*):

- (1) In relation to the expansion of the restorative justice process to victims of family violence and sexual offences, what is the allocated funding for services provided by the Restorative Justice Unit (RJU).
- (2) How many clients can the RJU service at one time.
- (3) Is any part of the Family Safety Levy used to fund services provided by the RJU; if so, what percentage of the levy is used.
- (4) Which community stakeholders were consulted in the decision to move into phase three of the Restorative Justice Scheme.

- (5) When will the ACT Government website be updated to state that victims of family violence and sexual offences will now also have access to the restorative justice process.

**Mr Rattenbury:** The answer to the member's question is as follows:

- (1) In the 2015-16 Budget, the ACT Government announced funding of \$2.058 million over four years for the expansion of restorative justice to include serious offences and offences committed by adults and juveniles, progressing to include sexual and family violence offences when the Restorative Justice Unit (RJU) staff had sufficient training to manage these more complex offences. The expanded staffing included four new positions (three convenors and an administration/court liaison worker) and funding to provide professional supervision of convenors and training to build the RJU's capacity to manage domestic and family violence and sexual offences matters.

In the 2016-17 Budget, the Government announced funding for an additional Indigenous Guidance Partner to assist with the increase in referrals following the expansion of the RJU in 2015-16. This position has been recently trialled successfully as a convenor position benefiting the Aboriginal and Torres Strait Islander community. In the 2017-18 Budget, further funding was provided to engage an officer to provide policy and facilitation support for adult survivors of child sexual abuse who wish to engage in a direct personal response.

- (2) Matters vary in their complexity and response needs markedly and as such it is difficult to provide a set number of referrals that the RJU can service at any one time, however at this stage it is estimated that a convenor may have between 10 and 13 cases as a lead convenor at any one point in time.
- (3) The Family Safety Levy has not been used to fund services provided by the RJU.
- (4) Community Stakeholders included in the planning of phase three of the RJ Scheme are listed on the attached 'Community Stakeholders/Organisations List'.
- (5) The new RJU website will be refreshed as part of the new JACS website platform currently under development. This is due for completion in the first half of 2019. The RJ website would not be a portal for referrals, but may, in some circumstances lead to enquiries/requests for the RJU to explore the current eligibility of a matter and subsequently prompt a referral from the relevant criminal justice referring entity.

#### **Attachment**

#### **Community Stakeholders/Organisations for Sexual Offences and Family Violence.**

<b>Community Stakeholders/Organisations List</b>
Canberra Rape Crisis Centre
Domestic Violence Crisis Service
Menslink
Everyman Australia
Women with Disabilities ACT Inc
Relationships Australia
Human Rights Commission
Victims of Crime Commissioner

<b>Community Stakeholders/Organisations List</b>
Victim Support ACT
Community Services Directorate
ACT Corrective Services
Sentence Administration Board
ACT Courts & Tribunal
ACT Bar Association
Legal Aid
Domestic Violence Prevention Council
Womens Legal Aid
Office For Women
Aboriginal Legal Service ACT
Law Society
Office of the Director of Public Prosecutions
Kamy Saeedi Law
ACT Policing
Women's Health Service
Diversity ACT
Thomas Wright Institute
University of Canberra
ANU Centre for Restorative Justice
Aboriginal and Torres Strait Islander Elected Body
Marymead ACT
Australian Muslim Voice
ACT Youth Advisory Council

---

### **ACT Policing—community engagement (Question No 2102)**

**Mrs Kikkert** asked the Minister for Police and Emergency Services, upon notice, on 30 November 2018:

- (1) How many community requests for ACT Policing to attend as a key speaker were received in (a) 2016-17, (b) 2017-18 and (c) 2018-19 to date.
- (2) How many community requests for ACT Policing to attend as a community policing representative were received in (a) 2016-17, (b) 2017-18 and (c) 2018-19 to date.
- (3) How many community requests for ACT Policing were declined because it was deemed inappropriate for police to attend in (a) 2016-17, (b) 2017-18 and (c) 2018-19 to date.
- (4) How many community requests for ACT Policing were declined because there were no resources available to attend in (a) 2016-17, (b) 2017-18 and (c) 2018-19 to date.
- (5) Will the ACT Government plan to increase resourcing for ACT Policing in the 2019-20 Budget so that more community requests can be facilitated.

**Mr Gentleman:** The answer to the member's question is as follows:

Direct engagement (such as an appearance as a speaker or representative) with our community is a critical component of the duties of every ACT Policing officer. As ACT Policing officers engage with community members and groups on a daily basis, often at impromptu or informal events, ACT Policing does not record every such engagement.

I am advised that ACT Policing does record community engagement requests received and/or coordinated through ACT Policing's Media team, Constable Kenny Koala Program, Community Safety team and Volunteers in Policing Team.

- (1) In recording requests for community engagement, ACT Policing does not differentiate between attendance as a key speaker or otherwise. For the total number of requests received, I refer the member to my answer to Question 2.
- (2) (a) In 2016-17, ACT Policing's Media team, Constable Kenny Koala Program, Community Safety team and Volunteers in Policing Team received 1,597 requests.  
  
(b) In 2017-18 ACT Policing's Media team, Constable Kenny Koala Program, Community Safety team and Volunteers in Policing Team 1,457 requests.  
  
(c) In 2018-19 YTD, as at 11 December 2018, ACT Policing's ACT Policing 's Media team, Constable Kenny Koala Program, Community Safety team and Volunteers in Policing Team have received 649 requests.
- (3) ACT Policing does not categorise the reasons for which a request may have been declined. Providing a response to the member's question would require a manual review of all requests – an onerous task that would unreasonably divert police resources.
- (4) (a) In 2016-17, 65 requests were declined.  
(b) In 2017-18, 41 requests were declined.  
(c) In 2018-19 YTD, as at 11 December 2018, 7 requests have been declined.
- (5) The question's premise is incorrect. As evidenced above, ACT Policing engages the community members and groups in a number of ways, with most requests, as indicated by the figures, being facilitated.

### **Schools—language teaching (Question No 2103)**

**Mrs Kikkert** asked the Minister for Education and Early Childhood Development, upon notice, on 30 November 2018:

- (1) What plans does the Government have to address the shortage of language teachers in the ACT.
- (2) Does the Government plan to undertake a review of policies relating to how overseas accreditations/qualifications are recognised, particularly in regards to language teaching in the ACT.
- (3) Will the Government commit to increase investment in language teachers for the 2019-20 Budget.



**Ms Berry:** The answer to the member's question is as follows:

- (1) As part of the motion regarding language education in the ACT, passed in the Assembly on 27 November 2018, the ACT Government has agreed to develop an action plan to encourage, improve and support language education in Canberra schools as part of implementing the Future of Education Strategy.
  - (2) All teachers in the ACT schools must be appropriately qualified and registered through the Teacher Quality Institute (TQI). There are some overseas qualifications that are recognised by TQI. Recognised qualifications for teachers who have attained their qualifications overseas are set by the Commonwealth Department of Education and Training. These recognised courses are set under the Country Education Profiles. The Education Directorate has no plan to review the policies.
  - (3) The Education Directorate has a number of initiatives that support language provision in ACT schools, including the support for language teaching assistants.
- 

### **Schools—language teaching (Question No 2104)**

**Mrs Kikkert** asked the Minister for Education and Early Childhood Development, upon notice, on 30 November 2018:

- (1) What plans does the Government have to improve collaboration between government schools and community language schools.
- (2) Which government schools currently partner with community language schools and what is the nature of the partnership.

**Ms Berry:** The answer to the member's question is as follows:

- (1) The ACT Education Directorate is developing an action plan to encourage, improve and support language education in Canberra schools. This will include consultation with the Community Language Association. Currently the Education Directorate facilitates the Community Languages Network, which includes key members from all language providing services, including the Community Language Schools Association. The Education Directorate currently allocates funding to the Modern Language Teachers Association who provide professional learning each term to the community language teachers.
  - (2) No ACT public school currently has a formal partnership with the Community Language Schools.
- 

### **Schools—student congress (Question No 2105)**

**Mrs Kikkert** asked the Minister for Education and Early Childhood Development, upon notice, on 30 November 2018:

- (1) How many students participated in the Minister's Student Congress in (a) 2016-17, (b) 2017-18 and (c) 2018-19 to date.

- (2) How many times has the Congress met in (a) 2016-17, (b) 2017-18, and (c) 2018-19 to date.
- (3) Will the ACT Government consider including student representatives from (a) independent and (b) community language schools as part of the Congress; if not, why not.

**Ms Berry:** The answer to the member's question is as follows:

- (1) The number of students who participated in the Minister's Student Congress 2016 – 2018, is shown below Table 1.
- (2) The Congress has met five times since 2016. See Table 1.

**Table 1**

	<b>Congress</b>	<b>Number of participating students (Q1)</b>
1	June 2016	67
2	June 2017	99
3	November 2017	102
4	June 2018	100
5	October 2018	84

- (3) The purpose of the *Minister's Student Congress* is for ACT Public school student leaders to keep the Minister for Education and Early Childhood Development informed on issues that are important to them and to discuss and give advice on matters relating to public schools raised by the Minister. The Congress also forms a reference group for major initiatives affecting ACT Public Schools. Opportunities for student voice in non-government schools are organised through the relevant sector (Catholic and Independent systems) and are outside the scope of the Minister's Student Congress.

### **Community Services Directorate—community schools (Question No 2106)**

**Mrs Kikkert** asked the Minister for Community Services and Facilities, upon notice, on 30 November 2018:

- (1) What will be the specific involvement of the Community Services Director (CSD) in the development and operation of community schools in the Territory under the Future of Education Strategy.
- (2) Has the CSD begun working with the Education Directorate to make plans for these schools; if not, when will such consultation begin.

**Mr Steel:** The answer to the member's question is as follows:

- (1) The Human Services Directorates are working collaboratively to support alignment of key reforms across ACT Government, including the Future of Education Strategy, Early Childhood Strategy and Early Support By Design program of work.

The Education Directorate is leading development of the implementation plan for the Future of Education strategy, including activities to support the development of strong communities for learning. This includes ongoing collaboration with key stakeholders, including the Community Services Directorate.

- (2) A motion debated in the Legislative Assembly on 19 September 2018 called on the ACT Government to:
- a) continue to develop Future of Education implementation plans in consultation with government and non-government schools; and
  - b) report back to the Assembly on the Future of Education implementation plans, including measures aimed at lifting academic performance, during the February 2019 sitting.

The development of the implementation plan for the Future of Education strategy includes ongoing collaboration with key stakeholders, including the Community Services Directorate.

---

### **Men's shed program—mental health (Question No 2107)**

**Mrs Kikkert** asked the Minister for Mental Health, upon notice, on 30 November 2018:

- (1) Will the ACT Government be willing to help provide support as a joint host for Men's Shed mental health-themed events in the coming year; if not, what other ways will the Government support Men's Shed for such events.
- (2) What other measures will the ACT Government take to support and address the issue of mental health at the Men's Shed communities in the ACT.
- (3) What steps does the ACT Government recommend Men's Shed take to address the issue of mental health within their community.
- (4) What supports are available for organisations such as Men's Shed in dealing with community mental health issues.

**Mr Rattenbury**: The answer to the member's question is as follows:

- (1) The ACT Government is keen to continue its support of the Men's Shed mental health themed events in the coming year. ACT Government can contribute speakers to the event and invites representatives from Australian Men's Shed Association (AMSA) to contact the Mental Health Policy Team at ACT Health to discuss the matter further.
- (2) The ACT Government has proudly supported and actively engaged with ACT-based initiatives of AMSA. This includes grants that have been provided for the establishment of South Canberra's Veteran Shed in 2016-2017 and for the purchase of a scroll saw for the Belconnen Community Men's Shed in 2017-2018. In addition, this year the ACT Legislative Assembly hosted a forum with representatives from Men's Shed's around the ACT.

The ACT Government also continues to support community-based initiatives in relation to men's mental health through funding programs delivered by Menslink and OzHelp which provide support, education and training and referrals for men in the ACT.

- (3) The ACT Government encourages AMSA to reach out to local NGOs, many of whom are funded by ACT Health, to provide targeted services to men regarding their mental health. This includes Menslink who visit organisations in the ACT and the surrounding region to talk about men's mental health, mental fitness and suicide prevention and Mental Illness Education ACT (MIEACT) who offer education sessions to community groups to assist with understanding of mental health issues and reducing stigma and discrimination.

Men's Sheds can play a valuable role in encouraging people to seek help for mental health issues by having information on services available on site and encouraging people to talk with their GP who can also assist to manage issues and connect people to services, including low and high intensity counselling funded by the Capital Health Network.

- (4) Men's Sheds play an important role in promoting mental health and wellbeing and may be a key point of contact and connection for men facing a range of mental health challenges. In addition to the NGO's and primary care services already noted, services are also available through Canberra Health Services, who have recently launched their Access Mental Health phone line (1800 629 354). This line can help with assessment and referral to services, including secondary and tertiary mental health services delivered by Canberra Health Services.

For those men who experience mental illness, Men's Sheds are encouraged to seek permission to connect with their supports as appropriate and helpful, including family, support services (some may be funded under the NDIS) and clinical services.

The ACT Government has committed \$1.545 million from 2018-19 to establish a pilot version of the Black Dog Institute's LifeSpan Integrated Suicide Prevention Framework in the ACT over the next three years. LifeSpan aims to build a safety net for the community by connecting and coordinating new and existing interventions and programs and building the capacity of the community to better support people facing suicidal crisis. LifeSpan is an evidence-based approach that combines nine strategies for suicide prevention into one community-led approach incorporating health, education, frontline services, business and the community. Men's Sheds can take advantage of some of the resources offered under LifeSpan such as access to online training called Question, Persuade, Refer (QPR) which has been made available free of charge to ACT organisations.

AMSA is also encouraged to continue to apply for community grants offered by the ACT Government for their project and equipment needs.

### **Children and young people—care and protection (Question No 2108)**

**Mrs Kikkert** asked the Minister for Children, Youth and Families, upon notice, on 30 November 2018:

- (1) What percentage of care leavers in the ACT currently request financial subsidies after age 18, and of those, what percentage are successful in obtaining this support.
- (2) In addition to subsidies, what trauma-informed continuing care models are currently being used to assist care leavers and do these also need to be opted into; if so, how does one opt in.
- (3) Does the ACT Government track how many care leavers end up homeless or coming into contact with the justice system; if so, what are these figures; if not, why not.

**Ms Stephen-Smith:** The answer to the member's question is as follows:

- (1) Of the 37 young people who turned 18 years old in the 2017-18 financial year, 11 or 29.7% requested extended financial support subsidies, of which 100% were successful in securing this support.

Of the 18 young people who turned 18 years old from 1 July 2018 to 30 November 2018, 10 or 55.6% requested extended financial support subsidies of which 100% have been successful in securing this support.

- (2) An important element of *A Step Up for Our Kids* is to ensure young people are engaged in conversations that plan for the next stage of their life. This transition planning commences for young people at the age of 15 years and continues until they reach the age of 18 years. Transition planning is not a static plan, and is built upon and changed as the individual needs and circumstances of young people change. Beyond the age of 18 years, a young person voluntarily consents to engage, or not engage, in transition planning.

ACT Together have implemented a Transition Panel to provide oversight and quality assurance of transition planning for all young people in out of home care from 15 years of age. The panel aims to ensure the development of high quality and timely transition plans that are developed with the active involvement of young people transitioning from care.

As part of the transition planning the case manager ensures that the young person is aware of their right to seek and receive aftercare support. ACT Together generally prepares the paperwork on behalf of the young person or their carer.

Aftercare support can include case work and coordination; planning and oversight of therapeutic interventions based on the individual needs; assisting access to their care records; practical supports including applying for the Commonwealth Transition to Independent Living Allowance (TILA), housing applications and support to access further education or employment; and supported referrals to community based support services, such as counselling and a range of other universal services.

These supports are in addition to the continuation of subsidy payments for eligible carers who continue to support young people to remain in care with them.

For young people who are in residential care, ACT Together offers a range of differential services that support young people to transition to independent living. The Community Adolescent Program (CAP) has a strong focus on supporting young people to obtain and maintain safe and appropriate stable housing. Young people have access to case management and support with an emphasis on building the young person's capacity for independent living.

The CAP Housing program offers fully furnished accommodation with individual and shared housing options, as well as flexible and hands-on support provided by CAP case managers and youth workers.

The CAP Aftercare Support program offers outreach case management support for young people aged 18 - 25 years who have previously been in care. Young people are supported to continue to develop their independent living skills and are supported to access appropriate housing options and a range of other support services according to their individual needs.

Housing ACT has a specialised Youth Team which works with young people aged between 16 and 25 years of age. The Youth Team works with the young person around their housing application and provides connection with relevant support services. Involvement with the out of home care and youth justice system provides automatic access to the Youth Team.

When a young person signs up for a tenancy with Housing ACT, the Youth Housing Manager remains the point of contact until they are 25 years of age – and sometimes longer. They will conduct client service visits and assist the young person to sustain their tenancy. The Youth Team works with many youth agencies, including ACT Together, to help achieve this outcome. This collaboration often begins when a young person is still in care and transition planning is occurring.

- (3) The ACT does not collect Territory level data on contact with the adult justice system or the housing circumstances of young people after exiting care. Aftercare support is provided with the voluntary consent of the young person and they may choose to cease their engagement with supports at any time.

### **Roads—pedestrian crossings (Question No 2109)**

**Mrs Kikkert** asked the Minister for Roads, upon notice, on 30 November 2018:

- (1) What is the prescribed safety distance for cars to park before and after a pedestrian crossing.
- (2) Is the distance consistent between all pedestrian crossings along Hardwick Crescent, Kippax.
- (3) Is this consistent at all pedestrian crossings along Canberra; if not, why not

**Mr Steel:** The answer to the member's question is as follows:

- (1) The Australian Standards AS1742.9 specifies the minimum distances cars can be parked from a zebra crossing. The distances are 20m on the approach to a crossing and 10m on the departure side of a zebra crossing. These distances are based on providing adequate opportunity for a car driver to be able to see a pedestrian waiting to cross. Greater distances may be required where road geometry is substandard with poor vertical or horizontal alignment. Reduced distances can be used where parking is indented.

- (2) The minimum No Stopping distance is achieved at each of the zebra crossings on Hardwick Crescent. However, the lengths of No Stopping at each of the crossings varies to take account of the proximity of side roads and driveway accesses and the geometry of the road.
  - (3) The Standards for No Stopping distances close to pedestrian crossings are consistent Canberra wide and nationally.
- 

### **Canberra—population projection (Question No 2110)**

**Ms Le Couteur** asked the Chief Minister, upon notice, on 30 November 2018  
(*redirected to the Treasurer*):

- (1) During Question Time on 28 November 2018 did the Chief Minister state “The projections that Ms Le Couteur refers to were issued on 13 March 2017 and I believe are now already out of date”; if so, are the 13 March 2017 population projections still being used for service planning and other purposes within the ACT Government, or are other population projections being used.
- (2) What is the staffing and resourcing status of the Chief Minister, Treasury and Economic Development Directorate’s demography function.
- (3) Which population projections were used for Figure 5 of the final Curtin Group Centre Master Plan released on 28 November 2018.

**Mr Barr:** The answer to the member’s question is as follows:

- (1) Revised projections have been completed by Treasury and are being used within the ACT Government for planning purposes. These, along with an explanatory report will be published on the Treasury website early in 2019.
  - (2) Treasury has responsibility for demographic projections and meets the cost from within its overall resourcing for economic management.
  - (3) The population projections underpinning the Curtin Group Centre Master Plan were working estimates taking into account work in progress to update the population estimates and agreed between EPSDD and Treasury for use in the publication at that time.
- 

### **Environment—land management (Question No 2111)**

**Ms Le Couteur** asked the Minister for the Environment and Heritage, upon notice, on 30 November 2018:

- (1) In relation to reports that the agistment licence to keep horses and ponies on the block on the corner of Streeton and Dixon Drives in Holder has been revoked, have licences or leases for any other sites in the ACT been revoked to ensure that the land is not being degraded; if so, what action was taken by Government to ensure that these area(s) were rehabilitated.

- (2) In relation to the Holder site, did the Government previously write to the licence holder, to ask whether stock could be reduced on the site due to environmental degradation; if so, when and how often.
- (3) How will the land now be managed.
- (4) Will the land be managed by Parks and Conservation.
- (5) Will the local Parkcare/Landcare group be invited to assist with rehabilitation.
- (6) What alternative land use does the ACT Government plan for this site.

**Mr Gentleman:** The answer to the member's question is as follows:

- (1) Livestock grazing licences are issued under section 303 of the *Planning and Development Act 2007* for short term use of unleased Territory Land to manage vegetation for fire fuel reduction, conservation or drought relief grazing purposes.

Licence holders are regularly requested to remove livestock and the licence terminated once the vegetation (ground cover) has been reduced or other land management objectives achieved. The intention of managing grazing in this manner is to ensure that the land does not degrade to a point that requires intensive rehabilitation. This principle is widely understood by ACT rural landholders. Grazing licences have not been granted to members of the public for horse agistment for many years.

In this case, it is anticipated that removal of livestock from the site will support the regeneration of vegetation and ground cover.

- (2) On 11 April 2018 Leasing Services within the Environment, Planning and Sustainable Development Directorate wrote to the licence holder to notify them that the licence would be terminated. Since then ACT Parks and Conservation Service officers have discussed in person, corresponded over the phone, via email and via letter in relation to this matter with the licence holder on a number of occasions. There also has been two extensions granted regarding this matter.

Reduction in the stocking level was not an option due to the small size of the licence area. The Dry Sheep Equivalent (DSE) for this licence area is 6 DSE which would equate to less than 1 horse (1 horse = 10 DSE). The DSE is a measure of the maximum carrying capacity for stock on a piece of grazing land above which pasture cover and soil condition deteriorates.

- (3) Once the stock are removed and public access reinstated, the land will be managed by the custodian of the land, Transport Canberra and City Services, City Presentation Section in accordance with its landscape maintenance standards for urban open space.
- (4) No. The land will be managed by Transport Canberra and City Services who is the custodian of this piece of public land.
- (5) This is an option open to Transport Canberra and City Services once they resume maintenance responsibility for the land.



- (6) The land will be managed as part of the urban open space network. There are no plans for development or other uses for this land.
- 

**Schools—Teach for Australia partnership  
(Question No 2112)**

**Ms Lee** asked the Minister for Education and Early Childhood Development, upon notice, on 30 November 2018:

- (1) How long has Teach for Australia (TA) had an active presence in the ACT.
- (2) What is the basis of this partnership.
- (3) What obligations, financial and otherwise, did this partnership with TA place on the ACT Government for each of the years of involvement.
- (4) How many teachers in ACT schools have accessed TA courses.
- (5) How many of those teachers referred to in part (4) are still teaching in ACT schools.
- (6) What is the average length of employment of these teachers in an ACT school following TA accreditation.
- (7) In what subjects have they been qualified.
- (8) How many ACT based TA certified teachers came from an overseas country.
- (9) What review, if any, has been done of the ACT Government's partnership with TA
- (10) If a review has been done, (a) when was this done, (b) who undertook this review and (c) what decisions have been made following this review.
- (11) Is the ACT Government continuing its partnership with TA; if not; what are the reasons for the withdrawal.

**Ms Berry:** The answer to the member's question is as follows:

- (1) The Directorate has participated in the TFA program since 2011.
- (2) The TFA program provides high performing graduates in various disciplines with an alternative employment pathway into teaching. Participants (known as associates) undertake a two year placement in schools, supported by in-school mentors and TFA Teaching and Leadership Advisors. They complete a Master of Teaching through the designated university partner, presently the Australian Catholic University (ACU). Associates are matched to schools serving low socio-economic communities, aiming to meet the needs of each school's unique context and contribute to improved student learning outcomes. TFA works with each jurisdiction to determine school eligibility.
- (3) Associates teach 80 percent of a full time classroom teacher workload. Salary is 80 percent of the Classroom Teacher New Educator 1.2 rate in the first year and of the Experienced Teacher 2.1 rate in the second year. These rates are indicated in the

relevant Enterprise Agreement. Individual schools resource time release for a staff member to mentor Associates. TFA co-ordinate professional learning sessions during the midyear semester break for the Associates and conduct periodic workshops for mentors. Commencing with the 2018-19 cohort, a co funding model applies with the Directorate contributing \$15,000 per associate placed and commencing in an ACT public school on completion of their initial intensive study period. This funding is being met centrally and not from the budgets of individual participating schools.

- (4) In the period 2011 to 2017 (completed cohorts), 41 associates participated in the TFA program, of whom 21 remain teaching in the Directorate in 2018 or are accessing approved extended leave such as parenting leave.

A further 12 associates are in the 2017-18 cohort and seven in the 2018-19 cohort.

- (5) Cohort 2011-12 – 60 percent retention initially but none sustained by 2018  
 Cohort 2012-13 – 71 percent retention initially, reducing to 33 percent  
 Cohort 2013-14 – 66 percent retention initially, reducing to 17 percent  
 Cohort 2014-15 – 80 percent retention initially, reducing to 40 percent  
 Cohort 2015-16 – 86 percent retention initially, reducing to 71 percent  
 Cohort 2016-17 – 82 percent retention initially, reducing to 73 percent
- (6) The average length of employment is 1.8 years.
- (7) Associates placed in the period 2011–2018 represent the learning disciplines of maths, science, English, Studies of Society and Environment, specific languages and music.
- (8) Data on the nationality of each associate is not maintained by the Directorate.
- (9) A formal review of the TFA program has not been conducted by the Directorate or ACT Government although People and Performance Branch contributed to an external review of the TFA program in 2017.
- (10) Dandolo Partners was commissioned to conduct an evaluation of the TFA program in 2017.
- (11) The Directorate is not accepting further associate intakes from 2019 and formally ceases the program with the graduation of the most recent cohort in December 2019.
- Retention rate has been variable and investment is not necessarily providing longer term benefit.
  - The current co-funding model is not sustainable.
  - There are a limited number of ACT public schools that met the core TFA eligibility criteria of an Index of Community Socio-Educational Advantage (ICSEA) value equal to or below the national median.
  - The *Strategic Plan 2018 – 2021: A Leading Learning Organisation* and outcomes of the *Future of Education* consultation are defining a long term strategy for government education in the ACT. This includes approaches to teacher recruitment, retention and talent management.

**Arts—event fund  
 (Question No 2113)**

**Ms Lawder** asked the Minister for the Arts and Cultural Events, upon notice, on 30 November 2018:

- (1) Noting that funding from the ACT Event Fund 2019 has recently been allocated, what is the breakdown of this expenditure by ACT electorate.
- (2) Who is represented on the decision-making panel for the funding allocated through the ACT Event Fund 2019.
- (3) Are there avenues for community events to seek funding from alternative pathways; if so, what are those mechanisms.

**Mr Ramsay:** The answer to the member's question is as follows:

- (1) The breakdown of expenditure per ACT electorate for the 2019 ACT Event Fund under the main round (excluding pre-existing multi-year agreement funding commitments and other funding pre-commitments) is:

<b>Electorate</b>	<b>Expenditure</b>
Ginninderra	\$0
Kurrajong	\$84,000
Murrumbidgee	\$94,100
Brindabella	\$0
Yerrabi	\$30,000
Events with multiple locations: Kurrajong, Murrumbidgee, Yerrabi and NSW.	\$66,863
<b>TOTAL 2018-19 ALLOCATION</b>	<b>\$274,963</b>

- (2) An independent panel consisting of representatives across relevant ACT Government business units and a representative from an external event stakeholder group assessed the applications to the 2019 ACT Event Fund. The membership of the assessment panel is not made public so that members are not exposed to lobbying from applicants.
- (3) The ACT Government administers a number of grant opportunities across the ACT supporting a variety of programs. A full guide to these and other funding opportunities can be found at <https://www.grants.act.gov.au>.