



# Debates

WEEKLY HANSARD

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**4 APRIL 2019**

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## Thursday, 4 April 2019

Matters of public importance (Statement by Speaker) .....	1325
Public Accounts—Standing Committee .....	1326
ACT children and young people’s commitment 2015-2025 (Ministerial statement) .....	1330
Water Resources Amendment Bill 2019.....	1335
Gaming Legislation Amendment Bill 2019.....	1336
Working with Vulnerable People (Background Checking) Amendment Bill 2019 .....	1339
Orders of the day—discharge .....	1341
Legislative Assembly—members’ code of conduct .....	1341
Education, Employment and Youth Affairs—Standing Committee.....	1343
Standing Committee on Health, Ageing and Community Services (Statement by Speaker) .....	1358
Questions without notice:	
Government—Canberra Helicopters .....	1359
Minister for Social Inclusion and Equality—responsibilities.....	1359
Schools—student insurance.....	1360
Parking—Palmerston.....	1361
Education—Margaret Hendry School .....	1362
O’Malley—unauthorised activities.....	1363
O’Malley—illegal parking .....	1364
Roads—Monaro Highway .....	1365
Child and youth protection services—placement policy .....	1366
Child and youth protection services—review .....	1368
Health—prescription monitoring.....	1369
ACT Health—SPIRE project.....	1371
Sport—McKellar Park .....	1372
Light rail—disability access .....	1373
Planning—Kippax master plan.....	1374
Supplementary answers to questions without notice:	
O’Malley—illegal parking .....	1375
Parking—Palmerston.....	1375
Public Accounts—Standing Committee .....	1375
Papers.....	1375
Bimberi headline indicators report.....	1376
School chaplains (Matter of public importance).....	1378
National institutions—funding.....	1383
Privileges 2019—Select Committee .....	1401
Executive business—precedence .....	1402
Motor Accident Injuries Bill 2019 .....	1402
Privileges 2019—Select Committee .....	1420
Fuels Rationing Bill 2018 .....	1420
Adjournment:	
Mr David Stafford Finney—tribute .....	1423
Centenary Hospital for Women and Children—unauthorised examinations .....	1425
Canberra Hospital—staff safety .....	1425

Relay for Life.....	1426
Gungahlin Jets .....	1426
Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability .....	1427
Environment—green buildings.....	1428
Ms Elva Loris McLeod—tribute .....	1429
NAIDOC Week .....	1430
Answers to questions:	
Health—public healthcare campaign (Question No 2114).....	1433
ACT Health—consultants (Question No 2117).....	1434
Health—Medicare agreements (Question No 2119) .....	1435
ACT Health—invoices (Question No 2123) .....	1436
Health—stroke services (Question No 2129).....	1440
Health—elective surgery (Question No 2130) .....	1442
Minister for Health and Wellbeing—briefing (Question No 2133) .....	1445
ACT Health—advertising campaigns (Question No 2134).....	1446
Centenary Hospital for Women and Children—aluminium cladding (Question No 2136) .....	1448
Health—medical research (Question No 2138).....	1449
Homelessness—overnight shelters (Question No 2148) .....	1450
Disability services—funding (Question No 2159) .....	1451
Education Directorate—workplace culture (Question No 2280) .....	1453
Government—staff wellbeing (Question No 2281) .....	1453
Government—staff wellbeing (Question No 2282) .....	1454
Government—staff wellbeing (Question No 2283) .....	1455
Access Canberra—working with vulnerable people applications (Question No 2293) .....	1455
ACTION bus service—network (Question No 2297) .....	1456
Access Canberra—block inspections (Question No 2298) .....	1457
Alexander Maconochie Centre—disciplinary action (Question No 2299) ..	1458
Alexander Maconochie Centre—detainee numbers (Question No 2301) ....	1460
Alexander Maconochie Centre—assaults (Question No 2303).....	1463
ACT Policing—response levels (Question No 2304).....	1464
ACT Policing—staffing (Question No 2305).....	1465
ACT Policing—staffing (Question No 2306).....	1466
ACT Policing—CCTV (Question No 2307) .....	1466
Alexander Maconochie Centre—catering costs (Question No 2309) .....	1468
ACT Fire & Rescue—equipment (Question No 2310) .....	1469
Alexander Maconochie Centre—detainee classifications (Question No 2311) .....	1470
ACT Health—northside project (Question No 2313).....	1470
ACT Health—uniforms (Question No 2314) .....	1471
Canberra Hospital—intensive care unit (Question No 2315).....	1473
Minister for Health and Wellbeing—briefings (Question No 2318).....	1474
ACT Health—community consultation (Question No 2319).....	1475
ACT Health—committees (Question No 2320) .....	1477
Planning—Coombs and Wright (Question No 2324).....	1478
ACT Fire & Rescue—equipment (Question No 2327) .....	1479
Education—international students (Question No 2328).....	1480

Energy—feed-in tariff scheme (Question No 2333) .....	1483
Crime—Gungahlin (Question No 2337) .....	1484
Children and young people—care and protection (Question No 2338) .....	1485
Roads—resurfacing (Question No 2339) .....	1487
National Multicultural Festival—data (Question No 2340) .....	1488
Community services—community groups (Question No 2343) .....	1493
National Multicultural Festival—data (Question No 2345) .....	1494
Questions without notice taken on notice:	
Education Directorate—alleged bullying .....	1501
Education—data collection .....	1501
Schools—bullying .....	1502
Education—teacher exit surveys .....	1502
Schools—bullying .....	1503
Schools—violence .....	1503
Schools—violence .....	1504
ACT Emergency Services Agency—consultation .....	1504

**Thursday, 4 April 2019**

**The Assembly met at 10 am.**

*(Quorum formed.)*

**MADAM SPEAKER** (Ms J Burch) took the chair, 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.

### **Matters of public importance Statement by Speaker**

**MADAM SPEAKER:** Members, I have a statement and I will make it this morning just to get the housekeeping out of the way. This morning I considered nine matters of public importance that had been lodged with me for today's MPI. One of those MPIs was from Miss C Burch, which was:

The importance of school chaplains in the ACT.

Members will recall that the Assembly discussed an MPI lodged by Mr Coe on 21 February. *House of Representatives Practice*, which we are linked to through standing order 275, states at page 595:

Under the same motion rule the Speaker has the discretion to disallow any motion or amendment which he or she considers is the same in substance as any question already resolved during the same session ... The same principle may be applied to a proposed matter of public importance which has substantially the same wording as a motion previously agreed to.

Later it states:

However, more recent thinking has been that a subject can continue to be one of public importance and that the Opposition should not be restricted in bringing it forward again with different wording. Thus matters are submitted and discussed on the same subject as ones previously discussed, the Chair having ruled privately that new, different or extenuating circumstances existed.

On 23 February, two days after Mr Coe's motion had been discussed, I note that it was reported that the minister for education had announced that chaplains will be banned from all ACT schools after 2019. As I consider this to be a new circumstance since February, I will allow the MPI to proceed. But I remind all MLAs that when they submit an MPI it remains active until it is withdrawn or replaced by another MPI. I also ask members when they are submitting MPIs or leaving them within the pool that they consider that an MPI may have been discussed earlier in the week.

## **Public Accounts—Standing Committee Report 6**

**MRS DUNNE** (Ginninderra) (10.05): I present the following report:

Public Accounts—Standing Committee—Report 6—*Inquiry into Commercial Rates*, dated 4 April 2019, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

I am very pleased to present, on time, public accounts committee report No 6 in relation to the commercial rates inquiry. Before I go to my prepared comments, I want to place on the record my appreciation for the members of the public accounts committee—the Deputy Chair, Ms Cheyne; Ms Cody and Ms Lawder—for the very collegial way in which this important inquiry was conducted.

Considering the very tight time frames, I also want to thank the committee office staff: the committee secretary, Dr Brian Lloyd; and the research assistant, Mr Danton Leary, who was brought on to assist the committee in bringing this rather substantial report to conclusion in a fairly tight time frame. I wish to thank those members of the public who contributed so much and so thoughtfully to this committee report. We had 57 submissions and we took evidence from about 30 people in relation to the committee inquiry.

I also want to place on the record—this is one of the things that happens with things which are done in a fairly tight time frame—that recommendation 13 as printed is incorrect. It should read:

Some members of the Committee recommend ...

I will ensure that there is a corrigendum to fix that up. It is obviously an oversight in the editing. I think it was the last thing that we did in the committee process. I do apologise to members and I will ensure that there is a corrigendum.

This inquiry revealed a lot more than I thought it would. There are real problems with commercial rates in the ACT, reflected in high levels of concern about fairness, equity and transparency. It seems, from the evidence that we received from contributors, that the system is not working and it creates strange and unfair outcomes, and commercial ratepayers are experiencing real hardship.

The system is not responsive. Contributors made it clear that internal processes are inadequate when it comes to raising an objection with the ACT revenue office, and there are very high costs when the ratepayer goes to ACAT. In fact, most are advised by their lawyers not to go to ACAT because the costs can be greater than the benefits. In real terms, remedies are very limited for ratepayers.

There was a problem that was revealed with the valuation office sitting within the revenue office. This creates a conflict of interest, borne out by reports that the valuation office does not appear to negotiate in good faith when valuation objections are raised. There is no independent avenue of appeal short of going to the expensive ACAT process. Other jurisdictions offer a better model by providing for an independent review of decisions and a statutory body to determine valuations, separate from revenue collection. It is the recommendation of the committee that this territory should do the same.

There is concern about the sheer scale of the impost placed on commercial ratepayers, which is having a negative impact on commercial activity and investment. The current system creates an incentive for investors and businesses to go across the border, which is not in the best interests of the territory. Simply put, the government runs the risk of killing the goose that laid the golden egg, and this is not good policy.

There are also more fundamental problems to which the ACT government must attend. In 1995 the Stein report noted tensions in the land tenure system in the territory between use clauses for individual leases and wider planning instruments. It is the case that this committee looked way back into the history of the leasehold system in the ACT. It is quite clear that this tension has not yet been resolved and it is important for valuations.

At present, for want of a better method and in the face of a complex body of information, the valuation office assesses value for small numbers of properties and then generalises across whole precincts. There are doubts as to the extent to which, under this method, rates liabilities actually match the real-life circumstances of individual leases.

In short, the territory has adopted the mass appraisal method used in other Australian jurisdictions without sufficient attention to the significance of use clauses for the value of individual properties, a factor not seen in other Australian jurisdictions. For mass appraisal to be effective, the ACT government must do something to rationalise the rating base. While the scale of this task is significant, not addressing it in the long run will be more expensive than doing nothing.

In 2012-13 the ACT government embarked on a process of tax reform that shifted the tax burden onto rates, and commercial rates in particular. Since that time contradictions have become more and more apparent, leading to the strange and unfair outcomes seen in the course of this inquiry. This could have been anticipated in 2012-13 but it was not. It is now a matter of urgency that the ACT government do the underlying work and at the same time convene a task force to create a new model for commercial rating in the ACT.

I turn now briefly to some of the recommendations of this inquiry. I think that the three main recommendations have already been outlined. They are that we have an independent rating evaluation office independent of the revenue office; that we have a better mechanism for appealing disagreements about rating value; and, most importantly—and this was a recommendation that came from many peak bodies in the

ACT—that the government needs as a matter of urgency to establish a task force to review the commercial rating system in the ACT to improve transparency and certainty for property owners, and having overall regard to the economic impact of the rating system, and that this task force needs to be wide-ranging in its membership and liaise with the community about making sure that the commercial rating system is finally in the best interests of the whole ACT community.

I have touched on some other issues. There are a number of recommendations in relation to transparency. For instance, recommendations 1 through 4 in particular ask that there is more information published in relation to ratings both in the budget papers and on the ACT government website, possibly in the revenue office, possibly in the valuation office, which should become an independent statutory body.

There are a number of recommendations that ask for the government to be more transparent in its accountability, one in particular which asks for the government to do a reconciliation of revenues forgone and revenues raised since tax reform was implemented in 2012-13, because the experience amongst those people who contributed to the committee was that there was no sense of how much money had been actually raised under this. The government has made at various stages the commitment that the tax reform system will be revenue neutral, and at one stage it even went so far as to say that it would be cost neutral for individual businesses. That is in budget paper 3 of 2012-13. It clearly has not been the case that it is revenue neutral for individual businesses.

One of the things which I found most alarming was the impact that the changes in commercial ratings were having on property values. It was described as a perfect storm on at least one occasion during the hearings. It is the case that property values are declining when people try to sell their businesses, but at the same time the valuation office is increasing the notional valuation of their properties. This is having a huge impact on businesses owners and property owners.

The thing that is unique about the ACT property market is that there are not big institutional property investors in the ACT. Most of the property investors in the ACT are people who own possibly only one commercial property, maybe two or three or maybe a set of commercial units side by side. But, for the most part, they are small investors who have bought this to run their business out of, with the view of keeping it as part of providing an income stream in their retirement. The ratio of income to apparent property values appears to be falling in the ACT in a way that threatens people's superannuation investment.

I draw all these very important matters to the attention of the government. These are very important matters to ensure that, as I said earlier, we do not kill the goose that laid the golden egg. Business is very important for the economic future of the ACT and if we are in the process of constantly devaluing business we will drive people out of business. We will drive people over the border, which is probably almost worse than driving people out of business because we will get no benefits from their business but the New South Wales government will.

There are real risks and real issues here which the government must contemplate very seriously to ensure that, as a result of this substantial piece of work and the goodwill with which it was conducted, we end up with a better rating system in the commercial sphere for the benefit of the people of the ACT.

**MS LAWDER** (Brindabella) (10.16): I rise to make a few comments on this committee report and to echo the thanks of the chair, Mrs Dunne, to the other committee members for the supportive and collegial way in which we went about the inquiry and the production of the report. I also offer my thanks, especially to Dr Brian Lloyd as the secretary, to Danton Leary as a research officer and to Lydia Chung. Of course, I also thank all those witnesses and those who made submissions as part of the inquiry. This provided the committee with a large amount of information with which to come to the conclusions that it has.

I want to comment briefly on a couple of items that especially struck me during the inquiry. Firstly, the evidence provided to the committee showed that ratings factors are determined in budget cabinet. In other words, the ACT government determines the overall increase in revenue it seeks from rates in a given year and it determines ratings factors in the context of variations in the ACT property market.

There was no evidence available to the committee at the time of the inquiry as to how the government determines the quantum of revenue that it will derive from commercial rates. Of course, this is something that the committee looked at as closely as we could, based on the information that we had. Specifically, there were some items that struck me as quite difficult for particular commercial ratepayers.

One was an anomalous property in Fyshwick. A witness, in her submission and in appearing before the committee, expressed concern regarding the valuation and consequent rates imposed for a separately titled parcel of land that was attached to her main commercial property. This was one where it very much appeared to the committee that there were anomalies that should be addressed by the government, and we urge that to take place.

There were also a number of other items relating to heritage, to mixed use properties and to vacant properties, some of which had been vacant for quite a number of years. On other properties there were issues with regard to the levying of retrospective rates. There were issues in respect of properties for commercial ratepayers with regard to a lack of transparency and an inability for them to prepare, budget and plan ahead because they do not know what is going on in the future with their ratings and what they will have to pay in the future.

As Mrs Dunne has already touched on, this impacts on the viability of their businesses and it runs the risk of sending businesses across the border, where the ratings burden is not as severe as it appears here. We did hear from witnesses—we could see this ourselves from previous budget papers—that the tax reform process was intended to be revenue neutral and cost neutral for individual businesses. Clearly, this has not been the case. Based on the many people we heard from—I think nearly 60 submissions—people were finding this very difficult to manage.

In addition, there is the impact on those who purchase commercial property as part of their superannuation. This threatens their retirement. This is felt very keenly. It was illustrated to us by those who said they will have to delay their retirement for years because they are not getting the income that they expected.

In summary, I urge you all to read not only the recommendations but also the commentary, the entirety of the evidence presented to the committee, so that you can understand for yourselves the difficulties facing commercial ratepayers. I look forward to the government response and I urge it to reconsider, to ensure that we do not lose businesses to other jurisdictions.

**MS CHEYNE** (Ginninderra) (10.21): I will speak briefly as well. I want to echo the comments of my colleagues on the committee and particularly give my thanks to the chair of the committee, who I think did a very good job in a very short time frame. I also convey my thanks to Dr Brian Lloyd and Danton Leary, who had to go through a few different drafts of this report. I think they did so with a very high level of quality, notwithstanding a small error, for which a corrigendum will be issued. My thanks to the chair for drawing attention to that and seeking to rectify that as soon as possible.

I would also agree that it is very much a collegial report. They were collegial deliberations, and I think in many ways this is a negotiated report. I think there were a number of areas where we were in agreement and we worked together in a very collaborative way on our commentary and also on what those recommendations should be.

I also want to give my thanks to the many witnesses that we heard from. They had to appear quite quickly after they submitted, due to the tight time frames of this committee. I thank them for the good faith, the openness and the transparency in which they all appeared, including government officials and the Chief Minister and Treasurer. I think the openness and the candour they displayed when they appeared has helped us to craft some meaningful recommendations.

I note that the committee became aware that a number of contributors had connections to one another. This certainly does not detract from any of the evidence that we heard, but for transparency the committee has drawn attention to this in the report so that the broader community is aware that we were aware. I echo Ms Lawder's comments that we have been quite deliberate in our commentary. There was considerable care taken with the drafting of this report. It certainly was not a slapdash effort by any means. I think all committee members paid due attention to the crafting of this report. I know that the government will be looking at these recommendations carefully.

Question resolved in the affirmative.

## **ACT children and young people's commitment 2015-2025**

### **Ministerial statement**

**MS STEPHEN-SMITH** (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Disability, Minister for Children, Youth and Families,

Minister for Employment and Workplace Safety, Minister for Government Services and Procurement, Minister for Urban Renewal) (10.24): I am pleased to provide the Assembly with a progress update on the implementation of the ACT children and young people's commitment 2015-2025, hereafter known as the commitment. This is the fourth progress update where we can reflect on current progress and plan for future activity.

The commitment is a high level strategic document that sets the vision for a whole-of-community approach to promoting the rights of children and young people aged zero to 25 years in the ACT. The commitment identifies six priority areas that influence the work we do across the ACT government and wider community to create strong communities that support children and young people.

The key priority areas of the commitment are measured and reported through the publication *A picture of ACT's children and young people 2018*. This biennial data publication provides a snapshot of how children and young people are progressing against a set of indicators relating to health, wellbeing, learning and development outcomes. The latest edition of *A picture* was released recently. The Community Services Directorate is continuing to develop an interactive online version so that data can be updated in a timely way.

The first priority under the commitment is implementing policy that enables the conditions for children and young people to thrive. We know that implementing well-designed policy is the foundation for building strong families and communities and for addressing the social determinants of wellbeing for children and young people. A good example of a policy that aligns with this priority is the future of education strategy launched by the Education Directorate in August 2018. This strategy outlines how the ACT government will work to create equal, accessible and inclusive learning opportunities for all children and young people to reach their potential. This 10-year strategy also aims to improve learning outcomes for young people and to strengthen education systems to support quality learning.

The development of the future of education strategy was the result of consultation with 2,200 students, aged from early childhood to college, which also highlights our commitment to another priority: including children and young people in decision-making. In working towards the goal of ensuring that every child in the ACT gets the best start to life, the ACT government is also currently developing an early childhood strategy to enable every child to participate in quality early childhood education and care prior to school.

The ACT government has also committed to a 10-year early support initiative to shift the human services system towards providing better support for families and individuals early in the life of an issue. This initiative represents a new approach to investing and partnering with the community sector to shift from crisis driven responses, where service impacts are less effective in changing life trajectories, to earlier support, which will improve people's long-term life outcomes and enhance wellbeing. The reform will improve life outcomes for young Canberrans and enable all key priorities of the commitment.

Madam Speaker, the second priority is to provide access to quality health care, learning and employment opportunities, all important considerations to ensure that children and young people are given the best chance to succeed in life. Under this priority we see a positive trend in immunisation rates for children aged 60 to 63 months of age. The immunisation rate increased by five percentage points, from 89 per cent in 2010 to 94 per cent in 2017, which suggests that more children were protected against harmful infections.

In 2016 there was a significant decrease in the proportion of Aboriginal and Torres Strait Islander children who were fully immunised at 60 to 63 months. In response, ACT Health took action to increase the immunisation coverage rates for Aboriginal and Torres Strait Islander children through a suite of activities, which resulted in an increase from 89 per cent in 2016 to 97 per cent in 2017. This demonstrates the importance of good data informing policy and practice.

Unfortunately, under this priority we also see an upward trend in the proportion of ACT young people aged 18 to 24 years who are overweight or obese. Between 2007-08 and 2014-15, the prevalence of overweight young people increased by 7.3 percentage points and the prevalence of obese young people increased by 4.6 percentage points. This data is comparable with trends seen nationally.

In order to address this issue, the ACT government continues to review and strengthen ongoing programs and initiatives, as well as seeking other ways to improve health and wellbeing outcomes for children and young people. A range of health promotion activities are delivered in early childhood and school settings, including kids at play; active play, which promotes active play and fundamental movement skills to children in early childhood education and care settings; fresh tastes, which is making healthier food and drinks an everyday part of life at school; ride or walk to school, which encourages students to travel actively to and from school; and it's your move, which focuses on student-led health promotion innovation in ACT high schools.

Also aligned with this priority is the ACT government's commitment to providing learning pathways for students that result in an educated and skilled workforce that meets the present and future needs of the ACT and region. Recent data shows an increase in year 10 to 12 apparent retention rate—up from 90 per cent in 2011 to 92 per cent in 2017 and 10 percentage points higher than the national average. The increase in retention is in line with the policy intent of the ACT government in seeing all 15 to 17-year-olds participate in education and training and/or employment. There has also been an increase in the proportion of year 12 graduates employed or studying, up from 91.9 per cent in 2014 to 93.4 per cent in 2016.

The ACT government seeks to ensure that all Canberrans, including young people, have the opportunity to develop their skills and work to their maximum potential through a vibrant, accessible and flexible training sector. I am pleased to report that the ACT has a lower percentage of youth unemployment for young people aged 15 to 24 years, with a rate of 8.4 per cent in 2018, compared with the national rate of 12.2 per cent.

Madam Speaker, the third priority is to advocate for the importance of the rights of children and young people. Children and young people's rights are key if we are to provide the platforms from which children and young people can grow and reach their potential. Earlier this week, I spoke in this place about the government's commitment in this space as it relates to ensuring that children and young people in out of home care are able to have a say about decisions that affect them. This is recognised as a basic human right according to article 12 of the Convention on the Rights of the Child.

The participation of children and young people in decisions that affect them is a critical component of the ACT's five-year strategy: A step up for our kids—one step can make a lifetime of difference. This is collected through the use of the Viewpoint survey, which is offered to children aged eight to 17 years who are in out of home care. Children are able to self-report that they have opportunities to have a say in decisions that have an impact on their lives in the areas of wellbeing, family, friendships and connections, and other topics.

As I have said before, I am committed to ensuring that we continue to improve how we hear the voices of children and young people in care. For example, feedback from a youth round table held late last year is already informing the refresh of the ACT's charter of rights for kids in care. In undertaking this work, the Community Services Directorate is specifically considering how the feedback from young people who are currently in care, or who had been in care, can be used to promote the rights of all children and young people in care.

The fourth priority is to keep children and young people safe and to protect them from harm. Through A step up for our kids, the ACT government has also made a significant investment in prevention and early intervention for children and families. A step up for our kids places a strong emphasis on preventing children and young people from entering care, reunifying them with their families where it is safe to do so, and on moving children into permanent family settings as quickly as possible when they cannot return home.

Keeping children and young people safe and protecting them from harm is also a key aim of the safer families package, which continues to guide the implementation of commitments made in the ACT government response to domestic and family violence. This package is delivering more services in new ways, bringing family violence out of the shadows and ensuring that those experiencing it can get the help and support they need.

This work also links to the fifth priority, which is to build strong families and communities that are inclusive and support and nurture children and young people. This priority reflects the fact that positive community connections are strong predictors of a successful life. If we get it right early, we have an opportunity to set children and young people up to lead fulfilling, healthy and happy lives.

This is the core business of our child and family centres. These are one-stop shops supporting families during the early years of their children's lives. The centres provide integrated service delivery, with child and family support services provided

alongside other services, including the child development service and ACT Health's maternal and child health services, midwifery services and nutrition services.

Anyone who has had the opportunity to visit one of the fabulous child and family centres will know just how popular they are with a diversity of families. Over recent years, the centres have strengthened their focus on engaging with more vulnerable and complex families using a targeted early intervention model. This allows the centres to vary the intensity of the support they offer to best meet the individual needs of families.

Madam Speaker, the final priority area of the commitment is to include children and young people in decision-making, especially in areas that affect them, ensuring that they are informed and have a voice. Youth InterACT, the ACT government youth participation strategy, is an important contributor to delivering on this priority. The strategy encourages participation by young people in the community, providing opportunities for young people to contribute to discussions on youth issues and to participate in government policies and programs on matters concerning young people.

The Youth Advisory Council is a key vehicle for the government to provide young people between 12 and 25 years with an opportunity to take a leading role in participation and consultation activities on issues that affect their lives. In 2018 the Youth Advisory Council worked on a number of activities to address key priorities, including raising awareness of employment rights and entitlements for young people and creating accessible information on sexual health and wellbeing by partnering with Sexual Health and Family Planning ACT on a postcard project.

The council has also been working closely with the Environment, Planning and Sustainable Development Directorate in relation to its priority to ensure that Canberra is both a sustainable and youth-friendly city. The Youth Advisory Council is also central to assisting the government with broader engagement and participation in activities such as Youth Week and the ACT Youth Assembly. Applications are currently open for new Youth Advisory Council members and I urge anyone who knows a young person who may be interested to encourage them to apply.

Madam Speaker, as demonstrated by the diverse examples highlighted today—just a selection of the many things the ACT government is doing to support the wellbeing of children and young people in our community—the territory is well positioned to continue to achieve positive outcomes for children and young people.

The information reported in the publication *A picture of ACT's children and young people 2018* enables us to reflect on areas for further improvement and supports the development of evidence-based policies and programs. I would like to take this opportunity to thank the staff in the Community Services Directorate and across other directorates who have contributed and who continue to contribute to this very important work. I present the following paper:

ACT Children and Young People's Commitment 2015-2025—Progress update on implementation—Ministerial statement, 4 April 2019.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

## **Water Resources Amendment Bill 2019**

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

Title read by Clerk.

**MR GENTLEMAN** (Brindabella—Minister for 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) (10.37): I move:

That this bill be agreed to in principle.

I am pleased to present the Water Resources Amendment Bill 2019. This bill provides for two important but relatively technical amendments to the Water Resources Act 2007. The first of these amendments is the insertion into the act of section 11A, which identifies the framework of water resource planning in the ACT. The ACT water resource plan in general consists of a number of legislative instruments created under parts 3 and 4 of the act. Thus this amendment captures these determinations as the basis for the ACT water resources plan. An example of a determination is the ACT's environmental flow guidelines. The second is the inclusion of a new section that states that the amount of water available from the whole of the ACT's water management areas must not be more than the sustainable diversion limit set for the ACT for surface water and for groundwater.

While there are currently four legislative determinations that are key foundations of water resource planning in the ACT, this amendment identifies that these instruments are hence the framework of water resource planning in the ACT as a whole. Those involved in the water resources sector, be it stakeholders such as water entitlement holders or researchers in water planning, will have greater understanding of the ACT's water resource management.

I would like to briefly explain that the sustainable diversion limit is both a concept and a long-term volume set under the basin plan, a legislative instrument of the commonwealth's Water Act. The ACT, like all jurisdictions in the Murray-Darling Basin, is subject to the sustainable diversion limit on water use for its main watercourses, such as for the Murrumbidgee River in New South Wales, the Goulburn River in Victoria, the eastern Mount Lofty Ranges in South Australia, and the Condamine-Balonne system in Queensland. The notion of a sustainable diversion limit across the basin's main watercourses is fundamental to restoring the health of the basin and making the best use of the basin's water resources. The sustainable

diversion limit is required to reflect the environmentally sustainable level of take for water use.

The sustainable diversion limit covers both surface water and groundwater, but the amendment does not specifically set volumes for these, as these limits may change over time, particularly when ACT interstate water trading takes place and/or when the volumes set by the ACT are revised, such through as the review that has been requested on the volume set for the ACT's groundwater sustainable diversion limit. As you may appreciate, the basin plan is still in its formative stage and the commonwealth's Water Act allows for changes to water resource plans as new scientific understanding or other developments arise.

As the Minister for the Environment and Heritage, I determine the amounts of water available from water management areas. Any determination on water available will thus be subject to the sustainable diversion limit and cannot exceed in total the sustainable diversion limit for surface water and for groundwater available for water use.

By the way, Madam Speaker, achieving a sustainable limit of water use and dealing with the over-allocation is not the issue for the ACT that it is elsewhere in the Murray-Darling Basin, as the ACT has a long-established principle of allocating adequate water to the environment as a first priority. I would like to point out that these amendments have special relevance and significance to the ACT's water resource plans being submitted to the Murray-Darling Basin Authority in the first half of 2019.

In summary, these amendments are, of course, quite technical but are critical to ensuring that the management of the ACT water resources is meaningful and current for water resource planning and management and also recognises that the ACT is now subject to the basin plan and its requirements on the sustainable diversion limits on water use. I commend the bill to the Assembly.

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

## **Gaming Legislation Amendment Bill 2019**

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

Title read by Clerk.

**MR GENTLEMAN** (Brindabella—Minister for 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) (10.42): I move:

That this bill be agreed to in principle.

I am pleased to introduce the Gaming Legislation Amendment Bill 2019 into the Assembly. The bill amends the Gambling and Racing Control Act 1999 and the Gaming Machine Act 2004 to establish the diversification and sustainability support fund. The establishment of the fund was recommended by Mr Neville Stevens AO in the *ACT club industry diversification support analysis* report. This report laid out a pathway for the government to support clubs to reduce their reliance on gaming machine revenue while maintaining a strong, sustainable, diverse and community-focused club sector. This included the provision of financial and non-financial incentives for the voluntary surrender of gaming machine authorisations.

I am pleased to inform the Assembly that the government's incentives to encourage voluntary surrender have been successful in reducing the number of gaming machine authorisations and were well supported by the club industry. There are now 4,003 gaming machine authorisations in the territory, down from nearly 5,000 12 months ago. The government will deliver on its commitment to reach 4,000 authorisations by 2020. We will deliver that commitment as part of a comprehensive strategy to promote a diverse, sustainable and even more community focused clubs sector.

The main objective of the bill is the implementation of another recommendation of the ACT club industry diversification support analysis: the establishment of a diversification and sustainability support fund. The purpose of the diversification and sustainability support fund is to support initiatives that will assist clubs to diversify their income away from gaming machines. In line with the recommendation of the Stevens report, guidelines for the fund will give priority during the first three years to small and medium clubs, being those with gross gaming machine revenue of not more than \$4 million and clubs who have voluntarily surrendered authorisations in accordance with their surrender obligations.

Governance arrangements for the administration of the fund are included in the bill. An advisory board is to be established to provide recommendations to the Attorney-General, as the responsible minister, about matters concerning the fund, and to make recommendations about payments to be made from the fund. Up to four members will be appointed to the advisory board by the minister, based on their skills and experience. As the advisory board's role will include the assessment of applications from clubs for diversification support, the bill includes a number of provisions to manage conflict of interest. These provisions provide strict criteria for the appointment of members and board decision-making to maintain the integrity of the board's recommendations.

As the A-G has told the Assembly previously, the fund will receive contributions from clubs based on the number of gaming machine authorisations held at each club venue. The contribution will be set at \$20 a month pre-authorisation for the first 99 authorisations held in each venue and \$30 a month pre-authorisation for every subsequent authorisation. The government is committed to supporting industry diversification activities. To this end, we will be matching industry contributions to the fund for the first three years. It is expected that this model will provide the fund with contributions in excess of \$2 million a year. The monthly contributions based on gaming machine authorisations held will provide club licensees with the incentive to divest themselves of gaming machines where they are deemed to be surplus to their needs.

Consistent with community expectations about transparency, the Justice and Community Safety Directorate will include information in its annual report about the allocation of moneys from the diversification and sustainability support fund. Information will be included about payments into and out of the fund during the year, the names of each person who made the payment to or received a payment from the fund, and the purposes for which the payments were made out of the fund.

During Mr Stevens's extensive consultation with licensed clubs, he reported that many clubs recognise and accept the need to diversify away from gaming machine revenue. The diversification and sustainability support fund is intended to assist clubs to take a strategic approach to their long-term future and increase their capacity to investigate and secure future revenue for longer term sustainability. The diversification of revenue streams will contribute toward clubs' sustainability and their ability to contribute and continue making a valuable contribution to the social, sporting and cultural life of Canberra in the long term.

Some clubs already have a diverse range of revenue streams, and their long-term viability is informed by well-constructed strategies and dedicated workers. Others may need extra support for the small pools of members who volunteer their time serving on club boards. The effectiveness of any strategy will depend on the quality of management to implement that strategy and the ability of the club and its workers to deliver.

For this reason, the diversification and sustainability support fund can be used to provide funding for training for club board members and workers. New training that will be supported by this fund includes training in management and finance, together with training on harm minimisation and the role of boards in overseeing provision for responsible gambling services. This initiative will help lift capacity across the sector as a whole. Training to upskill board members has been in place for some years in New South Wales, recognising the diverse range of skills and capacity found across that state's clubs. The ACT's program will broadly support clubs to better serve this community.

Lastly, the bill includes a number of minor amendments to provide clarification to provisions in the Gaming Legislation Amendment Act 2018 that are due to commence on 1 July this year that relate to the community contributions scheme. The government is seeking to incentivise long-term in-kind arrangements by allowing these arrangements to reduce the mandatory six per cent monetary contributions for large clubs and club groups. This would only apply to long-term contributions. The bill makes provisions for a regulation to be made which sets out the criteria that must be met in order for clubs to rely on this mechanism. Today I will also table an exposure draft of that regulation and continue to work with the clubs to implement these reforms. The purpose is to engage clubs to provide certainty and lasting support to their communities through the community contributions scheme.

The bill represents another achievement in the government's comprehensive efforts to promote a diverse, sustainable and community-focused clubs sector. We can introduce stronger harm minimisation and develop an even stronger clubs sector at the same time. We will continue to work with clubs and the broader community to ensure that

Canberrans benefit from the sporting, social and charitable benefits that our clubs deliver. I commend the bill to the Assembly. I present the following papers:

Gaming Machine Amendment Regulation 2019—Exposure draft—

Exposure draft.

Explanatory statement.

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

## **Working with Vulnerable People (Background Checking) Amendment Bill 2019**

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

Title read by Clerk.

**MR STEEL** (Murrumbidgee—Minister for City Services, Minister for Community Services and Facilities, Minister for Multicultural Affairs and Minister for Roads) (10.51): I move:

That this bill be agreed to in principle.

I rise to present to the Assembly the Working with Vulnerable People (Background Checking) Amendment Bill 2019. This bill is another step in our government's work to make sure our community is safer for children and vulnerable adults. I am incredibly proud that since 2012 the ACT has had one of Australia's most comprehensive, broad spectrum background checking systems for working with vulnerable people in Australia, both children and adults.

The background checking under the scheme together with organisations undertaking their own due diligence processes on potential employees and volunteers work together as measures to protect children and vulnerable people in our community.

We are always looking to ensure that people living in the ACT are safe as they access opportunities, supports and services in our community. In the seven years since the act came into force our government has also undertaken a review of the legislation to ensure the system remains robust and efficient. Our government has also been a party to significant national policy reform through the introduction of the national disability insurance scheme and the Royal Commission into Institutional Responses to Child Sexual Abuse.

The Working with Vulnerable People (Background Checking) Amendment Bill 2019 will make amendments to the act consistent with the national agreement on NDIS worker background screening and begins to implement some of the changes we have identified from our legislative review of the act which will improve the efficiency of the background checking scheme.

The amendments to the act can be grouped under three main categories: improved information sharing, streamlining registration, and introducing disqualifying offences. As we move towards the national approach to worker screening agreed to in relation to both the NDIS and the royal commission, the imperative to share information is becoming greater. We will amend the act to ensure that if the Commissioner for Fair Trading has the reasonable belief that sharing information will prevent harm to a vulnerable person, the commissioner is able to share that information with the relevant parties.

All the amendments we are seeking to make in this bill are for the further protection of vulnerable people. It is not just about people in the ACT; with the introduction of the NDIS Quality Safeguards Commission and our participation in national screening we are helping to protect people across the country. We are part of a national approach to protecting vulnerable people, and these amendments will make our work to safeguard those people more effective.

We are introducing a specific NDIS activity to the list of activities that are regulated under the act. While the act already covers general disability services, we have added a specific activity related to working for an NDIS registered provider. Registration will require applicants to name their employer and meet the NDIS quality and safeguarding framework. This is to support the additional oversight required of the NDIS workforce as we continue to strengthen our local safety net with the information and resources of the rest of the country.

For Canberrans seeking to register under the working with vulnerable people scheme there will be little difference as they apply. We are working to make the processes as streamlined as possible. A person will complete the same application form and be subject to similar assessment processes as they are now. If a person is seeking to register for an NDIS activity there will be a few extra steps they will need to complete, like consent to share information and the mandatory inclusion of an NDIS registered employer. These are not onerous.

A major reform in this bill is the introduction of disqualifying offences under the NDIS quality and safeguarding framework. These offences are of a most serious nature and have been agreed through ongoing national discussion. These are the offences where the behaviours of a person in committing the offence demonstrate a level of risk to vulnerable people that warrants an automatic exclusion from participating in certain activities.

The bill intends that disqualifying offences specifically apply to people registering for work with an NDIS provider. For general registrations under the scheme the risk assessment processes that currently apply will continue. We know that the inclusion of these disqualifying offences whilst relating to participation in an NDIS activity only limit a person's right to work. This limitation is balanced against another person's right to be free from harm.

Ultimately the primary purpose of the working with vulnerable people background checking scheme is to reduce the risk of harm to vulnerable people in the ACT. We

have proposed other amendments to further support that aim, including the addition of an interim bar to prevent a person from working or volunteering in an NDIS activity while unregistered if the commissioner believes there is a risk should the person do so. Similarly, the commissioner can apply interim conditions to a person's registration on renewal. The bill makes both decisions reviewable.

We have proposed offences for people or entities for non-compliance with a request from the commissioner if there is not a reason for the non-compliance and for people who knowingly do not provide information about allegations or investigations that have been undertaken in relation to a regulated activity.

One of the major improvements being made to the background checking scheme is the move to continuous monitoring. Under the current act this enables an additional risk assessment to be triggered in the circumstances where there is new relevant information. Given the move to continuous monitoring, it is unnecessary for a person to apply every three years to trigger a new risk assessment. With a further safeguard of continuous monitoring and to improve the efficiency of the administration of the scheme, the bill proposes to extend registration from three to five years. We will also make it easier for a person to renew their registration before it lapses.

The amendments proposed the bill I am presenting today seek to further strengthen our existing robust and widely used scheme to maintain the ACT's currency of practice, aligning the scheme with a national agenda, and to continue to improve the operational efficiency of our scheme and the safety of vulnerable Canberrans. I also anticipate the introduction of further reforms as part of our continued commitment to implementing the royal commission's recommendations and outcomes from the legislative review in the future.

I commend this bill to the Assembly.

Debate (on motion by **Mrs Kikkert**) adjourned to the next sitting.

## **Orders of the day—discharge**

**MS CHEYNE** (Ginninderra) (10.58), by leave: I move:

That Notice No 2, Assembly business, be withdrawn from the Notice Paper.

Given the further discussions being undertaken, it is timely to remove this motion.

Question resolved in the affirmative.

## **Legislative Assembly—members' code of conduct**

**MS ORR** (Yerrabi) (10.59): I move:

That this Assembly:

- (1) notes the terrible terrorist attack in Christchurch and the public call for politicians to lead with demonstrated actions; and

- (2) calls on the Standing Committee on Administration and Procedure to review the Continuing Resolution 5, MLA's Code of Conduct, namely whether the Code of Conduct should be enhanced to reflect MLAs' responsibilities for respectful dialogue.

The impacts of the terrorist attack in Christchurch last month have been felt right across the world, including here in the ACT. This Assembly has expressed its condolences to everyone affected by the attack. When the condolence motion was moved in this place, we extended our support to Canberra's Muslim communities during this time.

Like many members, I visited the Gungahlin mosque in the days following the Christchurch attack. It was sobering to join with those at the mosque reflecting on the violent attacks that had occurred just days before. It was clear that the extremist attacker wanted to create fear within communities. He wanted to spread his hatred and cause division, threatening our democratic values and respect for religious expression. Several leaders at the mosque told me they wanted to see more done to ensure that divisive hate speech was condemned in our city. As Australia's most inclusive and diverse city, Canberra should not be a place where hate and division are harboured.

Since the Christchurch attack we have unfortunately seen political figures responding with violent, disgraceful comments that only cause further harm. Yesterday, in the Australian Senate we saw a senator censured for his shameful comments and actions. This displayed a clear message that Australians condemn hate speech and discrimination in all its forms. It is this kind of national bipartisan leadership that will ultimately change the political discourse in this country.

We are, sadly, at a point in our nation's history where political discourse has been fuelled by extreme ideologies and ideological arguments from commentators that frankly do not deserve the platform they stand on. We as political representatives should be leading by example, and in moving this motion today I am asking that all members join me in doing so.

I recognise that politics requires robust debate on policies and ideas, but our debates should never incite racism or division. On each sitting day we all pray or reflect on our responsibilities to the people of the Australian Capital Territory, and it is our responsibility to do all we can to shut down disrespectful dialogue within this chamber and right across the city.

This motion seeks to ensure that racism, hate speech and discrimination in all its forms are not given a platform within this place. I commend this motion to the Assembly. I have an amendment, adding a reporting date to the original motion. I therefore move:

Insert a new paragraph (3): "calls on the committee to report to the Assembly by the end of September 2019."

**MR COE** (Yerrabi—Leader of the Opposition) (11.02): The opposition will of course be supporting this motion and we welcome Ms Orr moving it. The terrible terrorist

attack in Christchurch mentioned in Ms Orr's motion had a profound impact not just on New Zealand but also here in Australia. Indeed, Muslims right around the world rightly feel very concerned and very much under pressure and under threat as a result of what happened a few weeks ago. The demonstration of unity in this chamber a few weeks ago was a wonderful display of the compassion felt collectively by the Legislative Assembly. Importantly, I believe we are representative of the vast majority of Canberrans who want to see this sort of attack widely condemned so that it will never happen again.

We in this place enjoy privilege and we enjoy freedom of speech. We should do everything we can to protect that. But with that right comes a tremendous responsibility and we should ensure that what we are doing in this place is respectful and that we are honouring our community in what we say. We welcome this motion. We hope tangible and meaningful outcomes will come as a result of the Standing Committee on Administration and Procedure's review. I reiterate that the Canberra Liberals, and indeed all members of the Assembly, stand shoulder to shoulder with New Zealand, Australia and particularly the Muslim community in condemning the attacks in Christchurch.

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

## **Education, Employment and Youth Affairs—Standing Committee**

### **Proposed reference**

**MS BERRY** (Ginninderra—Deputy Chief Minister, Minister for Education and Early Childhood Development, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (11.05): I move:

That:

- (1) the management and minimisation of bullying and violence in government and non-government schools be referred to the Standing Committee on Education, Employment and Youth Affairs for inquiry and report;
- (2) in conducting its inquiry the Committee have regard to:
  - (a) the societal context of bullying and violence as a whole-community issue;
  - (b) the Government's existing work on responding to students with complex needs and challenging behaviours, and management of occupational violence;
  - (c) the report of the School Education Advisory Committee established by the Minister for Education and Early Childhood Development to look at safe and supportive schools;
  - (d) the petition about "violence in ACT schools" received by the Assembly on 21 March 2019; and

- (e) the potential negative consequences for individual children, their families, staff and schools of being identified in evidence or during hearings and the public attention that could arise from that would likely exacerbate already difficult circumstances;
- (3) to the extent that evidence or documents related to this inquiry would allow for individual people or schools party to bullying or violence to be identified the Committee take evidence in camera and hold documents on a confidential basis; and
- (4) the Committee report to the Assembly by 24 October 2019.

There has been a lot of talk in this place and in our community about the issues of bullying and violence in schools and more generally in our community over the past month or two. As I have made clear, both in the Assembly and in the media, every student and school worker is entitled to be safe, and the government's commitment to safe and supportive schools is unambiguous. There is no place for bullying or violence in our schools.

Any instance of bullying or violence in a school is unwelcome. It is vital that bullying and violence in schools are minimised to the extent possible and that these issues are properly dealt with when they arise. Equally, because all are welcome in government schools, there will always be a need for deliberate effort to make school communities safe, supportive and inclusive. Schools are not isolated from social issues like bullying or violence faced in the wider community, and everyone—particularly community leaders like members in this place—has a responsibility to change our culture for the better.

As I settled into the education portfolio after the 2016 election, this was one issue that I found particularly troubling and difficult. Having heard from the Australian Education Union about the experience of their members, some 3,700 people, it was clear to me that more needed to be done on the issue of occupational violence. For this reason the ACT government, through the Education Directorate, stepped out as the first jurisdiction in Australia to take this issue on. It is not an easy issue to deal with because it requires engagement with the volatility of young people, children, who might have a lot of things going on in their lives and face challenges others do not. It requires engagement with a problem that human services have grappled with forever but that culturally has now just become part of the job.

This government had the courage to respond to the call after our staff and their union raised it with us. We took the issue head on. The government did not do this because we were forced to by the opposition or by a regulator; we did it because it was the right thing to do. During our work, as members know, the Work Safety Commissioner initiated a review of occupational violence incidents that occurred from 2016, leading to the directorate agreeing to an enforceable undertaking that built on the work already underway.

Among the initiatives in the undertaking is a requirement that the directorate host an intergovernmental forum to share the ACT's lessons and experiences. This occurred on 21 March. The forum confirmed that the ACT is leading the way in this area.

I encourage members to read the forum communiqué, which is on the directorate website. But organisational and cultural change is tough. It takes time and it takes mature support from leaders like those in this place.

Madam Speaker, I have been equally concerned about bullying and violence experienced by students, which is really another side of the occupational violence issue. The ACT government have been continually making improvements in this area. We have not sat by idly. For example, as members know, a long program of work has been underway in the ACT, as part of the schools for all program, to, among other things, build on how ACT schools are minimising and engaging with violence and other antisocial behaviours.

It is important to acknowledge you, Madam Speaker, as the then minister, for taking that issue on, and Mr Rattenbury, as the subsequent minister, who carried on with some of this work. In my time as education minister I have continued the program, paying close attention to how each recommendation has been finalised and seeking explicit, written assurance from the independent oversight group that the recommendations had been satisfactorily implemented.

I, as minister, am very concerned about the welfare of all students in ACT schools and feel a deep sense of compassion and concern whenever I hear of an incident of bullying or violence at school. My concern for these people has been consistent. It is not a result of media reporting or the opposition. The government's values and principles for school education, values and principles that I share, have always been clear. They are set out in the future of education strategy and include equity, student agency, access and inclusion. The future of education strategy provides an important strategic policy that aids continued focus on elements of providing inclusive, safe and supportive schools.

As members know, yesterday I responded on behalf of the government to petitions about violence in schools. The response is very detailed, running to eight pages, but is still not a comprehensive description of all the work that has been done or is underway. I encourage members to read the response, and I particularly draw Ms Lee's attention to the information about the academic evidence base and international adoption of the positive behaviours for learning approach.

Madam Speaker, it is very easy for those opposite to throw around flippant remarks about how not enough is being done, but that is simply not true. As members will read, the government and I, as minister, have been acting on this issue. Whenever I have received representations from parents or teachers about issues of bullying or violence in schools, I have taken these issues very seriously, sought advice and tried to understand the situation to make sure that it was being addressed appropriately.

Those opposite would like to lead the community to believe that there is a stream of unresolved complaints that have come through my office. That simply is not true. Of a school system of around 49,000 students, with around 100,000 parents or carers, my office has been able to identify fewer than 50 representations on the issue over more than two years since 2016. That is not to say that every one of these 50 representations have been carefully considered.

Similarly, the Education Directorate's complaints and liaison unit have only seen a small number of people raising the issue with them, even after all the public attention the issue has received and the repeated promotion of the complaints and liaison contact information. As I raised in debate on Ms Lee's motion a few weeks ago, the government needs better information on what is happening in schools. We are investing in gaining what we can through a new school administration project that has been underway for several years; this cannot be rushed.

Madam Speaker, there is no place for bullying and violence in schools, and the government is working to make sure that this issue is managed well and incidents are minimised. As I have said several times in this place, and again in debate today, my action on this issue was not in response to media or those opposite. I have been acting on these matters all along, because I take my responsibility to all members of our school community seriously: victims, perpetrators, staff, students and parents.

Last year, in response to a joint letter from a group of parents from Theodore school, my office, on my behalf, escalated this letter to senior executives in the Education Directorate for their intervention. I reiterated my expectation that this school receive additional support and asked for a wider assessment of the issue as it became clear that this was necessary.

As I received further advice from the directorate about how they were managing and minimising bullying and violence in schools, it became clear that I also required external advice about how this work was going. For this reason I established, as I am empowered to do under the Education Act, a school education advisory committee. This is the appropriate way for me to receive independent, expert, third-party assurances about issues relating to the management of government schools. Broadly, the committee will provide advice to me on opportunities for strengthening safe and supportive school culture in every ACT government school and opportunities to strengthen practices in schools and the education support office that give effect to the safe and supportive schools policy.

The purpose of this committee is to ensure that the government is doing all it can to manage bullying and violence in schools and to minimise its occurrence wherever possible. The committee is independent of the directorate and, within its terms of reference, will provide independent advice to me and the government. It may, within its terms of reference, conduct its proceedings as it considers appropriate, including hearing from individuals. Despite the dismissiveness of some people in this place, members should realise that this is not simply a mock committee. It is a group of prominent people who have considerable experience and knowledge to bring to this issue. I encourage members to look at the bios of the members, which are now posted on the Education Directorate's website.

Throughout debate on this issue I have also willingly acknowledged the need for transparency and accountability in the government's management of schools. I have always been willing to make myself and the Education Directorate available for this purpose. My concern all along has been how our debate in this place and the politics of what we do were affecting the treatment of students, teachers, families and school communities, and possibly subjecting them to further public humiliation.

The conduct of those opposite in debating this issue has been disappointing. They have shown their willingness to resort to tactics that are not in the public interest. In here and out in the media they have claimed that many parents and teachers are approaching them to raise issues. But they have done little more with these representations than use them in debate and in the media. Mr Wall, for example, has come in here and said:

... if these stories are true, they are deeply concerning and deserve to be addressed with urgency.

I happen to agree with Mr Wall on this point, which is why I wrote to the opposition leader and shadow education minister raising concerns that these matters were not being referred to my office for appropriate action. Their response was baffling. Less than 24 hours after sending my letter, my office was approached by a journalist asking about the letter, apparently supplied by the opposition. Yet the opposition claimed that my letter politicised the issue. It was a private letter, calling for some maturity around this, until the opposition made it public.

Equally, we have heard Ms Lee say time and again that she has never named a school. It is a convenient claim, but hardly credible after days of questions from Ms Lee and the opposition referring to “a school in Tuggeranong named in the *Canberra Times*”. Just on Tuesday, again we saw Ms Lee out there beating up a crisis over the RiskMan occupational violence incident reporting data. There are more reports because staff are now encouraged to report when previously they may not have been. That changed culture is a product of this government taking the issue seriously. There has been no comparable increase in injuries that resulted in staff taking time off work. This is a good indication of a strong reporting culture without an increase in incidents that are resulting in lost time injuries. It has become clear that the opposition really are not interested in the accurate or fair presentation of the issue, and see that there is mileage to get out of it regardless of who is harmed in the process.

Despite all of this, I willingly accept my accountability to the public through the Assembly and the transparency that comes with that. That is why I am moving this motion today. It is clear that the community want an appropriate forum to bring forward individual matters outside of government as we evaluate the management of this issue. I should highlight that this opportunity is already available to the community through existing independent oversight bodies, in this case the Human Rights Commission. But it is important to me that I am responsive to the community. The committee inquiry process will also allow for it. My independent expert advisory group will continue to fulfil its terms of reference. As minister, I need the advice from this group to ensure that I can identify any shortfalls and make any necessary changes that are required.

Importantly, in proposing this referral, I have asked that the Assembly support processes that protect the privacy of individuals, as the Assembly is entitled to do under standing orders. I remain concerned about negative consequences for individual children, their families, staff and schools from being identified in evidence or during hearings, and the public attention that will likely exacerbate already difficult

circumstances. Ms Lee has said that this process has never ever been about demonising schools. If that is really the case, the opposition will not have any problems with my motion today.

Ms Lee may try to hide behind her claim that it is not for me to dictate how the committee operates. As she knows, I am not, and could not even if I wanted to. I have made a reasonable request of this Assembly on an issue that is in the public interest, but it is up to the Assembly to decide the issue. It is up to all members of this place, particularly the opposition, to follow through and be consistent with what they claim this has all been about.

I ask members to carefully consider the motion and support the motion so that we can allow opportunities for members of our community to share their stories in a way that does not result in collateral damage of people who might not wish to be named or who are vulnerable within our community.

**MS LEE** (Kurrajong) (11.19): I thank Minister Berry for bringing on this motion today for debate, if for no other reason than it provides an opportunity to set the record straight on a number of aspects of this very serious issue. A *Canberra Times* article in early February of this year about students being victims of bullying and violence in schools was triggered by a letter written in early November 2018 to the Education Directorate by a group of about 30 parents known as “concerned parents of a Tuggeranong primary school”. They spoke of the escalation of violent incidents at their school over the 2018 school year, the bullying and violent outbursts their children had been subjected to and their frustration that little had been done at the time of the assault to prevent further injury or after the assault to prevent a reoccurrence.

The directorate replied, thanking them for their letter and assuring them the school was taking these issues seriously. One of the authors wrote again on 19 November advising of two more incidents and again on 26 November advising of two further incidents. The *Canberra Times* article indicated that the incidents at that Tuggeranong school were not recent and that the incidents referenced were not only from one school. In fact, some incidents were reported in early 2018 and the year before, all without resolution or a successful response.

The Canberra Liberals properly set out to seek further information from the minister at various Assembly question times. We learnt that it was only after the media highlighted the issue that the school arranged to meet and talk to parents. We learnt that the minister believed schools had policies in place to ensure that children are safe at school.

During a motion that the Canberra Liberals brought on for debate in February, the minister spent more time rewriting and speaking to the motion and voting it down than she had spent talking to affected parents who had sought her assistance. The parents at the heart of this saw through the minister’s stalling and avoidance and started a petition. They worked hard to get signatures from parents, teachers and concerned residents across Canberra, both in paper form and online.

Since then the minister has tried various ways to ignore the issue, ignore continuing calls for an independent inquiry to minimise the extent and frequency of violence in our schools, all the time saying that there was no need for and no point in having an independent inquiry. She said such an inquiry would turn into a so called witch-hunt, that schools would be named and shamed, that privacy would be breached, that we had “nation-leading policies”, in her words, in place to address occupational violence in schools and that we had positive behaviours for learning programs, the PBL, under the safe and supportive schools umbrella policy being rolled out in our schools.

In passing, I note that the Tuggeranong school about which parents have raised concerns about unreported and unmanaged violent behaviours occurring on an almost daily basis has the PBL program in place. So how successful has it been? Well, it took the removal of one principal, the engagement of a special second deputy principal with direct responsibility for student wellbeing, additional learning support staff, an additional executive teacher and the withdrawal of at least two families from the school as a desperate last measure because they were forced to choose between “my child’s safety or my child’s education” to see that at last someone was starting to listen and trying to get things back on track.

I note once again that this school has the PBL program. Will that now be the go-to formula for other schools? What about the schools that do not yet have the PBL program? Those same programs we have already seen fail in at least one school are now the basis on which the minister finally last month, and just before the petition was to be presented, established her safe and supportive schools advisory committee. They are tasked with reviewing these existing policies and they have until August this year to report.

The parent-driven petition was presented to the Assembly on Thursday, 21 March and, because it has over 600 signatures, it was automatically referred to the Assembly’s education, employment and youth affairs committee. I can of course make no comment on whether the committee has yet had the opportunity to discuss such a referral. But in any event the minister would be fully aware that automatic referral to the committee would eventuate and that the committee would have the power to initiate an inquiry and set the terms of reference.

You can describe the minister’s actions in introducing this motion as the ABC have done—they have called it a backflip. If one wants to take a more altruistic approach, you could say that the minister has finally recognised that she and her directorate, under her leadership, have been found wanting in management of this serious issue and that she has finally seen the limitations her advisory committee might have in collecting necessary evidence from parents, teachers and people on the front line dealing with this.

She would, or at least should, be aware of the incredulity that has come from the community about setting up an advisory committee only answerable to her in response to concerns raised by parents that she is the one who has ultimately failed in taking action on this issue. When someone has so vehemently argued there is no need for an inquiry, I cannot accept the altruistic explanation, and I am confident that the

parents so directly affected by this issue will not either. I do know that they will be happy an inquiry will be held. It is not the completely external-to-the-Assembly independent inquiry they had sought, but they know it is a far better solution than the minister's previous offerings.

Violence in schools is not isolated; nor is it recent. While the minister has insisted that school violence is isolated and infrequent and that occupational violence is not a growing problem, the evidence suggests she is wrong—so wrong on both counts. In October last year, the *Canberra Times* reported that the Education Directorate had been served a WorkSafe ACT enforceable undertaking for failing to keep education staff safe in their workplace.

At the time of the announcement, the minister said the issue was one she had known about and had been working on since her appointment as the minister. She also said the ACT had a nation-leading policy in place, that she was the only education minister in the country doing something about occupational violence and that things were now much better. She argued that occupational violence had not been growing; it was merely better reporting that was driving the figures up, and she has reiterated that. The government figures obtained by the Canberra Liberals do not support that theory.

Through responses to questions asked on notice, we have discovered that there has been a fivefold increase in the number of reported incidents of occupational violence in the Education Directorate over the past five years. In fact, a staggering 75 per cent of all incidents reported across the ACT public service come from the Education Directorate. This equates to more than six violent incidents per day. In 2013-14 there were 480 incidents. By 2016-17 that figure had jumped to 1,622, and by 2017-18 it was 2,431. The minister is in charge of administering a directorate that has record levels of occupational violence amongst its school-based staff, and now we know that there are significant pockets of violence, bullying and unacceptable behaviour among students in our schools.

The minister cannot be held responsible for this culture developing, but she is responsible for seeing it addressed and managed appropriately. By continuing to deny an open and transparent inquiry over weeks and months she has allowed these behaviours to flourish unabated. Even her tabled response to the petition was full of set rhetoric. Having a policy written down, having a future of education strategy document in glossy format to wax on about in public forums does not substitute for real action and genuine commitment to change. It is, frankly, an insult to the intelligence of the petitioners to say as she did in her response tabled yesterday:

The government willingly acknowledges the need for transparency and accountability in its management of schools.

In keeping with this, the government has decided to refer the issue of violence in schools to the relevant Legislative Assembly standing committee for inquiry and report.

That statement alone is bordering on misinterpretation. But, not satisfied with that interpretation of events, the minister then goes on to set out how the inquiry should be

conducted. Indeed, her motion today outlines her requirements even further when she proposes to dictate how evidence should be heard and recorded.

I know standing orders may not be everyone's bedside reading, but for a minister in this place I consider a working knowledge of them to be a prerequisite for doing your job effectively and lawfully. That is why I now move the amendment to the minister's motion which has been circulated:

Omit paragraph (3).

The Canberra Liberals have serious concerns about the minister's motion. The motion as written by the minister creates a dangerous precedent. Effectively dictating to a committee of this Assembly how it should conduct an inquiry and directing the committee that evidence be received and taken only in camera and only on a confidential basis is a significant over-reach on her part. The motion as it stands would undermine a committee process, if not be an outright insult to the power, privileges and independence of a committee. It implies that the minister does not respect the committee's judgement and discretion, which begs the question why she is bothering to refer the issue to the committee in the first place. Committees of this chamber have always been highly respectful of and sensitive to the privacy of witnesses, particularly vulnerable witnesses, and the wording of the referral should not allege that they would be anything but.

It is extremely disappointing that the Greens, after days of saying that they agree it may set a dangerous precedent, have decided to do what they do best—that is, back their coalition partner, at the cost of a real risk of infringing on our robust committee structure that we can lay claim to being the envy of many other parliaments. It is extraordinarily hypocritical that only yesterday the Greens, together with their political partner, gagged debate on Mr Parton's motion on something as important and impacting as many people as development applications. How laughable that Mr Rattenbury accused the opposition only yesterday of wanting to change the practice when it suits us. How laughable and how hypocritical when this is exactly what he is doing. All he wants to do is help his political partner in doing this.

My amendment is to ensure that the spirit of the minister's motion is retained—that is, to ensure that the Assembly's Standing Committee on Education, Employment and Youth Affairs has the opportunity to inquire into this serious matter—but it preserves the independence of the committee. I commend my amendment to the Assembly.

**MR RATTENBURY** (Kurrajong) (11.32): We will be supporting this referral to the committee today. There has obviously been extensive debate in this place already on these matters. Certainly, I cast back to some of my earlier comments: this is obviously a concerning issue. It is one that is distressing for the families involved, for the schools involved, for the staff involved. I think it is an issue that we are not going to solve quickly, but it is one we must work quickly to seek to resolve. That is no easy challenge. It is one that has been around for some time, but I certainly think that the work that is already underway is important.

The work in the schools for all initiative has a very particular focus but is an important part of dealing with some of the issues that arise around students with special needs, ensuring that they and also the school communities get the support and safety that they need. There is also, of course, the work happening through the WorkSafe undertaking. That is more targeted at occupational violence for teachers, but these issues and some of the broad social issues that are arising around an increase in violence are all blended together in one form or another. We need to think of them as a package.

The minister has proposed this reference to the committee. It is evident that, as a result of the petition that was presented, the committee could also have made this decision itself. I do not think those things matter too much. The committee is now going to have a look at that, and we would be pleased to see that happen. Certainly, there is a debate about the best way to examine it, and this goes to some of the comments that Ms Lee was making at the end of her observations.

There have been extensive discussions in recent days, particularly about how we best do that and how we find the right balance of transparency without unnecessary public exposure for people who might be vulnerable, people who perhaps do not want to be in the public domain, and also how we manage those people who perhaps want to take the public domain as an opportunity to prosecute matters further. I think that all these things are difficult and tricky considerations.

What I do know is that there is generally a view that we want to ensure that individuals are not unduly exposed to public humiliation, to public scrutiny, in a way that is unfair to them. The key topic of conversation in the last few days has been: if we agree on those broad principles, how do we accurately reflect that in the text? There has been quite a bit of back and forth. We have had various versions of the text. Ultimately the Greens have formed the view that we will settle on the revised text that is in the current notice paper and that Minister Berry has put forward.

On balance—and there is a discussion about whether this is unduly directed to the committee—I think the Assembly can express a view to the committee. That is the view that we are putting in supporting the text as it is currently—that is, that we think it is right that, as is pointed out in (2)(e), the potential negative consequences for individual children, their families, staff and schools have been identified. That is the area of concern. In (3), where that potential negative consequence arises, it states that the committee “take its evidence in camera and hold documents on a confidential basis”. I think that is the right balance. I think it is right for the Assembly to express our views on that matter. Certainly for the Greens, as we are not on that committee, this Assembly is the appropriate place and this debate is the time for us to express that view.

I will also say to the committee that there have been some discussions over the last few days about the potential for the Children and Young People Commissioner to provide some advice in this space. I certainly I spoke to her yesterday, as part of my thinking on this on how we might approach it. I think it would be not unreasonable for me to represent her view that she is willing to act as an adviser to the committee, if

they wish, and that she could bring her expertise to the table on how to deal with particular vulnerabilities that young people face, as an advocate for them. The ideas she expressed to me were around the fact that adults have a choice, often, about giving consent in these matters and the like but young people do not necessarily have that same opportunity.

Having sought that advice, I would share with the committee the willingness of the Children and Young People Commissioner to be available as a source of information and expertise, should the committee wish to avail itself of that. They would make their own approach and the commissioner would work with them as she sees fit, as an independent officer. But I wanted to share that insight, having been prompted to give her a call. I think her words and her advice to me were very valuable and I wanted to share that with the Assembly and the members of the committee as an input. The Greens will be supporting the motion as it is expressed on the notice paper today.

**MR PETTERSSON (Yerrabi) (11.38):** All children deserve an education free from bullying and violence. In order for students to thrive and grow, their place of education needs to be a safe and nurturing space. There is no place for violence in our schools. As we are all aware, unfortunately there have been incidents of violence in Canberra schools. This is unacceptable.

Members of the community, parents, teachers and students are rightly concerned about these incidents. That is why I think it is appropriate and warranted that the Standing Committee on Education, Employment and Youth Affairs conduct an inquiry into the management and minimisation of bullying and violence in government and non-government schools. An inquiry by members of this place is a further step in tackling the issue of bullying. This is on top of the advisory committee established by the minister.

This committee inquiry will be dealing with vulnerable people and very sensitive issues. The committee will no doubt hear from parents, teachers, unions, school staff, the wider community and maybe even students themselves. They will talk about their experiences. But inherently they will be talking about easily identifiable children and schools. That is why we need to be especially careful in ensuring the privacy and confidentiality of all members of the community who give evidence in front of the committee and those who will be affected by wider discourse on this issue.

We cannot allow the children to be ostracised or identified by the evidence of others. That is why I support the minister's request that the evidence put to the committee that will identify children in schools be collected in camera. The committee should and must hear from these people. Their evidence should inform our recommendations and our report. We have the responsibility not to name and shame, or allow others to name and shame, children.

I understand the constraints of this place in managing how committees go about their work. But I want it on the record that I think it would be best practice for in-camera hearings to occur that will protect the wellbeing of children. I will commit myself to pursuing this outcome, both in this chamber and in committee. We are, after all, dealing with very sensitive issues. We need to ensure that those giving evidence feel

safe and supported but we need to be aware that, in the small city that we live in that is Canberra, it is very easy to piece together which children are being discussed and in which school.

We want to create an environment of understanding, openness and reconciliation, not a witch-hunt. In-camera evidence, where suitable, will do this and ensure that all children involved are protected and that no schools are demonised. The committee should, and I suspect will, hold public hearings. But we must be very cognisant of our responsibility to protect those in our community who are vulnerable. This is about listening and validating the concerns of students and parents, not a public witch-hunt. I support the referral unamended.

**MRS DUNNE** (Ginninderra) (11.41): I rise to speak in support of Ms Lee's amendment, which is most welcome. When I saw the motion proposed by Ms Berry, I was very surprised by the inclusion of paragraph (3), which Ms Lee's amendment seeks to remove. I was also quite pleased to hear from Ms Lee in the course of the week that there was some negotiation about this point, because it raises considerable concern for me. Despite what Ms Lee thinks, I do not have the *Companion to the standing orders* on my bedside table for night-time reading. Firstly, it is too heavy. If it knocked you on the head, you would wake up.

However, I will refer members to the companion in relation to the publication of evidence and other documents in committee. I am doing this because I think the precedent that we possibly create today if we do not delete paragraph (3) from this motion is very important. While I say that we must delete paragraph (3) from this motion, this does not in any way detract from the importance of the issue. This is really about the standing orders and the power of the committee.

I am not debating the important matter that will come before the inquiry. Ms Lee, Ms Berry, Mr Pettersson and Mr Rattenbury have discussed that. This is about the imposition that this potentially makes and the precedent—the unwelcome precedent—that this would create of instructing a committee in how to conduct an inquiry.

As a former Speaker, I am quite surprised that another former Speaker, in the form of Mr Rattenbury, would not be alive to the issues in this instance. I think it is very important for members to reflect upon what is said in the companion about the role of committees. It begins by saying:

Providing public access to parliament and informing the public are two of the most significant roles of parliamentary committees. Public participation in committee inquiries takes place primarily through the provision of submissions and participation in public hearings. Standing orders seek to balance the competing demands of necessary confidentiality and desirable public access and openness in the conduct of committee business.

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

**MRS DUNNE:** I repeat that quotation:

Standing orders seek to balance the competing demands of necessary confidentiality and desirable public access and openness in the conduct of committee business.

I would like to reflect on how effectively committees do that. I will be very careful not to impinge upon committee deliberations, but, having been a longstanding member and chair of committees in this place, I cannot think of an occasion when committee members and committee secretaries have not been alive to the issues of confidentiality. I can think of many occasions—there are live ones that have been discussed in this place even this week—when committees have agreed to redact certain information so as to not reveal the identity of the submitter or not to reveal the identity of people discussed in those submissions.

It is possible to do that and still publish information. In my time in the Legislative Assembly, apart from privileges committees, which tend to be conducted in camera, I can think of three occasions when I heard evidence in camera. One was related to the security of the AMC. There was quite a bit of evidence taken on that occasion. There were one or two other occasions when there was deeply personal information.

One of the things that we always have to bear in mind—this is touched on in the companion—is this: what do you do with that information that you have received in camera. Sometimes it can be published or published in part. It is quite clear in the companion that it is entirely within the remit of the committee to decide whether or not to publish that. Not even the witness who has given that evidence has the right to decline to have that published. It is entirely within the remit of the committee—not this place; only the committee.

I think it is very important that the authenticity and the autonomy of the committee system in this Assembly is maintained. The proposal that Minister Berry has at paragraph (3) is a direct infringement upon the authenticity and the autonomy of committees. I will refer members, for instance, to paragraph 16.118 of the companion. This has been discussed quite recently in committees that I have chaired and that I have been a member of. The companion states:

There are, however, circumstances where witnesses may request—

I emphasise “witnesses may request”; not the minister for education; not this Assembly. It states that witnesses may request:

the opportunity to provide a submission in confidence ...

This is actually borne out again in *House of Representatives Practice* and in Odgers. It is the request of a witness for confidentiality and it is the request of a witness to object to a line of questioning. It is the job of the committee chair to ensure that witnesses are protected in the first instance. The companion goes on to state:

Examples include when a committee is considering matters in relation to national security, where genuine concerns about individual privacy or commercial confidentiality ... However, a committee should consider the matter very carefully before taking evidence in camera and should take evidence in this way only when it is considered absolutely necessary to its inquiries.

The companion goes on to state in the next paragraph:

Taking evidence in private may create problems for both committees and witnesses. Before taking evidence in camera, committees should ensure that witnesses are aware that in camera evidence can be authorised for publication by a simple vote of either the committee or the Assembly.

I stand corrected, Madam Speaker. I said before that the Assembly did not have a role in this, but it is quite clear from the companion that the Assembly can order the publication of confidential information. However, it is not clear from the companion that the Assembly can order the committee to conduct its deliberations in camera. The companion then goes on to talk about what the committee can do with evidence that has been taken in camera:

Committees that take evidence in camera, are then faced with the question of how it can be used. It cannot be quoted extensively without defeating the object of taking private evidence in the first place. It is also unsatisfactory to put forward a significant argument or reach a conclusion on the basis of evidence that cannot be revealed.

It is quite clear that the form and practice of this place has never anticipated a circumstance like this. I think that we should shy away from creating a precedent of having this Assembly tell the committee in such detail how it should conduct itself. It is unprecedented. We are a group of professionals. I have worked with most members in this place on committees. I know how people comport themselves on committees. They do it with dignity; they do it in a collegiate way; for the most part, as far as they can, they leave their political allegiance at the door before they come inside; they behave in a very dignified manner. (*Extension of time granted.*)

I have no doubt that Mr Pettersson has the capacity and the will to ensure that witnesses who come before this committee will be treated in a respectful, dignified and appropriate manner without this Assembly telling him how to do his business.

**MS BERRY** (Ginninderra—Deputy Chief Minister, Minister for Education and Early Childhood Development, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (11.52): I thank members for their contributions today on this motion. I will attempt, first of all, to try to reassure Mrs Dunne on the direction I am hoping the Assembly will take today on my motion. I am conscious of not unnecessarily interfering with the direction that the committee will take on this inquiry. The issues that the committee considers are for the committee to determine.

In making my proposal, I have offered some suggested points that are relevant. Like the wider social context, however, in the end it is up to the committee. But, importantly, in proposing the referral, I have asked the Assembly to support a process that protects the privacy of individuals, as the Assembly is entitled to do under the standing orders. What Mrs Dunne just read out to us makes it clear that the Assembly does have a role in that regard.

But, importantly, in proposing the referral, I remain concerned about negative consequences for individual children, their families, staff and schools of being identified in evidence or during hearings and the public attention. It would likely exacerbate what are already difficult circumstances. In these circumstances, there are often multiple parties to an incident who could be identified without consent even if they are not named. This is not irregular, particularly when working with children. The committee, at the end of the day, remains in control over what might identify individuals or schools.

If it is the case that, in the words of Ms Lee, “This process is never, and will never be, about demonising schools,” again I am baffled by her response to my motion today. Ms Lee has said—indeed, she said this on the radio and the presenters referred to it as perhaps a bipartisan position—that she accepts my proposal. I continue to remain baffled about her response today.

To clarify again, I will not agree to the identification of innocent people, vulnerable children who have no real say about whether their names or schools are publicly hung out for cheap political points. That is not something that I would support. My position has firmed on this as I have had conversations over the last couple of weeks with numerous people. Ms Lee and I spoke on ABC radio. Martin Fisk from Menslink was there. He talked about the matter of a permanent social media tattoo, that this is permanent; people live with this for the rest of their lives. When these sensitive matters are shared around the place, which they are, lots of people are identified and it is permanently on the public record.

Secondly, I spoke with the Children and Young People Commissioner, as did Mr Rattenbury, to seek some reassurance from her that perhaps this was the best way to remove as much risk as possible. It does not remove all the risk. I accept that, but it removes as much as possible. In some ways it is possibly the best way to go. That conversation firmed up my position as well. She said to me, as she did to Mr Rattenbury, that if the committee was open to this—this will be a decision for the committee—she was prepared to support it as an independent oversight. That is what the commissioner is there for. I guess it will be up to the committee to decide whether or not they take up her offer.

I cannot believe that anybody in this place would be interested in traumatising or retraumatising vulnerable people through a public naming and shaming exercise. That is what I have always tried to avoid, every step of the way, through any kind of inquiry process or as we deal with this very sensitive issue. My motion attempts to avoid that.

I have had a number of conversations with Mr Rattenbury. I offered to have conversations with Ms Lee. In my view, even a vague reference to an individual or to a school would be easily identifiable to most people in the ACT and therefore would have a detrimental impact, as Mr Pettersson has pointed out. It would be incredibly damaging. It has been my position all the way along to avoid that happening. Madam Speaker, I do not support Ms Lee's amendment. I ask that the Assembly support my motion.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 9

Noes 12

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

Amendment negatived.

Original question resolved in the affirmative.

**Sitting suspended from 12.01 to 2.00 pm.**

## **Standing Committee on Health, Ageing and Community Services**

### **Statement by Speaker**

**MADAM SPEAKER:** Today Ms Cody gave written notice of a possible breach of privilege, alleging that confidential proceedings of the Standing Committee on Health, Ageing and Community Services had been released to the *Canberra Times*. Upon receiving the letter, I subsequently wrote to Ms Cody pursuant to standing order 242, seeking their views as to whether the matter raised by Ms Cody had interfered with the inquiry. I also asked the committee to seek to discover the source of the alleged release of confidential proceedings. The committee replied to me indicating that it had a tendency to substantially interfere with the work of the committee.

Under the provisions of standing order 276, I must determine, as soon as practicable, whether or not the matter merits precedence over other business. If, in my opinion, the matter does merit precedence, I must inform the Assembly of that decision and notify the member who raised the matter with me. That done, the member may move a motion in accordance with standing order 81A to refer the matter to a select committee appointed by the Assembly for that purpose. If, in my opinion, the matter does not merit precedence, I would inform the member in writing and may also inform the Assembly.

I am not required to judge whether there has been a breach of privilege or contempt. I can only judge whether the matter merits precedence. Having considered the matter, and also the views of the committee, I have concluded that the matter does merit precedence over other business.

I understand that there is no motion before us, and standing order 81A says that there needs to be 90 minutes. I inform the Assembly that at some point we will be coming back to this matter.

### **Questions without notice**

#### **Government—Canberra Helicopters**

**MR COE:** My question is to the Chief Minister. As you are aware, Canberra Helicopters, currently based at Canberra airport, is looking to establish a world-class helicopter training facility in Hume. Despite the ACT government supposedly supporting the concept, discussions continue with a lack of resolution. In the three years since the first direct sale application was made, why is it that the government still cannot give the necessary approvals for this project, despite the proponent desperately wanting to make the investment?

**MR BARR:** I will seek an update in relation to these matters. I will take the question on notice and provide information to the Assembly in due course.

**MR COE:** Chief Minister, what is your awareness about what is being proposed and how many international visitors, trainees, jobs and other investments have we lost due to the length of time it has taken to get this project approved?

**MR BARR:** I am aware that there have been some discussions and I have had some limited briefing on the matter by the proponent but I am not intimately involved in the commercial negotiations and the matter has yet to come before cabinet.

**MR WALL:** Chief Minister, do you agree that this is an example of the kind of investment that should be fostered and encouraged in Canberra?

**MR BARR:** I am certainly open to these sorts of investments but direct sales, by their nature, exclude others from the potential to utilise public land for either similar or other purposes. They are the exception rather than the rule, and there should be no assumption that a direct sale will automatically be granted on the basis of an unsolicited proposal to government. We have a framework for assessing these proposals and it is appropriate that they are assessed in that way. That sometimes means that it takes longer than proponents would like. But I am sure that the opposition would be in favour of rigorous due process in the direct sale of public land to any commercial proponent.

### **Minister for Social Inclusion and Equality—responsibilities**

**MS LE COUTEUR:** My question is to the Minister for Social Inclusion and Equality. Given that there are also ministers for disability, children, women, seniors,

veterans, Indigenous affairs and multicultural affairs, what is the role of the Minister for Social Inclusion and Equality?

**MR BARR:** I thank Ms Le Couteur for the question. The portfolio has responsibilities in a number of different areas, but particularly from a whole-of-government perspective. One aspect of work that I have been particularly focused on in this area is the development not only of the social inclusion statement, as part of the annual budget papers—and there have been a number of those now that I would draw Ms Le Couteur’s attention to—but equally the work that we are undertaking in developing a series of new indicators—indicators of progress, community wellbeing and the like—associated with work that is underway in New Zealand, on which we are collaborating with the New Zealand government, and, indeed, with other Australian jurisdictions. In fact we will be looking at broadening our measure of community progress, of economic progress—beyond the more traditional means that are commonplace in public debate in this nation, things like gross domestic product, rates of economic growth and the various measures that are more commonly reported in terms of economics statistics—to include other measures within the purview of government responsibilities, and, where we can, provide a richer source of information on community wellbeing.

The portfolio also has specific responsibility in relation to social inclusion matters that are related to the ministerial advisory council on LGBTIQ affairs. I have responsibility for that matter, as well as for a number of other social inclusion priorities. I think it is important to have this whole-of-government perspective, and that is why the portfolio sits within my responsibilities.

**MS LE COUTEUR:** Chief Minister, can you tell us what the government uses as its definition of “social inclusion” and what its priority areas are?

**MR BARR:** I refer the member to the published statements and, indeed, the administrative orders.

**MS CHEYNE:** Chief Minister, are voluntary assisted dying and territory rights also a priority for you under these portfolio responsibilities?

**MR BARR:** Yes, these matters, of course, cross over multiple portfolios but certainly touch on questions of social inclusion and equality. I think it is important, in the context of the structure of the administrative arrangements and the government’s progressive agenda, to note that having social inclusion and equality at the forefront of our policy development and having specific programs and activities that are also supported under that portfolio, as are outlined in the administrative arrangements, reflects not only the importance of this area to the government but, indeed, to the majority of Canberrans who value social inclusion and equality very highly.

### **Schools—student insurance**

**MS LEE:** My question is to the Minister for Education and Early Childhood Development: does the Education Directorate provide insurance cover for students who are injured or contract illnesses whilst at an ACT government school or on a

school-organised excursion and what are the conditions and/or the circumstances under which coverage is offered?

**MS BERRY:** Yes, some insurances are provided particularly around excursions interstate and to sports centres in other districts but also here in the ACT. I will get some more detail on the specifics of the question and provide the Assembly with that information.

**MS LEE:** Minister, are there any circumstances in which the government would refuse to offer insurance coverage for injuries which occurred within an ACT government school or on an excursion? And if so, what are those circumstances?

**MS BERRY:** I just would not know the answer to that question today. If there is a specific circumstance that Ms Lee is referring to then perhaps if she were to be in touch with my office I could respond to that in more detail. I will have to get some information for Ms Lee if that circumstance would ever arise.

**MR WALL:** Minister, do ACT government schools encourage, advise or require parents to take out personal injury cover for their child when undertaking activities at school or on school-organised excursions? If that is the case, can you please explain why.

**MS BERRY:** I am not aware of that occurring. If the opposition is aware of a circumstance where that has occurred then they should possibly get in touch with my office or the Education Directorate so that we can respond directly.

### **Parking—Palmerston**

**MR MILLIGAN:** My question is to the Minister for Planning and Land Management. There is an ongoing saga of insufficient parking at Palmerston shops. For more than two years residents and business owners have complained about this issue, and some of those business owners are here today. Most recently Minister Steel responded to a question on notice saying that new parking will be constructed and that he had referred the matter to your portfolio. Minister, when will works commence on providing the much-needed additional parking at Palmerston shops?

**MR GENTLEMAN:** I thank Mr Milligan for his question and those in the gallery for their interest. I do not have the detail in front of me but I will take the question on notice and come back with the detail.

**MR MILLIGAN:** Minister, why is your office refusing to speak with, make an appointment to meet with or email local businesses at Palmerston shops?

**MR GENTLEMAN:** I was not aware that my office had refused to meet with or email people from Palmerston shops. I will take that up with the office and come back to the chamber on it.

**MR COE:** Minister, in light of that response, will you now take the opportunity to meet with these business owners here, today, after question time?

**MR GENTLEMAN:** I would be happy to meet with the people from Palmerston shops. Unfortunately, I am paired immediately after question time. I will talk to my office and we will allocate some time.

### **Education—Margaret Hendry School**

**MS ORR:** My question is to the minister for education. Minister, how are the school facilities at Margaret Hendry School providing students with a great opportunity to learn?

**MS BERRY:** I thank Ms Orr for her interest in Margaret Hendry School. At the beginning of the school year I had the chance to welcome students starting for the first time in our newest school, Margaret Hendry School in Taylor. It is clear that the community in North Gungahlin was eagerly awaiting the opportunity to join this school and access the great opportunity to learn that it offers, with around 250 students enrolling in the 2019 year.

The school is an excellent example of what modern design and innovative thinking can achieve in providing great facilities for school education. Gone are the days of dark, square box classrooms and the narrow corridors of the past. The Margaret Hendry School is an inviting open-plan building with lots of glass providing views of the surrounding reserves. On the grounds of the school is a significant tree that has been incorporated into the schoolyard as a focal point.

Inside the building, significant attention has been given to how teachers use the spaces to facilitate learning. There are spaces resembling traditional classrooms, although more open and adaptable to allow teachers to work in teams. As you move through the building's wings there are breakout places for small groups and one-on-one learning, integrated sensory spaces and outdoor classrooms. All of these spaces are fitted out with modern technology that enables access to learning.

It truly is a grand design. The school is also the first community facility delivered by the government in Taylor, including two playing fields. The wider community will also be able to hire the school hall, oval and meeting rooms for a range of activities and gatherings.

**MS ORR:** How has the government built sustainability into this school?

**MS BERRY:** The Margaret Hendry School will be the first ACT public school to produce zero emissions in its operation in that it sources its energy requirements from electricity alone. The school showcases how sustainable design principles can achieve cost and energy efficient schools to support the ACT's target of zero net greenhouse gas emissions by 2045.

The range of initiatives used to ensure that the operation of Margaret Hendry School is carbon neutral include: 110-kilowatt solar panels to reduce demand on the electricity grid; automated LED lighting with integrated motion sensor control to save power; double glazing to reduce the need for heating and cooling; electric-boosted

solar hot-water to provide low cost, zero emission hot-water; external shading to keep learning environments naturally cooler; and an air-conditioning system which can transfer heat from one part of the building to another as well as a cooling system that flushes cool night air into the school building during summer to reduce the need for cooling during the day.

Additional carbon reduction strategies are being rolled out in existing schools, and these include roof-mounted solar panels in public schools, LED lighting upgrades, insulation and glazing upgrades and sustainable transport options, as well as involving students and teachers in sustainability programs.

I was joined by the minister for climate change when I visited this school. One of the most exciting moments that the children had was tricking the lights by standing very still in the room, which meant that the lights could not detect that they were there.

**MR PETTERSSON:** Minister, how is the Margaret Hendry School meeting the growing needs of a growing region?

**MS BERRY:** More than 49,000 students attended public schools across Canberra this week, including those who joined the city's newest school, Margaret Hendry School. This modern facility is the 88th public school in the ACT and will cater for 176 preschool and 600 primary school students, providing capacity for quality public education in this high growth region. The planning also allows for the accommodation of an additional 150 primary school students through future expansion if it is required to cater for growth.

In addition to Margaret Hendry School, capacity across the Gungahlin region will be increased by a further 1,200 places by 2022. This is being delivered through the expanding schools in Gungahlin and more places in Gungahlin schools programs.

The 2017-18 budget included an allocation of \$24.072 million over four years for expanding schools in Gungahlin, including \$18.6 million for Gold Creek School junior campus, Neville Bonner Primary School, Harrison School junior campus, Palmerston District Primary School and Franklin Early Childhood School.

A further \$19.83 million over four years was announced in the 2018-19 budget for more places in Gungahlin schools. This will fund further expansion works at Gold Creek School as well as Neville Bonner and Amaroo junior and senior school sites. I look forward to continuing to deliver on our investments in schools and in education.

### **O'Malley—unauthorised activities**

**MRS JONES:** My question is to the Minister for City Services. Minister, I refer to a letter dated 4 March 2019 sent to you by multiple residents of Bulwarra Close, O'Malley. In this letter residents have highlighted what they believe to be the unlawful use of a residential property for controlled activities as well as dangerous line-of-sight issues because of illegal parking in their street. Minister, what have you done to investigate the matter?

**MR STEEL:** I thank Mrs Jones for the question. I will take the question on notice.

**MRS JONES:** Minister, what action will you or your government take to ensure that laws relating to controlled activities are being enforced?

**MR STEEL:** I thank Mrs Jones for her question. We work with a range of agencies, including Access Canberra, in relation to enforcement of controlled activities on land around Canberra. I am happy to provide some further detail on notice in relation to the specific site.

**MR HANSON:** Minister, is it acceptable that one month after sending this letter residents have still not received a response?

**MR STEEL:** I will chase up the response.

### **O'Malley—illegal parking**

**MR HANSON:** My question is to the minister for regulatory services. For many years, residents of Bulwarra Close, O'Malley have had to put up with cars swamping their street, mostly due to workers at the embassies and cultural offices in the area. This includes cars parking in front of driveways, blocking access and even preventing residents from entering and exiting their own driveways. Minister, given that their reports to Access Canberra go unanswered, what options are left to residents when cars park illegally across their driveways and in their street?

**MR RAMSAY:** I thank the member for his question. Matters in relation to the enforcement of parking are matters that the parking inspectors in Access Canberra do pursue. I would certainly encourage people to contact Access Canberra and—

*Mr Hanson interjecting—*

**MADAM SPEAKER:** Mr Hanson, let the minister finish.

**MR RAMSAY:** also the fix my street website. When Access Canberra and the parking inspectors follow through on those—and they do—they do so on the basis of a risk-based compliance model, making sure that matters of safety are dealt with first. If, at any stage, members of the public believe that there is a matter of safety, I would certainly encourage them to contact Access Canberra and to refer specifically to a matter of safety. I know that at that stage it is prioritised.

**MR HANSON:** Minister, when is the government going to start enforcing parking restrictions in Bulwarra Close?

**MR RAMSAY:** I will take on notice the frequency with which the parking inspectors have already been out there and I am happy to provide updates. Certainly, the inspectors are out right across Canberra. As I say, they are doing so on the basis of risk-based compliance and making sure that matters of safety are dealt with as a priority.

**MRS JONES:** Minister, since the introduction of parking restrictions in Bulwarra Close how many parking infringement notices have been issued?

**MR RAMSAY:** I do not have that information in front of me but I am certainly happy to take that on notice and provide further information.

### **Roads—Monaro Highway**

**MR PETTERSSON:** My question is to the Minister for Roads. Minister, what benefits will upgrading the Monaro Highway provide to Canberra?

**MR STEEL:** I thank Mr Pettersson for his question. I was really delighted to announce the release of the design tender for one of the ACT government's major road projects just last month. The Monaro Highway upgrades represent major safety improvements to one of the key major road corridors for Canberra and our region.

The Monaro Highway upgrades are supported by a commitment of up to \$100 million from the ACT government to match commonwealth funding. The upgrades will be designed to make our roads safer, improve traffic flow and capacity and augment this important freight corridor. This is particularly important because we know that currently 24,000 vehicles use this road each and every day and this will grow to 35,000 by 2031. Improving traffic flow and safety on this route will have significant local and regional benefits.

The first improvements on the stretch of the Monaro south of Canberra with detailed design work for an overtaking lane and median barrier treatments will occur on Royalla Drive and Williamsdale Road. Designs will look at best options for a northbound overtaking lane approximately one kilometre in length as well as various treatments that could be used to further separate north and southbound traffic, particularly heading down to the snow during the winter season. It is anticipated that construction of the overtaking lane and median improvements in that area will commence in the 2019-20 financial year.

Construction on other sections of the Monaro around Canberra is anticipated to occur in later years, and a key consideration of this work will be to minimise the impacts on road users. I look forward to keeping Canberrans updated on the progress of the final design work to improve safety and traffic conditions on this important road corridor, particularly for the south side.

**MR PETTERSSON:** Minister, how will these upgrades improve traffic flow for south-side Canberrans?

**MR STEEL:** The Monaro Highway is a major freight and tourism route, and it also carries a large number of commuters from Queanbeyan, Jerrabomberra and Googong as well as Canberra's southern suburbs. These upgrades will improve traffic flow for Canberrans on the south side by providing a consistent speed limit and reducing the bottlenecks that currently slow down commuters on the road.

The Monaro Highway is a highway, but it currently has multiple at-grade signalised intersections right along it and also some roundabouts. Many of these intersections are bottlenecks which see congestion at peak times. This will only get worse as the population of our region grows. This also results in speed having to be inconsistently reduced to 80 kilometres an hour, particularly around Hume and the Alexander Maconochie Centre, for safety reasons. If we do not address this future congestion on the Monaro, it will hold back south-siders from getting to work and getting home to see their families of an evening, and decrease the efficiency of our freight route linking with the Majura Parkway.

I know that Ms Le Couteur expressed a different view on this project yesterday, but it is entirely legitimate for the aim of these upgrades to be to safely provide a consistent speed of 100 kilometres an hour from Johnson Drive to Hindmarsh Drive on what is a major highway for our region. And we will improve traffic flow for south-siders by looking at removing traffic lights, roundabouts and other intersections and looking at whether these could be replaced with grade-separated interchanges to keep Canberrans moving.

**MS CODY:** Minister, would the Monaro Highway ever intersect or link with a future Monash Drive?

**MR STEEL:** I thank Ms Cody for her supplementary. It will be impossible for the Monaro Highway ever to link with Monash Drive under our government because we will never build Monash Drive. Monash Drive, as set out in the National Capital Plan, is a four-kilometre road from Antill Street down to Fairbairn Avenue.

It is planned to plough through predominantly tree-covered reserves bordering Hackett, Ainslie and Campbell, which would result in the loss of or disturbance to areas of existing yellow box and red gum grassy woodland ecological communities located within the Mount Ainslie and Mount Majura nature reserves, reserves that are home to 40 threatened species, including the glossy black cockatoo, the superb parrot and the little eagle.

There are also 141 known listings for Aboriginal sites and potential archaeological deposits that have the potential to be impacted by the construction of Monash Drive. I have visited some of those myself in just the past few years. This fictitious road would be environmentally damaging, is unnecessary and is expensive, and it should never be built by any future government.

I have written to the National Capital Authority asking them to remove this road from the plans for our city, which they have rejected. I now call on the federal Liberal government to reverse their decision, which would also result in increased traffic using local streets in Hackett and Watson, as well as some streets in Reid, such as Coranderrk Street and Anzac Parade.

### **Child and youth protection services—placement policy**

**MRS KIKKERT:** My question is to the Minister for Children, Youth and Families. Minister, a comparison of the CREATE Foundation's 2013 and 2018 surveys shows

that this government's child protection system has consistently been ranked low in some areas but that in some areas it has actually worsened, such as placement stability and disrupting a placement against a child's wishes, awareness of transition plans, and overall satisfaction. Minister, what specific factors have caused the ACT to decline from third in the nation to dead last when it comes to mean placement stability and removing children from placements against their will?

**MS STEPHEN-SMITH:** I thank Mrs Kikkert for the question. I was very pleased last week to attend the launch of the CREATE Foundation report in the ACT and to have an opportunity to talk to the report's author and to hear from CREATE, and an excerpt from a young person on their experience in out-of-home care. I regularly meet with young people, including CREATE's young consultants, and we have other opportunities to meet with young people.

It is a good question as to what has caused changes in the outcomes. Surveys are, of course, a difficult thing, because people are self-selecting in terms of who responds to the survey. But these are very serious issues and ones that we take very seriously. That is why we held a youth roundtable with young people in November 2018 to hear from them exactly what their experience of the out-of-home care system is. Their concerns aligned with both those expressed in the CREATE report and those expressed in the AIHW's national survey report, that is, young people want better information about decisions that are being made and they want to be involved in those decisions. That goes directly to the point that Mrs Kikkert is making about decisions about where those young people live.

We did also hear some interesting information at the CREATE launch about how information was gathered in different states and territories. It is clear that the way the information was collected in the ACT was slightly different from other jurisdictions. That may have had an impact; nevertheless we take the outcomes of that report very seriously.

It was heartening to hear from the young person that his current situation is one where he is seeing a very positive future for himself as a result of his positive interactions with his case worker and his Australian Childhood Foundation worker and he has a very clear transition plan.

**MRS KIKKERT:** Minister, how do you account for the fact that no 15 to 18-year-olds in the 2018 survey reported being aware that they had a transition plan out of care?

**MS STEPHEN-SMITH:** I thank Mrs Kikkert for the supplementary. When I heard that on the radio, I was obviously concerned about that. But having looked at the report, it is clear that a small number of young people indicated that they believed they did not have a transition plan. The vast majority of young people in the ACT survey said they did not know whether they had a plan or not.

One of the things that I spoke to the researcher about was the language that we use when we talk to young people. Discussing transition from out of home care is a sensitive topic and a difficult one to have conversations with young people about. I

had this conversation last year with ACT Together as well regarding the language that we use with young people and the conversations that caseworkers have with them, whether or not young people are clear that the conversations they are having with their caseworker actually relate to a transition plan, and something that is called a transition plan.

What is clear is that caseworkers need to be having those conversations. Again this came out in the youth roundtable: young people want genuinely to be told what is happening in their plans, even if those conversations are difficult for them. They want to be able to be given time to consider the information that they have received, and to respond to it in a considered way rather than giving their first, immediate reaction, which, the young people at the roundtable acknowledged, may be an emotional reaction. They want to have time and opportunity to consider the information that they are given, and they want to properly understand the context of that information.

I believe it is not the case that young people do not have transition plans; it is the case that, with respect to the way those conversations are being held with young people, they do not necessarily understand that the conversations they are having with their caseworker are contributing to a thing called a transition plan.

**MS LAWDER:** Minister, why has children and young people's overall satisfaction plummeted nearly 25 per cent over five years for the ACT, which is in contrast to other jurisdictions' results?

**MS STEPHEN-SMITH:** I thank Mr Lawder for her supplementary. As I said, these are complex results and we will be having further conversations with young people, both those currently in out of home care and those who have had an experience of care, to further discuss the challenges that they are experiencing in the system.

As I said, it was very heartening to hear from one young person and Create's ACT director, Susan Pellegrino, who clearly indicated that 15 months ago this young person was having a very difficult time and probably would have provided very negative feedback to a survey like this. Today, thanks to the dedicated support from his caseworker, his Australian Childhood Foundation worker, he has hope for the future, he understands where he is and he can see a positive future for himself. This is the very difficult work that CYPS caseworkers, ACT Together, the Australian Childhood Foundation and all of our partners undertake, working with young people who are in very difficult circumstances. We are absolutely committed to ensuring that their voices are heard, and heard better, both in their individual circumstances and in relation to building a stronger system to keep young people strong, safe and connected.

### **Child and youth protection services—review**

**MR WALL:** My question is to the Minister for Children, Youth and Families. The Glanfield inquiry stated that a review should be undertaken of what decisions made by child and youth protection services should be subject to either internal or external merits review and that the review should have regard to the position in other jurisdictions. On 17 August 2017 you told this Assembly that the ACT government had commenced this review. On 27 June last year it was stated in estimates hearings

that a paper reporting the findings of this review was, to use your word, imminent. Minister, has this report of the review been completed?

**MS STEPHEN-SMITH:** I thank Mr Wall for the question. Unfortunately this piece of work has been delayed. A draft discussion paper has been prepared. It is a piece of work that JACS is responsible for developing and there has been conversation between JACS and the Community Services Directorate.

I have given very clear direction that this piece of work must be developed in the context of the ACT government's commitment to the ACT as a restorative city. I hesitate to say that the discussion paper is imminent, but it is close. Obviously this review will not be finalised without consultation. The direct answer to Mr Wall's question is no, it has not been finalised because obviously it would be the subject of consultation.

**MR WALL:** Minister, why is it taking so long for the government to prepare this simple review that was recommended three years ago? Given that you stated in estimates that it was "imminent", do you believe that you have misled the Assembly?

**MS STEPHEN-SMITH:** No, I do not believe that I misled the Assembly. At the time it was my understanding that this work was imminent. There has obviously been a very significant policy load in a range of policy areas, across both the Community Services Directorate and the Justice and Community Safety Directorate, including in responding to the Royal Commission into Institutional Responses to Child Sexual Abuse.

This piece of work is not simple. This is actually a very complex piece of work, in understanding what other jurisdictions do and comparing that to the ACT system, in trying to really understand what the options are for the ACT and how we should present those in a way that people who are going to respond to this review can understand. While acknowledging that we want to hear from people who have direct experience in the system, we need to be able to explain our options and our system in plain English to those people. This is not a simple piece of work. I am disappointed that it has taken this long to get done, and I am looking forward to the discussion paper being released.

**MRS KIKKERT:** Minister, what is your government trying to hide by delaying this report and who will be involved in the consultation?

**MS STEPHEN-SMITH:** The answer to the first part of the question is nothing; and there will be a public consultation.

### **Health—prescription monitoring**

**MS CODY:** My question is to the minister for health. Minister, can you provide an update of real-time prescription monitoring in the ACT?

**MS FITZHARRIS:** I thank Ms Cody for this question. I am delighted to provide an update to the Assembly on the rollout of this very important real-time prescription

monitoring. As we know, across Australia there is a growing problem with the misuse and abuse of prescription medicine. We are committed to minimising harms caused by this.

Today I am pleased to provide an update on what members may have seen recently, which is that health professionals now have access to essential information about their patients' use of controlled medicines to assist them in identifying and reducing potential harms for their patients and, in turn, for the broader community.

Through the ACT government's secure online prescription monitoring website, known as DORA, practitioners can now identify potential cases of doctor shopping, help to minimise other risks associated with the prescribing of controlled medicines, and help health professionals, particularly doctors and pharmacists, to identify unusual patterns of use for controlled medicines, patterns which could suggest a risk of harm to their patient or to the broader community.

I am delighted that the ACT is the first jurisdiction to have made this level of progress towards real-time monitoring, and feedback from a wide range of stakeholders has been very supportive. DORA is available to all registered prescribers, which includes doctors, dentists and nurse practitioners, as well as pharmacists, to support ACT patient care.

Within weeks of this program going live, 61 practitioners had already registered for access to commence use of the system as a new and very important part of delivering high quality patient care for all Canberrans.

**MS CODY:** Minister, can you outline how this system minimises the harms associated with misuse of prescription drugs?

**MS FITZHARRIS:** This means that ACT health practitioners are now able to find essential information about their patients' use of controlled medicines, which provides an extra level of protection for patients. DORA provides access to information about controlled medicines that represent the greatest risk of abuse, misuse and diversion, including strong opioid medicines such as morphine and oxycodone which can be used to control severe pain, and stimulant medicines such as dexamphetamine which can often be used to treat attention deficit hyperactivity disorder.

In the previous financial year 2017-18 the health protection service sent approximately 2,400 monitoring letters to prescribers in response to alerts generated by its drugs and poisons information system, or DPIS, the precursor to DORA. Whilst effective at detecting misuse this system does not give health professionals access to their patients' dispensing history before making the decision to prescribe or dispense a controlled medicine. DORA now enables that to occur.

This complements other safeguards the ACT already has in place to help protect the public from potential harms arising from the abuse and misuse of controlled medicines in the community, including the requirement for prescribers to apply to the Chief Health Officer for approval to prescribe a controlled medicine for their patients

and the need for pharmacies to submit information to the ACT Health Directorate for all controlled medicines dispensed to their patients.

**MS CHEYNE:** Minister, can you please outline how the government worked with stakeholders to ensure that the implementation of DORA is supported in the ACT?

**MS FITZHARRIS:** The implementation of DORA demonstrates what can be achieved by bringing together stakeholders from across the ACT healthcare system to develop these types of solutions to support patients right across our community. Working with stakeholders has ensured that DORA is a user-friendly and valuable tool that clinicians want to use and that communications and training materials for health professionals and consumers are appropriately targeted and effective to ensure maximum uptake and outcomes from the system for our community.

ACT Health established a DORA stakeholder engagement group to advise government on DORA's system features and functionality as well as the successful communications and engagement approach to DORA's rollout. The group comprised local representatives of the ACT's peak health professional groups. Without the support of these groups, we would not be seeing the positive interest in, engagement with and early uptake of DORA by local health professionals that we are seeing today.

I take this opportunity to thank all the stakeholders, particularly including the ACT Pharmacy Guild and their membership base and the Capital Health Network, for the invaluable contribution they have made to developing DORA.

While the ACT government remains highly supportive of a national real-time prescription monitoring system, it has taken far too long. A national monitoring system is expected to be implemented later this year. DORA is ready to plug into that system as soon as it is implemented.

### **ACT Health—SPIRE project**

**MRS DUNNE:** My question is to the Minister for Health and Wellbeing. I refer to an annual reports brief on ACT Health infrastructure projects including the surgical procedures, interventional radiation and emergency building or SPIRE which states:

The 2016 election commitment stated that SPIRE was planned to open in 2022-23. This was prior to any feasibility, planning and early design works being undertaken.

Minister, why did the 2016 election commitment on SPIRE go ahead without any feasibility, planning or design work having been done?

**MS FITZHARRIS:** We are very proud of the SPIRE commitment, including what it will deliver for Canberra patients and the professionals working at Canberra Health Services. It certainly, as any election commitment—and I believe the costings document indicated this—needs to go through a formal process.

Of course we took this incredibly important commitment to the ACT election. The ACT community supported that commitment by re-electing this government. We are well on the way through the feasibility design and planning process and we very much look forward to completing that.

**Mr Hanson:** It's a con job.

**MADAM SPEAKER:** Be very careful, Mr Hanson.

**MRS DUNNE:** Minister, when will the feasibility studies, planning and design work on SPIRE be completed?

**MS FITZHARRIS:** As I announced last year, that work is well underway. I also announced last year the final location on the Canberra Hospital campus of the SPIRE building. This is an exciting location on the Canberra Hospital campus.

**Mr Hanson:** A con job, wasn't it?

**MADAM SPEAKER:** Mr Hanson. Minister, resume your seat. I think we have had some discussion about this, and the word "con" has been allowed, but I have also asked you to be very mindful of your language. I think that it does imply that there was some level of dishonesty in that, so I ask you to withdraw it, unconditionally.

**Mr Hanson:** I am tempted not to, but I will. I withdraw, Madam Speaker.

**MADAM SPEAKER:** If you do not, you will be shown the door. Have you withdrawn? Thank you.

**MS FITZHARRIS:** I am delighted by the opposition's interest in this. Certainly, I look forward to further updates for the Canberra community, particularly as we move towards our own budget. Certainly, it is the case that there is considerable work underway, and particularly clinical engagement at Canberra Hospital. That work will continue.

**MR HANSON:** Minister, were any of your other 2016 health policies made without having undertaken feasibility, planning or design work, or is this special?

**MS FITZHARRIS:** I must say about our incredibly comprehensive health platform that we took to the ACT election: the one difference with our health election platform was that it was the one supported by the Canberra community.

### **Sport—McKellar Park**

**MR PARTON:** My question is to the Minister for Sport and Recreation. Minister, it has been reported that night soccer matches at McKellar Park have been cancelled following complaints from two residents about the lights. A government spokesperson has said that there has not been a ban. Minister, can you guarantee that if the lights are turned on, the soccer club will not receive a fine or penalty notice?

**MS BERRY:** The McKellar soccer pitch is owned by the McKellar club, not the ACT government. They are responsible for the lighting.

*Opposition members interjecting—*

**MADAM SPEAKER:** Could you let the minister answer the question.

**MS BERRY:** Thank you, Madam Speaker. I think I have heard that there have been some complaints, but I just do not know what has happened as a result of that and I do not even know that they have come to my office. What I am saying is that I am aware of this situation as far as the lights are concerned, but I was not aware that they were being turned off or that there were threats of any fines or anything at the club.

**MR PARTON:** Minister, in regards to what you are and are not aware of, are you aware that stakeholders at McKellar Park have been threatened with fines of up to \$22,000?

**MS BERRY:** No, I am not aware of that situation. If Mr Parton has any information with which he could enlighten my office I can pursue the matter and investigate what is going on.

**MR MILLIGAN:** Minister, what precedent does this closure of McKellar Park for night-time matches set, on the basis of two complaints, for other sportsgrounds in Canberra?

**MS BERRY:** As I said, I am aware that an issue has occurred. I am not aware that the lights were turned off as a result of complaints. I will find some more information about this particular issue, if I can. If Mr Parton or Mr Milligan has any other information on this to provide to my office, I will find out what is going on and see if we can get to the bottom of the issue.

### **Light rail—disability access**

**MS LAWDER:** My question is to the Minister for Transport. Minister, did your directorate undertake any consultation with community-based disability organisations about access to the light rail? If so, what was the nature of that consultation, and with whom and when did it take place?

**MS FITZHARRIS:** Yes, we certainly have throughout the course of this project. Recently a series of confidence days has been held. Some may be continuing this week. There was close engagement throughout the planning and there have been recent confidence days with a number of different stakeholder groups, including, very importantly, the disability community. I will take the specifics on notice and provide more detail to the Assembly.

**MS LAWDER:** Minister, are all light rail vehicles and associated stops fully disability compliant? If not, why not?

**MS FITZHARRIS:** It is absolutely the case. I believe that the confidence days were indeed to make sure that compliance is assured, and that members of the disability community and other community organisations have an opportunity to experience it and provide feedback.

**MRS KIKKERT:** Minister, how many front-line officers will be permanently there at the light rail stops when it begins running to assist people, including those with disability, to board and use light rail?

**MS FITZHARRIS:** I believe I was asked this question in a recent question time and I took that on notice. And I will do so again.

### **Planning—Kippax master plan**

**MS CHEYNE:** My question is to the Minister for Planning and Land Management. Minister, what are the benefits to the community of the Kippax master plan?

**MR GENTLEMAN:** I thank Ms Cheyne for her question and for her interest in and advocacy for Kippax. I am very pleased that the master plan has been completed. It provides a great opportunity for a bit of expansion of Kippax itself but also it reflects the community consultation that occurred during the master planning process. I look forward to being able to do some further community consultation as we move out in any regard around Territory Plan variations for Kippax.

It recalls some fond memories for me. My first boy was born and grew up originally in Holt. He had his first excursion from home, if you like, at the age of 1½ down to Kippax. And I understand that the Deputy Chief Minister used to rollerskate through Kippax. I am looking forward to further consultation with the community.

**MS CHEYNE:** Minister, what community engagement took place in the development of the Kippax master plan?

**MR GENTLEMAN:** Community and stakeholder engagement has played an important role in the development of the master plan with the ACT government engaging extensively with local residents, businesses, community groups, private interest groups and government agencies. Community engagement on the master plan included four stages to provide the broader community with numerous opportunities to provide feedback to keep them informed about the development of the master plan.

This government believes that people should be able to have their say over decisions that affect them. We will continue to work with the community as we implement the Kippax master plan. The next step in implementation through Territory Plan variations will, as I mentioned before, provide opportunities for the community to have their say in the variation process.

**MS ORR:** Minister, how does the Kippax master plan affect open space in the region?

**MR GENTLEMAN:** The master plan recommends rezoning part of the existing Holt and district playing fields and, for the potential expansion to respond to the need for additional commercial space in the group centre, the master plan requires that any potential loss of existing open space associated with future retail expansion be offset through the upgrading of and investment in community and sporting facilities across the centre, resulting in better outcomes for the community. This includes reinstating existing unused playing fields in other locations close to the centre, which may include upgrading turf, irrigation, a new pavilion perhaps and lighting and seating. Future decisions about the land use will be taken on a case-by-case basis with the community at the heart of those decisions.

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

### **Supplementary answers to questions without notice O'Malley—illegal parking**

**MR RAMSAY:** During question time I was asked about the number of parking infringements in Bulwarra Close. I advise the Assembly that there have been no infringements for Bulwarra Close during 2019, but there have been five parking infringements in O'Malley.

### **Parking—Palmerston**

**MR GENTLEMAN:** In response to questions from Mr Milligan and Mr Coe about Palmerston shops I advise that my office has searched our records and cannot find any request for a meeting. Advice from officials from EPSDD is that they are not aware of correspondence in relation to the matter through my office either. I understand the shop owners from the Palmerston shops have had extensive engagement with the offices of both ministers Steel and Fitzharris as well as relevant departmental officials.

As I mentioned, I will be away very shortly but we will arrange a meeting with EPSDD as early as next week and when I return we will see if we can meet with them as well.

### **Public Accounts—Standing Committee Corrigendum**

**MRS DUNNE** (Ginninderra) (2.55): For the information of members, I table a corrigendum to the report of the Standing Committee on Public Accounts Report into commercial rates, which I foreshadowed this morning:

Public Accounts—Standing Committee—Report 6—*Inquiry into Commercial Rates*—Corrigendum.

### **Papers**

**Mr Gentleman** presented the following papers:

Bimberi Headline Indicators Report, dated March 2019.

Legislation Act, pursuant to section 64—Veterinary Practice Act—Veterinary Practice (Board) Appointment 2019 (No 1)—Disallowable Instrument DI2019-24 (LR, 14 March 2019).

### **Bimberi headline indicators 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) (2.56): Pursuant to standing order 211, I move:

That the Assembly take note of the following paper:

Bimberi Headline Indicators Report, dated March 2019.

**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) (2.56): I am pleased the Bimberi headline indicators report March 2019 is being tabled today. This is the third Bimberi headline indicators report following my commitment to the Assembly in August 2017 to establish this regular reporting. The report provides data for measures in three areas: demographics; safety and security; and programs, education and community engagement. This allows ongoing objective scrutiny of a range of indicators relevant to the safety and care of the young people in Bimberi.

The report also includes data from the first half of the 2018-19 financial year to provide the Assembly with the most recent results available. As with previous reports, I note that caution should be taken when interpreting data in this report as it uses unpublished data which has not been cleansed by an external agency, so it may not be comparable with data from youth justice centres in other jurisdictions, for example.

The report also relies on operational data extracted through a manual count. All information is quality assured before tabling to ensure accuracy as far as possible. In preparing this report the quality assurance process noted a counting error in the demographic data from 2016-17 which has now been rectified within this new report. The new client information system currently in development will allow for the improved extraction of data in the future.

As I have said before, I am committed to being as transparent as possible about Bimberi's operation and performance. These biannual reports will continue to drive continuous improvement in practice at Bimberi and enhance the already robust oversight mechanisms currently in place.

These oversight mechanisms include the ACT Human Rights Commission and three official visitors. Work continues to ensure that Bimberi will also be overseen by the Inspector of Correctional Services, with this function commencing before the end of this calendar year.

This third report identifies the impact of the work we have been doing and how that is translating into practice, including the success of our recruitment processes, training and support of our staff. These improvements combined with the reduced number of young people being housed at Bimberi during the six months from July to December 2018 may correlate with a number of reductions in key indicators that we have seen through this period.

I am pleased to inform the Assembly that during the first half of the 2018-19 financial year no segregation directions were required to be made for young people and only one operational lockdown has been required and authorised. Additionally, during this period the number of assaults at Bimberi continues the trend of being at a 10-year low from 64 assaults in 2009-10 to nine for the half year July-December 2018.

The number of strip searches for young people entering detention is at zero as staff continue to apply their risk-based assessment for the types of searches necessary. These searches are necessary at times to maintain the safety of the young person themselves and others within the centre. However, it is acknowledged that every effort should be made to reduce strip searches to a minimum given the trauma that has often been experienced by young people entering custody.

I note that there has been an increase in category 1 incidents. All of these incidents reflect complex trauma-related behaviours within this cohort of young people. As with all Bimberi headline indicator reports, while the report includes measures relating to safety and security, it also has a strong focus on education programs and community engagement. The core purpose of Bimberi is rehabilitation and providing young people with the supports and services they need to turn their lives around.

Young people in detention at Bimberi are continuously supported to maintain engagement in education, build and maintain family ties and develop the living skills they need to reintegrate successfully in the community. The Murrumbidgee Education and Training Centre at Bimberi continues to provide a range of educational and vocational programs, including recognised certificate programs and tutoring and transitional support back into the community, through an individualised and tailored approach.

During the reporting period of July to December 2018 three young people completed the road ready course, eight young people attained their first-aid certificates, one attained their white card certification, and one young person completed their year 12 studies. One hundred per cent of young people residing at Bimberi during the period were engaged in educational programs.

As this Assembly knows, the work of supporting some of our most complex young offenders at Bimberi is challenging. I remain passionate about ensuring that we have a youth justice system that is rehabilitative and provides opportunities for young people.

I thank the people at Bimberi, all those workers who work tirelessly to support some of our most vulnerable children and young people. I commend this report to the assembly.

Debate (on motion by **Mrs Kikkert**) adjourned to the next sitting.

## School chaplains

### Discussion of matter of public importance

**MADAM SPEAKER:** I have received letters from Miss C Burch, Ms Cheyne, Ms Cody, Mr Coe, 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, I have determined that the matter proposed by Miss C Burch be submitted to the Assembly, namely:

The importance of school chaplains in the ACT.

**MRS KIKKERT** (Ginninderra) (3.01): I seek leave to speak in the absence of Candice Burch.

Leave granted.

**MRS KIKKERT:** I am happy to assist in bringing this matter of public importance before the Assembly today. On many prior occasions I have stood in this chamber to discuss the wellbeing of young people. In many cases, the issues they face are complex and in many regards they are growing increasingly complex. Two months ago, I moved a motion in this Assembly calling upon the ACT government to make a formal commitment to better supporting and funding programs for kids in what are called the middle years, the developmental stage between early childhood and adolescence in which children undergo dramatic social, emotional and physical changes, including the most intense period of brain development during a human lifetime.

More and more typical youth issues are presenting in children earlier in life and resulting in coping mechanisms and responses reflective of adolescent behaviour. The onset of puberty is beginning earlier and young people are also engaging in risk behaviours earlier. At the same time the number of children and young people in need of mental health services is also increasing. As we learnt last year, owing to demand Menslink has now opened its services to primary school-age boys, with those aged 10 to 12 years making up 12 per cent of this support group's client case.

Children and young people currently face challenges their parents probably never imagined. For example, though no-one knows for certain it has been estimated that one in five Australian children aged 8 to 15 may have experienced cyberbullying. This is defined as harassment or intimidation that takes place online. Bullying, sadly, has probably always been around, but the spread of technology and the prevalence of personal devices such as mobile phones means that things like intentionally hurtful statements, vicious rumours, humiliation, embarrassment and threats can now follow children and young people wherever they go, including into what was once the protection of the family home.

In February I shared in this place the harrowing story of a young boy whose parents claim that for 3½ years he was physically assaulted by other students at school, including being punched, pinned, dragged, strangled and more. Understandably, this

small child has developed anxiety issues requiring professional counselling. In short, our children and young people sometimes face enormous challenges; at the very least they face challenges that feel enormous to them.

In the midst of such a climate those who provide pastoral care for children should be honoured and supported. Today I am grateful to add my voice of support to the chaplains who serve in our schools. As I mentioned in the adjournment debate on Tuesday I recently participated in a fundraising event for the Canberra PCYC that involved abseiling 93 metres down the side of Lovett Tower.

I sponsored two other Canberrans to join me in this adventure, one of whom brought a school chaplain with her as her support person. This young woman, who grew up in the territory's care and protection system, finished her studies last year. But this chaplain whom she met whilst a student is still engaged in her life, standing by her side when she needs extra support. Clearly, supporting the territory's young people, including some of its most vulnerable, is more than just a part-time job for this chaplain; it is a labour of love and loyalty, devotion and dedication.

Like many in our community I was, therefore, surprised when this government announced that they were withdrawing from the national school chaplaincy program from next year, denying the territory's students access to this specialised support system. We have been told by those opposite that chaplains are incompatible with our secular public schools. But not all students enrolled in our public schools are secular. In fact, as the multicultural population of the ACT grows, the number of students in our schools who have vibrant religious identities is also growing.

I assure this Assembly that a number of culturally and linguistically diverse Canberrans have told me they have found this government's decision to essentially ban chaplains as a move that leaves them as people of faith feeling less welcomed and less wanted in the ACT.

I note that our two main secular public universities in Canberra—the University of Canberra and the Australian National University—support and provide robust chaplaincy services to their students and staff. This is what it looks like when diversity is genuinely valued and when people of faith are sincerely welcomed into a community.

If this government cares about cultural diversity it would be trying to expand the pastoral care supports available in our schools rather than cutting a program that costs the territory almost nothing and clearly meets the needs of portions of our school communities in favour of a very narrow program personally preferred by those opposite. I put on the public record my thanks to school chaplains and all other pastoral care providers who give of themselves to help kids navigate the difficulties of life.

**MS BERRY** (Ginninderra—Deputy Chief Minister, Minister for Education and Early Childhood Development, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (3.07): I thank Miss C Burch for bringing the

matter of public importance forward today. I welcome the chance to speak about the value more broadly of student wellbeing and support. This is where the focus of our discussion should be today, in recognition that chaplains are just one element of a broad range of wellbeing supports provided in our schools.

As the Chief Minister made clear in March on my behalf when members last discussed this matter, student wellbeing is a key priority for the ACT government. This government is committed to supporting the wellbeing of students and recognises this as a critical factor that enables access to learning. The provision of personal and emotional support for students and the broader school community is an important function of school wellbeing teams.

In recent years the ACT government has made significant investment in this area. This includes investment to increase the number of school psychologists and expand the availability of wellbeing workers in disciplines such as social work and youth work. This is strengthened by the network student engagement team that builds capacity in our schools through the provision of targeted support. We also have additional investment planned for the future, with wellbeing as the core focus of the future of education strategy. As a result of this investment, ACT government schools are well equipped to offer a range of supports for student and school community wellbeing.

The provision of student wellbeing support does not require religious association or endorsement, which has been a requirement under the national school chaplaincy program. Education in ACT government schools should be non-sectarian and secular. This is consistent with not only the Education Act but also prevailing expectations of the ACT community, as confirmed by the overwhelming community support for my decision. The incorporation of religious chaplains in ACT government schools is inconsistent with the act. On this basis, and as you are already aware, all ACT public schools therefore will be supported to transition from the chaplaincy program during 2019.

Principals, teachers and school staff across our 88 government schools work hard every day to make sure that student wellbeing is a priority. We know how important this is for students to effectively engage with their learning and to reach their full potential.

The Chief Minister has previously outlined the range of wellbeing supports available in ACT government schools. Today I would like to highlight again the breadth and depth of this support. Every school has a student wellbeing team comprising executive teachers, school psychologists and other key members of staff who can provide appropriate supports to schools and their communities. This may also include youth workers, social workers, community development workers, allied health workers and school youth health nurses.

I would like to share with you a story about the support that has been offered to a young woman in one of our ACT government high schools. This young person came to the attention of a school as her attendance started to decrease. She was beginning to demonstrate unsafe behaviours both within and outside the school. There was

evidence on social media of some of these behaviours that had been shared with her peers. The wellbeing team at the school initially discussed concerns regarding her attendance and behaviours. The team then identified the need to check in with the student.

It was determined that the school psychologist already had a strong relationship. Following a catch-up with the psychologist, it was identified that the student had had a disagreement with her family and was currently couch surfing. The student identified was not eating properly and was staying at her boyfriend's house on and off. This relationship was making her uncomfortable. The psychologist, with the student's agreement, went back to the wellbeing team to develop a plan.

The youth support worker identified a breakfast program and access to free school lunches. The psychologist organised a session with the student and her family to discuss and mediate issues. The wellbeing teacher organised extensions for the student's assessment pieces and an additional study line. The school health nurse organised an appointment to discuss sexual health and safety in relationships. Once in place, the team continued to meet weekly and discuss progress. The student agreed to ongoing sessions with the psychologist, who was able to report back to the team, ensuring that supports were in place, met her needs and were flexible and responsive.

This story of concern has a happy ending. The student received the support she needed at the right time from a range of professionals. No one professional can meet all of the needs of our students. Our schools need to have access to a range of professionals who can work together.

This demonstrates not only the range of options available to school communities, but how these specialists support work together to wrap around a student and their family in times of need. This is enhanced by the flexibility of schools to operate their wellbeing teams in a manner that meets the unique needs of their school community. These wellbeing teams look at the needs of individual students over time.

Every high school has access to a youth support worker, and every school has both male and female safe and supportive school officers to work with students, families and staff. The expansion of the school youth health nurse program will offer youth nurses in every high school by the end of this year to support primary health promotion.

Every school is resourced to provide the learning and wellbeing supports needed for their students, which includes access to broader directorate structures. Schools take a community approach, which includes proactive initiatives within schools and partnering with other services in the community to promote the health and wellbeing of students. Examples we have touched on before include breakfast clubs; case management approaches to ensure that students who require additional supports are connected to appropriate and support partnerships within community organisations; and the delivery of social and emotional learning.

Providing effective support for student wellbeing does not require faith-based workers. Pastoral care, in its modern meaning of providing personal and emotional support, and

support for the emotional wellbeing of a school community, is an important function. But fulfilling these functions does not require a person providing pastoral care to have some form of religious association or endorsement. Unfortunately, the main provider of chaplaincy services in the ACT requires a range of religious conditions on the employment of a person as a chaplain and includes in their role description a range of religious functions that are unlikely to be consistent with the act.

My decision will not stop children gaining an appropriate awareness of religion. The religious needs of students in government education are met through “the study of different religions as distinct from education in a particular religion” as supported by the Australian curriculum. Where the parents of children seek religious education for their children in a government school, this is made available, as required by the Education Act. Should the parents seek religious education for their children, they also have the option of choosing non-government school education, supported by significant public funding, or home education that conforms with their convictions.

In recognition of the faith basis of ACT non-government schools, Catholic and independent schools will continue to have the option of participating in the national school chaplaincy program. We will work closely with these sectors throughout 2019 to plan for the continuation of the program in their schools from 2020.

I recognise that the student and school wellbeing support provided by chaplains, and equally by secular wellbeing workers, is valued by school communities and that the individuals providing these services often become personally valued. For this reason, I have ensured that chaplains currently employed under the program have the option of direct employment on a secular basis. The Education Directorate is working with schools to make sure that these arrangements are ongoing. These workers will continue to provide support to the school community, but without the obligation of religious affiliation or endorsement.

The Education Directorate has commenced discussions with principals and chaplains to plan for this transition during 2019. This includes consideration of the specific role of the chaplain in each unique school community and how the function would translate to provision under a secular role. The directorate is also working with chaplaincy providers to ensure a smooth transition for all parties and the continuity of service provision in all schools.

**MR RATTENBURY** (Kurrajong—Minister for Climate Change and Sustainability, Minister for Corrections and Justice Health, Minister for Justice, Consumer Affairs and Road Safety and Minister for Mental Health) (3.16): Just on 21 February this year, as *Hansard* will show, we discussed an MPI from Mr Coe entitled “The importance of school chaplains”. Today we are being asked to discuss an MPI on the importance of school chaplains in the ACT.

I do not intend to extensively repeat my comments from last time because I continue to have the views that I put on the previous occasion. In essence, for me, the really important issue is school pastoral care. I acknowledge that that can come in a range of forms. Whether it is youth workers, social workers, chaplains or other pastoral care

providers, there is a range of ways to deliver pastoral care and a range of preferences for pastoral care.

Unfortunately, the commonwealth government, through its national school chaplaincy program for the 2019-22 period, will continue to provide funding only for chaplains. Secular student welfare workers are specifically not allowed. This is a great shame. There is scope to have diversity in pastoral care but, given that the commonwealth has taken such a narrow approach, I think that that is a point worth reflecting on in this discussion. I urge the commonwealth to change the rules around its program and allow for the provision of pastoral care rather than being so narrow in its funding base.

*Discussion concluded.*

## **National institutions—funding**

**MR RATTENBURY** (Kurrajong) (3.18): I move:

That this Assembly:

(1) notes that:

- (a) as the nation's capital, Canberra should be valued as a city of culture, history, research and learning for all Australians;
- (b) the Federal Government has neglected the needs of national institutions in the ACT for many years;
- (c) these national institutions hold much of our country's shared pre and post colonisation history; and
- (d) that the neglect and failure to fund these institutions adequately over many years is having a material impact on the storage of essential history items, reducing research opportunities, and is eroding the core role of the capital city of a modern nation;

(2) further notes:

- (a) that the Federal Liberal Government has provided \$498 million to redevelop the Australian War Memorial, despite the protest of leading architects, historians, previous Directors and prominent Australians; and
- (b) the sponsorship of exhibitions and general funding of the Australian War Memorial by arms manufacturer firms such as Lockheed Martin;

(3) calls on the Legislative Assembly to:

- (a) express its disappointment at successive Federal Government's failure to properly fund Canberra's national institutions;
- (b) commit to tri-partisan support in advocating for fair and equal distribution of federal funding towards Canberra's national institutions; and
- (c) call on the Federal Government to establish a non-political federal national institutions coordinating advisory council.

Those of us lucky enough to live here in the ACT in the nation's capital know the importance of our national cultural institutions and the role they play in holding our shared history and inspiring future generations. Our city's children have the benefit of school excursions to places of culture and history that others travel thousands of kilometers to attend. Our local residents take pride in seeing these buildings and places beamed around the country and the world as examples of our modern, progressive society.

I bring this motion to the Assembly today to seek support from this Assembly to make the case for our national cultural institutions, to underline the need for them to be properly resourced, and to provide a non-partisan mechanism for their long-term support.

The question might be asked why we even need to have this discussion. Disappointingly, successive federal governments have consistently underfunded these places of learning. Budget after budget, the institutions that tell our cultural, historical, political, legal, scientific, educational, sporting and financial story have been ravaged by cuts and efficiency dividends, undermining the essential role they play in the fabric of our nation.

Successive federal governments have actively starved our National Library of essential staff. Last year it was reported that, when it rains, the National Gallery of Australia, home of the national art collection and host to world-class exhibitions, is forced to put buckets on the floor to cope with leaks. This should not be the fate of our collective story.

This week we have seen the release of the federal budget and there have been some flickers of relief for our beleaguered institutions. Most national institutions will see no changes to their staff numbers, but the War Memorial will gain an extra 12 staff in the next year, Old Parliament House will lose two staff members and the National Capital Authority will gain two. These figures hardly touch the sides when we consider that 21 jobs were cut across the national institutions last year.

With regard to funding, I was pleased to see that the National Library will receive \$10 million over the next four years to start a digitisation fund and \$8 million will be spent this year to ensure that buildings such as the Museum of Australian Democracy at Old Parliament House, the National Film and Sound Archive and the National Library of Australia are compliant with building code standards. One would think that that is a minimal requirement. Questacon and the High Court will both benefit from funding to expand educational activities, with \$15.1 million to be spent over the next three years on expanding Questacon's education and outreach activities and \$2 million pledged over two years to the second stage of the Australian Constitution Centre at the High Court.

What we have seen also, however, is that once again the Australian War Memorial is a key winner in the federal budget. That is a point that I would like to elaborate on today. The Greens are deeply concerned about, and in fact opposed to, the excessive pool of funds being directed to the Australian War Memorial in an era when our national institutions are being starved of the critical resources they need.

As members undoubtedly know, the federal government has already decided to allocate close to \$500 million to the Australian War Memorial: \$500 million earmarked for a new building to go on top of and around an existing building that was not so long ago upgraded. This extraordinary amount of money has been provided to one place without any comparative assessment of need. If it were to be spent more judiciously, it could restore most of the past 10 years of cuts and have change left over. The massive and expensive plan to expand the Australian War Memorial cannot be justified.

The Greens, as a party with non-violence as a core pillar, respect and support the War Memorial's mission to remember, interpret, and understand Australia's history in war. Our opposition to the expansion is not in any way about reducing the role of the memorial or minimising the history of those who have served in our nation's defence forces. Nor would our position preclude required expansion to further reflect the trials and triumphs of our current servicemen and servicewomen, the Invictus generation, as Dr Brendan Nelson has spoken of them, or to revisit older chapters as required. It is instead about ensuring that cornerstones of our national cultural life, the custodians of our stories and a vital part of Canberra's geography are kept intact despite the slings and arrows of political expediency.

It is also evident that there is an increasing amount of community opposition to this inappropriate and unnecessary expansion of the War Memorial. I was particularly struck by the opposition of a group of prominent Australians who co-signed a letter saying the project is unjustified. Those who signed the letter include former Australian War Memorial director Brendon Kelson, former deputy director Michael McKernan and five of its ex-staff. Novelists Tom Keneally and Richard Flanagan; author and speechwriter Don Watson; Australia's first female premier, Carmen Lawrence; historians; and a group of ex-senior public servants and diplomats also signed the letter, as well as former Australian Human Rights Commission president Gillian Triggs. There are many other notable Australians in the list of signatories making the argument that the money could be better spent.

I agree with them. Noting that \$350 million has also just been spent on the Sir John Monash Centre in Villers-Bretonneux in northern France to mark the centenary of the end of World War I, we need to see a more balanced and equitable expenditure for our national institutions. Perhaps, as many in the community have observed, if there is \$500 million available it might be better spent on helping those who have served our country recover from their experiences and resume their lives in our community.

As I have outlined, the Greens support the role and importance of the War Memorial. It should be properly funded to perform the important role it plays in our community. It certainly should not have to go cap in hand to arms manufacturers seeking sponsorship to help meet its budget. As members may have read, in recent times, visitors to the War Memorial have found sponsorship signs for various exhibitions. These sponsorship deals are being made with arms manufacturers. The Australian War Memorial is sacred ground in the collective psyche of this country. It is utterly inappropriate for weapon and bomb makers like Boeing, Raytheon and Lockheed Martin to sponsor exhibits commemorating the tragedy of war and the experience of

Australian personnel. Perhaps if the War Memorial had secure long-term funding commitments and a shared strategic plan with its sister organisations, we would not need to see its doors branded with distasteful ads in the future.

As part of the future of the War Memorial, it is our firm view that the memorial should also tell the story of our nation's colonisation. There is growing community awareness of what are known as the frontier wars. If we as a nation are to truly face our past, acknowledging the frontier wars as the first chapter within the War Memorial is a vital piece of that puzzle. We need the stories of these wars and massacres told honestly and openly, with respect for the past and today, in order to achieve our full potential as a reconciled nation.

Returning to the broader question of our national institutions, what we believe is missing is the long-term thinking and strategy to guide us into the future. There needs to be a sustained commitment to the role and future direction of our vital national institutions. Now is the time to secure their future. We believe that the way to do that is the establishment of a non-political federal national institutions coordinating advisory council. The Greens would like to see the establishment of a council which brings the institutions together to collaborate to develop a strategic policy which can deliver the appropriate business and budget support and provide inter- and intra-governmental advocacy for its member institutions.

We note that the former Collections Council of Australia has not existed for some time and there is now no similar formal council to coordinate collections, digitisation and general outputs. We believe that the creation of such a council, which includes members with management skills across relevant sectors such as collections, curation, exhibitions and heritage, would be a vast improvement. They could share lessons and data to improve management and activities of all of the institutions. The council could also provide policy and business support advice to its member institutions, while being a fierce and independent advocate for those institutions in the media and at budget time, as well as being able to negotiate effectively with the National Capital Authority and state and territory governments on regional outreach and planning and development issues.

As members may be aware, yesterday saw the release of the final report on the inquiry into Canberra's national institutions, with 20 positive recommendations. Of particular interest to me and the Greens were recommendations 11 and 13.

Recommendation 11 sees a role for a body similar to the one I have just outlined. Key to the membership of that group is the ACT government. I am very pleased to see that the territory government has been included as part of those recommendations. The chair of the committee that delivered this report today spoke to a need for a clearly articulated rationale and a cohesive narrative to join the institutions together. That is certainly something we support. It is something we have talked about in the past. I think it would be very positive for the future of our national institutions.

Recommendation 13 spoke to the need for the history, culture, and heritage of Australia's Aboriginal and Torres Strait Islander people to take a much more prominent and public-facing role within the parliamentary triangle. I look forward to

hearing more on a proposal to relocate the Australian Institute for Aboriginal and Torres Strait Islander Studies, AIATSIS, from its current location on the Acton Peninsula, and how this will be developed under the leadership of and in comprehensive consultation with Indigenous Australians. I was very encouraged by both the words of the committee and comments from the chair in the media today about needing to increase the prominence of Indigenous culture in the parliamentary triangle. I do not have an exact view on how that should be done, but the very fact that it is recommended in this report in such a positive way gives me great optimism that we can find a way forward on this.

I believe that there is also a need to continue this conversation with regard to the tent embassy which, it could be argued, has become a de facto institution as the longest continuing protest site in the country, if not the western world. Certainly that is a part of the cultural and historical discussion of this country.

My motion today largely reflects on the importance of the cultural institutions here in Canberra and the fact, I believe, that successive federal governments over a sustained period of time—my remarks are not targeted at a particular government—have neglected the needs of national institutions. They have not provided the funding to ensure that they can protect and preserve our important historical artefacts and the culture of this nation and continue to tell our stories effectively. We need to ensure that they have adequate funding to do the job that we expect them to do. I have spoken about my views on the War Memorial, and our views on that.

I call on members to express our disappointment at the failure to properly fund our national institutions and to join together to advocate for these institutions. They are part of the fabric of this city. It is a great privilege to be the city that hosts these institutions. We are very lucky to have them on our doorstep. I must confess that, probably like many other Canberrans, despite having such great institutions on our doorstep I probably do not go to them as often as I would wish to. That perhaps reflects the role of an MLA, where we tend to be focused on very local issues. But those terrific institutions sit right on our doorstep. We are probably all in the same boat: when we travel overseas we go to those sorts of institutions in other countries, and perhaps we forget to go to them on our own doorstep.

I urge the federal government to establish a non-political federal national institutions coordinating advisory council, for the reasons I have outlined in my remarks today. I commend the motion to the Assembly.

**MR COE** (Yerrabi—Leader of the Opposition) (3.31): It seems that Mr Rattenbury spent the vast majority of his speech talking about the War Memorial, and I note that the motion does not actually call on anything to do with the War Memorial. It just “notes that the War Memorial”. Yet he said in his speech many things about what is Australia’s premier attraction and is, I think, a fine institution that honours the commitment of hundreds of thousands of people that have served our nation.

Really what this motion is all about is an excuse to bag the War Memorial, because that was what the motion is. That is what the speech was. It was just a rant about the War Memorial. But obviously Mr Rattenbury either did not have the guts or was not

organised enough to actually make this about the War Memorial and call on the ACT government and the Assembly to do something about the War Memorial. Instead he is using this just to grandstand.

Unlike Mr Rattenbury, I actually visit our national institutions regularly. We have got a family membership to Questacon. I go to the National Library regularly. I was at the National Film and Sound Archive very recently. Of course there is the new John Howard library at Old Parliament House. I was at the Portrait Gallery just recently. I am sure all of us would have been to some of the blockbusters at the National Gallery. There are, of course, other institutions like the National Museum which I will be at in just a couple of hours time.

I think it incumbent upon all members of this place to support our national institutions. These are fine organisations, and I would like to see more funding go to them, absolutely. I am pleased that this budget, just as previous budgets from the commonwealth, have committed considerable resources to these institutions. I note the huge expenditure taking place at the War Memorial. We have seen additional capital for Questacon, additional capital for the National Library so that they can expand upon Trove, which really is a world-class repository of information, and all the other capital works that are taking place at other institutions.

I think that we can do better, mind you, as a city to promote them but also I think the commonwealth can do better to coordinate some of the activities of these national institutions. The idea of bringing them under one umbrella has been discussed in the past—and I know that there are some advocates for that—and it is worth investigating because at the moment they are all in different departments. I think at times it is hard to get a level of coordination when it comes to sequencing events and exhibitions. That said, I think the events organisers, the marketing people and all the staff of these institutions do a great job, not just selling their institution but also promoting Canberra and promoting Australia.

I have never come across anybody who has visited the War Memorial, for instance, and has not been overwhelmed by the dignity with which they tell our history. It is an extraordinary place. In a few weeks time the War Memorial will again be at the centre of the nation's psyche when it comes to 25 April. They do a superb job at honouring Australians and New Zealanders on that day.

I am disappointed that Mr Rattenbury has used this speech to attack the premier attraction in this country—that is what he did in his speech—and I do not think that is becoming of a member of the ACT Legislative Assembly.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (3.37): I am pleased to speak in support of the motion, particularly its reference to the proper resourcing of our national cultural institutions. I foreshadow I have an amendment to move shortly to one part of the motion that relates specifically to the War Memorial.

Not only do these institutions, our national cultural institutions, play an important role in reflecting Australian society and identity and recording Australian art and culture, science and history and democracy but they are also an important source of employment for the Canberra region, a key element of the ACT's arts and tourism industries and the wider economy. They enhance Canberra's international reputation as a great place to live, work and visit.

As the ACT government stated in our submission to the Joint Standing Committee on the National Capital and External Territories inquiry into our national institutions last year, we strongly encourage the Australian government to provide sufficient resources and funding for cultural institutions to develop, expand and reach their full potential. I am pleased to note that the committee has recommended in its report released yesterday that the Australian government review how the efficiency dividend applies to Canberra's national institutions and to reassess staffing levels, including reducing reliance on temporary labour hire arrangements. But it is clear that more needs to be done.

The national cultural institutions form an integral part of our city's visitor experience, providing historic, educational, scientific, artistic, sporting, environmental and social interpretation of the Australian story. And this is a core part of defining ourselves as a growing multicultural nation and for international visitors to understand more about Australia.

Canberra's national institutions are a key element in attracting both international visitors to Australia and domestic and international travellers to the ACT. They are vital in realising the capital's potential as a showcase of Australian history, identity, culture and innovation. The ACT government is committed to supporting the national institutions to attract visitors and to diversify the economy, with exhibitions and events forming a key part of Visit Canberra and EventsACT's tourism platforms. Similarly, the national institutions are a critical part of our major events strategy which outlines our vision for Canberra to be recognised as a world-class events destination.

Since the territory established our major event fund in 2011, \$4.59 million in funding has been provided to support large-scale events and exhibitions at Canberra's national attractions and these funds include supporting attraction events at the National Gallery, the National Library, the National Museum, the National Portrait Gallery and the Australian War Memorial. This suite of completed events and exhibitions has attracted 1.98 million attendees and has generated \$486 million in economic returns to the ACT.

Canberra is more connected than ever to a global marketplace through direct international flights, and the national institutions provide an increasingly important first point of engagement for international visitors. They showcase the diversity of the Australian story and help to shape visitors' understanding of our nation. National cultural institutions also have important ongoing relationships with Canberra artists and arts organisations, providing symbiotic economic, cultural and social benefits, including opportunities through innovative public programming, knowledge sharing, broad audience reach and income diversification.

Additionally, the outreach services and travelling exhibitions of the national institutions provide valuable educational and cultural connections and access to the arts for people outside the ACT. Commonwealth government reductions to operational budgets have typically resulted in a paring back of these outreach activities to refocus on the provision of core services, consequently limiting these institutions' ability to collaborate, innovate and provide equitable access.

The annual impact of the Australian government's efficiency dividend contributes to an increasingly challenging operational environment for the institutions. The Council of Australian Museum Directors, representing leaders of the major cultural institutions, including the Australian Museum, the Australian War Memorial, Questacon and the National Museum of Australia, has previously described the use of efficiency dividends as a "blunt instrument" that does not reflect the operating environment of cultural institutions compared to other larger agencies. Additionally, the institutions generally hold large numbers of very valuable assets and are often mandated to expand these collections, which creates a high proportion of relatively fixed costs relating to preservation, maintenance and storage.

Museums Australia, the national association representing museums and galleries, notes that issues caused by ongoing funding limitations include the loss of expertise, compromised long-term strategic planning, reduced options for creativity and innovation and risks to organisational sustainability.

It was noted in the Australian government Senate estimates on 15 March 2016 that six flagship institutions in Canberra—the National Gallery, the National Portrait Gallery, the National Museum, the Museum of Australian Democracy, the National Film and Sound Archive and the National Library—were forced to repeatedly absorb massive budget cuts between 2015 and 2019. This is estimated to reach around \$20 million in cuts to those institutions. These funding decisions are clearly unsustainable and will result in the long-term loss of organisational capability across the institutions.

There is a clear role for the Australian government to play in developing a long-term strategy for the future development of our nation's national institutions. We need to see longer term planning from the commonwealth for investment in and development of our cultural institutions consistent with the expansion and diversity of our national story.

We also note that there is currently no formal channel for the ACT government to engage with the institutions as a group. I do my best to meet each of the directors individually and collectively where I can but there is no doubt that the lack of a formal structure is a barrier for the institutions themselves in developing a common purpose and agreed high level strategies. It hinders the potential of a collective approach between the institutions and the ACT government to leverage a collective investment to promote our city's greatest cultural assets.

I am pleased to note that the joint standing committee inquiry has also recommended that the Australian government, in consultation with the national institutions, the NCA and the ACT government, develop a formal consultative structure for the

national institutions to pursue alignment of strategic planning and policy, to explore efficiencies and share resources where appropriate and to provide for joint advocacy, negotiation and collaborative marketing.

In this context it is not necessarily the case that we should just simply pick up the model, say, of the Smithsonian Institute in the US but there are some valuable lessons that can be learnt from the way our United States colleagues structure their national institutions. We have had the opportunity to meet with the Smithsonian and also to host some representatives from the Smithsonian here in Canberra in recent years. This is, I think, one possible avenue to explore for this potential new structure. A model that constructively connects senior leaders of national institutions with the territory government would also provide a good platform for a representative voice to speak with common interest to the Australian government.

Museums, libraries, archives and galleries are the guardians of the past, they are the keepers of the Australian story and they are the stewards of our national identity. They also inspire the creativity that drives our economy and creates a bright future for our nation. Continued investment in our shared history is essential to reflect who we are as a nation, importantly to ourselves but also to the rest of the world.

There is no doubt that our national institutions are facing an increasingly challenging operating environment, with the efficiency dividend and other budget cuts repeatedly requiring institutions to do even more with less, a situation that simply cannot be maintained indefinitely without significantly negatively impacting on our collections, services and staffing.

The ACT government will continue to advocate strongly for continued and long-term Australian government support to the national institutions to enable them to provide high quality public services both today and into the future. It is in this spirit that I seek leave to move an amendment to Mr Rattenbury's motion.

Leave granted.

**MR BARR:** I move:

Omit paragraph (2), substitute:

“(2) further notes the ACT Government will engage with the Federal Government on their investment into the Australian War Memorial to promote good design outcomes, reduce the impact on the surrounding environment and retain existing Memorial facilities as far as possible;”.

I think that this is a constructive way forward on this specific issue. I note the concerns that Mr Rattenbury has raised, and those that have been raised in the Canberra community and by the group of eminent Australians. I understand that across all of the national cultural institutions there are some very good and well-developed proposals for facility expansions but also a desperate need for simple maintenance in building restoration programs that have particularly impacted on some of our treasured national collections.

In the last couple of federal budgets, there have been some funds for remedial work. Those funds were late and have left institutions with difficulties in the short term, but some of that funding has now been provided. I want to acknowledge that, although it was late, it has now come, and that is a good thing.

There is still a lot of great potential in our national cultural institutions, but what I do not think is constructive going forward is the idea that stripping announced money away from the War Memorial will solve all of the problems of the other institutions. It is important that the federal government build on that investment in our national institutions with more investment in the years ahead. That is something that is entirely possible and is a clear choice confronting the next Australian government after the impending federal election.

I would hope that the attention that has been brought to the specific investment in the War Memorial will see advocacy from people who are opposed to the War Memorial investment when it could be turned into something positive: ongoing advocacy for investment in the other institutions. I believe it is possible, and our nation has the resources over the next three or four years to make similar scale investments in our other national cultural institutions.

The way forward has been paved by this unanimously agreed parliamentary committee report released today. I can say from the ACT government's perspective that, through the amendment I am moving today, we would intend to engage on the detail of the War Memorial proposal, as there are implications for the territory, but we would also continue our strong advocacy for the second stage of the National Gallery's expansion and the work that Questacon and the National Museum of Australia have outlined. I have seen their proposals for future expansion. I understand that the National Film and Sound Archive is looking for new facilities.

We have space at West Basin for new national institutions. There is land in the parliamentary triangle for new national institutions. This is an opportunity for this place to unite behind this agenda. We can support the work at the War Memorial. We can look at the detail of how it is going to potentially impact on the ACT. There may need to be an adjustment in relation to car parking, for example, in the proposal that is currently put forward. But it should not be seen as the War Memorial versus the rest; it should be the War Memorial and the rest. There is room, there is capacity and there should be investment in all of our national cultural institutions.

We have now had a decade of stripping funds away. The next five years should be about investing in these institutions. That is a more positive way forward. I urge members to support my amendment. The amended motion would give a clear pathway forward on the War Memorial proposal but also would indicate very strong support across this chamber for further investment in our national cultural institutions. I commend the amendment to the Assembly. *(Time expired.)*

**MR HANSON** (Murrumbidgee) (3.52): We will have to look at the amendment in detail once it is circulated, but I certainly agree with Mr Barr's sentiment that we can support the work at the memorial and that it should be about the Australian War

Memorial and the rest rather than the Australian War Memorial versus the rest. Unfortunately, that is the nub of what Mr Rattenbury has been saying in his motion and what the Greens have been saying publicly.

The motion Mr Rattenbury has tabled today in essence is about reducing the planned funding for the Australian War Memorial. We do not need to rob Peter to pay Paul. I agree that we all support our national institutions, and Mr Coe went to those points. But we do not need to have an ideological attack on the Australian War Memorial and then this late come-to-the party support for the other national institutions, when clearly this motion is about an assault on the expansion on the Australian War Memorial.

I would like to take this opportunity to congratulate Dr Brendan Nelson on his vision at the Australian War Memorial: not just the planned expansion, but what he has done particularly through the centenary commemorations of World War I. They have been extraordinary and I know that they have been embraced by many people across Australia, not just veterans but particularly the families and relatives of those who have served, particularly those who served in World War I.

The expansion that Mr Rattenbury is railing against is very much focused on conflicts over the past 40 years, the many peacekeeping missions that Australian Defence Force personnel have participated in: conflicts like Somalia, Rwanda, Cambodia, East Timor, Afghanistan and Iraq. In total, over 100,000 Australian men and women have participated in those deployments.

I get the sense that Mr Rattenbury and his colleagues would have argued against Charles Bean's original vision for the Australian War Memorial. I can imagine that if this were a motion in this place, if it existed, in the 1930s or 1920s, Mr Rattenbury would be here arguing against any such war memorial. This is part of an ideological position that the Greens have, which is very different from that expressed within the Liberal Party and, I am glad to say, the Labor Party. I note that the Labor Party supports this expansion at the federal level.

I go to many commemorative events. I am often there with Labor colleagues from this place. I was at the Australian War Memorial this morning with Mr Ramsay. I was at an event yesterday with a bunch of schoolchildren organised by the RSL with Mr Ramsay. I have been with many other colleagues from the Labor Party plenty of times. But in probably over 100 events that I have been to, I have never seen a Greens member. I have never seen a Greens member turn up to any of those activities to commemorate, recognise and acknowledge the sacrifice and service of our Defence Force, representing the 102,000 names that are on the wall of remembrance. What is the reason for that? Mr Rattenbury said in his speech today that he is too busy. He is always overseas—he goes to places overseas—but he does not have the time to go up to the Australian War Memorial. He said it in his speech.

I am very glad that people like Mr Ramsay can find the time to go to the Australian War Memorial. He is a very busy minister; no less busy, I am sure, than Mr Rattenbury. He can find the time to go to the Australian War Memorial, as he did today, and to go to Eddison Park, as he did yesterday. He regularly goes to those

events, and I congratulate him. I am glad that the Australian Labor Party continues to support the work that is done by the War Memorial, the RSL and other people supporting our veterans.

It is part of the broader Greens narrative and agenda—I will touch on this, and it is related to the broader concern that I have about their approach to the Australian War Memorial—that they want to defund defence. It is in their policy; you can go to their website. They want to defund the Australian Defence Force. They want to step away from the ANZUS alliance. Richard di Natale has said that it represents a security threat to Australia.

It may be a lovely vision, a lovely idea, that we do not have a defence force that is capable, that we do not have strategic partnerships that can support us in our time of need. But stepping away from ANZUS and stripping the Australian Defence Force will leave our Australian Defence Force ill-prepared for future conflicts. Whilst I am sure we would all wish that we had seen the end of war, that is a naive way to structure any sort of defence policy. Let me give a contemporary quote from a contemporary movie starring Brad Pitt. He says, and this is one that Greens members might more clearly acknowledge:

Ideals are peaceful. History is violent.

I would say to Mr Rattenbury that he should go to the Australian War Memorial with his colleagues. I am sure that if they spoke to Dr Nelson and asked for a briefing, asked for a tour of the memorial, asked what is being proposed, they would not only see what he has already done and what his predecessors have done, what all the staff there have done at the Australian War Memorial; they would see the vision for the expansion.

The vision includes recognition of Indigenous Australians. Mr Rattenbury raised this issue, and it is an important one. I walked through the Reg Saunders courtyard this morning and saw that recognition of a fantastic Australian, the first Indigenous man commissioned as an Australian Army officer. He fought on the Kokoda track; he commanded Australians on the Kokoda track. He then commanded an infantry company in the 3rd Battalion in the battle of Kapyong in Korea. If you go to the War Memorial, you will learn about Captain Reg Saunders and you will learn about many others. If Mr Rattenbury has his way, the stories of Reg Saunders and others, stories that we want to be told for future generations, will not be told. They will be lost in time.

I would say to Mr Rattenbury: go there and reflect. Go to the wall of remembrance; look at the 102,000 names there, men and women who have made the ultimate sacrifice. Look at the stories that are told; look at our history. Look at the way it is done, which in my view is respectful and dignified, but also brings their stories to life.

As Brendan Nelson would often say, it is not about war; it is about love. It is about the sacrifice and the love that Australians had for each other as they faced some of the most horrific things that you can experience. If we were to go in the direction of Mr Rattenbury, the stories of people like Reg Saunders and his contemporary

equivalents who have served in modern-day conflicts over the past 40 years will remain untold.

**MS LE COUTEUR** (Murrumbidgee) (4.00): I obviously support my colleague's motion concerning national institutions. I was going to talk particularly about national institutions seeking and possibly receiving other support because of funding shortfalls and I will comment on that a bit more given Mr Hanson's comments about not needing to rob Peter to pay Paul. The Greens are talking about adequate funding for all our national institutions. They all have an importance.

I admit that my favourite national institution is probably the National Library and I am very concerned that it has over many years been underfunded. A little bit more money has recently been given to Trove, which I think is a very good thing. Institutions like the War Memorial and the National Library provide our shared history. They are a truth-telling place for all Australians and it is important that as a nation we adequately fund them.

Looking specifically at the War Memorial, one of the disturbing things is the fact that arms manufacturers are funding the War Memorial basically in exchange for advertising at the War Memorial. Personally this is repugnant; totally not in the spirit of the impassioned speech Mr Hanson made; they are seeing war quite differently from him. Many people, possibly even Mr Hanson, find arms manufacturers advertising in the War Memorial to be repugnant.

Members may also be aware that the Australian Medical Association for Prevention of War has been campaigning on this issue for some time. They count amongst their members a recent recipient of the Noble Peace Prize, Associate Professor Tilman Ruff. To quote from their "Commemorate, don't commercialise" campaign, it is simply unacceptable that every visitor to the war memorial is greeted by an illuminated sign featuring the corporate logos of these companies. The BAE Systems Theatre is actively promoted for hire, thus marketing Britain's biggest weapons maker.

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

**MS LE COUTEUR:** BAE Systems is a major military supplier to Saudi Arabia, a country known to sponsor terrorism and currently committing atrocities against civilians in Yemen. BAE has been the subject of multiple corruption investigations, including for its dealings with Saudi Arabia.

The War Memorial has a three-year partnership deal with Lockheed Martin, the world's largest weapons manufacturer which also has a history of corruption. This deal includes assistance with commemorating the centenary of Armistice Day. During World War I the weapons industry very sadly made huge profits as Australians and others were slaughtered in unprecedented numbers.

The campaign also notes the many other multinational weapons companies that are sponsors and donors, including Boeing, Northrop Grumman, Raytheon, and Thales.

As my colleague Mr Rattenbury said we do not accept cigarette or alcohol company sponsorship of hospital wards or ambulances and it is inappropriate for weapons makers to sponsor our national war memorial.

The War Memorial should be what Mr Hanson suggested it should be: a place of genuine commemoration, genuine reflection as to why war was necessary and what happened, and somewhere we can learn. It is not compatible with this to have vested interests in warfare advertising in this location. Funding from weapons companies should cease. The Greens have obviously supported this for years and we will continue to advocate for a city free from arms promotions advertised in public places, in particular houses of remembrance.

As I said earlier we support the important role of national institutions for telling our history. One of the most important places we would like to see change is in respect to our Indigenous history. We recently put a submission to the national institutions review that until the Australian constitution contains a clause that gives Aboriginal people of our first nations respect and recognition towards a formal treaty the Greens believe it would be appropriate for the Aboriginal tent embassy to be given standing as an interim national institution.

The Aboriginal tent embassy is a national institution and as such the Greens believe it would be appropriate for the National Capital Authority to formally offer ongoing support to the embassy through regular provision of water, toilets, bathroom facilities and waste collection. Now that the building that formerly hosted The Lobby restaurant is vacant the ACT Greens suggest that the NCA consider how this could be used to support the tent embassy and to promote Indigenous culture and history. The tent embassy is a crucial piece of Australia's cultural heritage and is a national institution regardless of whether it is formally recognised as such.

Another issue with the War Memorial is that it still does not have a monument to fallen Aboriginal warriors and those who died protecting their culture and country in the frontier wars. The *Guardian Australia* has recently provided a long form series of articles and interactive maps of these conflicts, and it is incredibly sobering and depressing reading. It is titled, "The Killing Times—the massacres of Aboriginal people Australia must confront." It is a record of state-sanctioned slaughter. As a nation we need to find ways to acknowledge these events, to face them and to provide a home for these generational memories and scars.

As my colleague Mr Rattenbury said and as all speakers have said, our national institutions play an essential role in our society. They have a truth-telling commemoration role. They tell the stories that shape who we are, what we value and what our place is in the world and we should and must maintain this for us and future generations.

**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) (4.08): I thank Mr Rattenbury for bringing forward this motion and for providing the opportunity for us to discuss the

important matter of our nation's cultural institutions. I rise also to support the Chief Minister's amendment. Of course, as someone who grew up Canberra, I have no doubt about the critical role that our national cultural institutions play in our own community. They also have a legislative mandate to collect, maintain and exhibit Australian and international art and cultural artefacts both to educate and inform the public and, importantly, to preserve Australia's political, social and cultural history.

Children from around Australia visit Canberra on school trips to explore our museums and galleries. It is through these institutions that kids from Bundaberg, Bernie and Bunbury get to see a Namatjira painting, an FJ Holden, a copy of the Magna Carta, an early colonial map of Australia, the prime minister's office in Old Parliament House, to learn about Australia's achievements in science and technology and, of course, to get hands on with science at Questacon. Our institutions help to build our national identity by reflecting Australia as it was and as it is.

While the National Gallery has the world's largest collection of Aboriginal and Torres Strait Islander art and the National Museum does a great job in its work on Aboriginal and Torres Strait Islander cultures, histories and people, there is no dedicated cultural institution for Aboriginal and Torres Strait Islander peoples, histories and cultures. AIATSIS is a hidden gem but it has a limited scope in what it can do. It is not currently set up to welcome a large number of visitors.

I note that we are debating this motion following the release of the federal parliament's report into our cultural institutions. Among the report's findings, as Minister Rattenbury has noted, is a recognition that the parliamentary triangle lacks a place to learn about Aboriginal and Torres Strait Islander peoples, cultures and histories. While the tent embassy has an important and enduring role in protest and activism, and we do need further work on how to better recognise that, there is a gap which should be addressed.

The report recommends that AIATSIS be expanded with a new home in the parliamentary triangle and that it be given a broader remit in presenting the story of Aboriginal and Torres Strait Islander peoples. Expanding the remit of AIATSIS would need extensive consultation with Aboriginal and Torres Strait Islander peoples and the organisations that represent them. There are key questions about whether AIATSIS should be expanded or a new institution established.

In saying this, I do not intend to take away from AIATSIS and its staff, who are absolutely passionate about their jobs at the world's premier research, collecting and publishing organisation for Aboriginal and Torres Strait Islander cultures and languages. I had the privilege of meeting many of those staff when I toured last year. I thank the director Craig Ritchie and the staff for hosting me so warmly.

Successive Liberal governments, particularly in the Abbott-Turnbull-Morrison years, have been punishing for Canberra. Our community has felt the brunt of their anti-Canberra and anti-public service agenda. These conservative cuts have hit many departments and agencies but the cultural institutions have perhaps been hit more than most. The Turnbull-Morrison MYEFO cuts in December 2015 came as a surprise to cultural institutions. Many either had or were in the process of launching their big

summer exhibitions. Jobs were lost and programs and exhibitions were cancelled. Unfortunately, this was just the beginning.

In the 2015-16 MYEFO, the Turnbull government announced that it would impose an additional efficiency dividend on the cultural agencies within the communications and arts portfolio. The Chief Minister has clearly articulated why this creates such a particular challenge for cultural institutions. It is in large part because of this legacy of conservative government cuts that the decision to award the Australian War Memorial almost half a billion dollars does sit uncomfortably with many Canberrans.

The people I represent are not mugs. They have seen the damage inflicted on our museums and galleries. They know people who have lost their jobs. The federal Liberal government could adequately fund all of our superb cultural institutions and they could invest in new ones, such as a dedicated keeping place for Aboriginal and Torres Strait Islander objects, histories and cultures, or a dignified place to remember and reflect on the stories that came out of the Royal Commission into Institutional Responses to Child Sexual Abuse.

The ACT Labor government welcomes new investment in our city, our national capital, and that includes extending the War Memorial. Like many in our community, however, I am not convinced of the need to demolish the award-winning Anzac Hall, which is less than 20 years old. It is important to note that the campaign to save Anzac Hall is not a campaign against the War Memorial or its expansion. To quote the Australian Institute of Architects:

As architects we are passionate about preserving Australia's heritage and honouring our national history, nowhere more so than the extraordinary service and sacrifice of the servicemen and women.

That's why Anzac Hall was designed with such care and sensitivity to the highest standards of design excellence, an effort recognised when it was selected above any other piece of public architecture to receive the Sir Zelman Cowen Award ... It is incomprehensible that in planning what would otherwise be such a welcome extension at the War Memorial, so little regard has been shown for the cultural significance of Anzac Hall, which is a national landmark and much-loved exhibition space.

As the Chief Minister's amendment indicates, I look forward to the opportunity for the ACT government to engage with the incoming federal government on both the War Memorial expansion and the plans that have been put forward by other cultural institutions.

Madam Speaker, we debate this issue with great urgency today. Our national cultural institutions and collections, which we all own, are under threat. Film is decaying and precious objects are being held in ageing, inadequate facilities, putting our history at risk due to a lack of leadership to support our cultural heritage. Staff have left our community and taken their experience and expertise elsewhere, leaving those who remain to work all the harder in the jobs they are so passionate about. We are all poorer because of this loss of talent.

In closing, I would like to acknowledge the work of the union representing the workers in our national cultural institutions, the Community and Public Sector Union. For years the CPSU and its members have been standing up against the unjust cuts to our cultural institutions. In recent years, members have taken protected industrial action in the National Library of Australia against not only these cuts but also against the federal government's wage suppressing bargaining policy. They have been holding public candlelight vigils as part of their "unenlightened" campaign to draw attention to the importance of Australia's cultural institutions as well as continuing to lobby the federal government for better outcomes.

It is time for our national cultural institutions to receive fair funding that recognises their critical importance not only to the ACT but also to the whole of Australia. I thank Mr Rattenbury for bringing this to the Assembly today.

**MR RATTENBURY** (Kurrajong) (4.15): It has been an interesting discussion this afternoon. These topics always bring out different perspectives on things. I think there have been two elements to it. There is the national institutions element, which I had particularly focus on in my motion. I welcome the fact that members generally reflected on and supported the tremendous status of our national institutions.

Then there is the part of the debate that is just an insult to sensible discussion. Mr Coe and Mr Hanson once again demonstrated just how hyper political they are. They clearly did not listen to my comments. Perhaps even worse, they chose not to listen to my comments or, worse again, chose to wilfully misinterpret them.

I was very clear in my remarks about the War Memorial. I do oppose the \$500 million expansion. I do not think that this is a justifiable expenditure. But I was also very clear about the Greens' support for the role of the War Memorial in remembering, interpreting and understanding our war history. I explicitly used the words, "The Australian War Memorial is sacred ground in the collective psyche of this country."

I do not think that these comments are about bagging out the War Memorial. But I am capable, unlike some of my colleagues, of having a nuanced discussion about the relative merits of these things and not being so blatantly hyper political as are my colleagues across the chamber.

Typically, also we saw a direct attack on the individual come from my colleagues across the chamber. I would like to assure Mr Hanson that I do go to the national institutions. My actual observation was around the fact that I do not get there as often as I would like to. That is a source of disappointment to me. The fact that I was honest about it—

*Mr Hanson interjecting—*

**MADAM SPEAKER:** Mr Hanson, enough, thank you.

**MR RATTENBURY:** The fact that I was honest about it speaks to my naivety. But I do not go to the National Gallery as often as I would like to. I do not go to the War

Memorial as often as I would like to. I have been there in recent years. I do not need to be as ostentatious about it, as Mr Hanson does. I do not seek to go around beating my chest talking about how many times I have been there. It does not mean I have not. It simply means that I choose a different path to Mr Hanson. I feel much more comfortable with my approach than I do with Mr Hanson's.

That said, I note the Chief Minister's amendment. We will not be supporting it.

*Mrs Dunne interjecting—*

**MADAM SPEAKER:** Mrs Dunne, enough!

**MR RATTENBURY:** We actually do not disagree with the point that the Chief Minister makes. The ACT government should engage with the federal government. There should be ongoing discussions. We want to have a role. But the fact that the Chief Minister's amendment deletes factual observations in our motion means that we cannot support the amendment in its current form. The Chief Minister could have made that point. It is one that I acknowledge. I have no doubt that in my role as a minister, cabinet will have some of these discussions.

I am certainly concerned about issues such as the proposal—at this stage it is only media reports; so I have not formed a final judgement on it—of needing to use land across Treloar Crescent into the Mount Ainslie Nature Reserve area. I am very concerned about those issues. Having not seen any detailed proposal, I will not form a definitive position on it. But they are areas that we will be concerned about in this discussion. I certainly agree with the Chief Minister that we need to engage with the federal government on what they have in mind, because there are local issues of relevance to this city and to my electorate that we will want to take a view on.

I conclude by making several points: first, we do need a long-term plan for our cultural institutions. They need secure long-term funding. That will be good for this city; that will be good for this nation. I am very pleased and optimistic on my initial read of the report by the federal parliamentary committee that was released late yesterday. I think that there are some good recommendations in it. Whoever is the government after the coming federal election, I trust that they will look at those recommendations very closely and take the opportunity to provide a better pathway for our national institutions than the uncertain funding pattern we have seen in recent years.

Second, I have been clear today about my views on the War Memorial. We think that it is an important national institution. We do not think that the volume of expansion that is proposed is the right answer going forward. We think that there are better pathways for that institution to perform the very important role it serves for our community.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 19

Noes 2

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

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

### **Privileges 2019—Select Committee Proposed establishment**

**MADAM SPEAKER:** Members, just before question time I indicated that a matter of privilege would be given precedence. I ask Ms Cody to move her motion.

**MS CODY** (Murrumbidgee) (4.25): I move:

That:

- (1) pursuant to standing order 277, a Select Committee on Privileges be established to examine whether there has been a breach of privilege relating to the Standing Committee on Health, Ageing and Community Services in the release of unauthorised committee documents;
- (2) the Privileges Committee shall report back to the Assembly on the first sitting day of July 2019; and
- (3) the Committee shall be composed of:
  - (a) one member nominated by the Government;
  - (b) one member nominated by the Opposition; and
  - (c) one member nominated by the Crossbench;
 to be notified to the Speaker by 5pm Thursday, 4 April 2019.

I will not take long. I am moving the motion today because I was gravely concerned about some reports that appeared in the media today. I felt that there could be confidentiality concerns and the way forward, I believe, and the best way forward, is to set up an independent committee to look at some of the issues that I have raised in correspondence with you today, Madam Speaker.

Question resolved in the affirmative.

## **Executive business—precedence**

*Ordered that executive business be called on.*

## **Motor Accident Injuries Bill 2019**

Debate resumed from 19 March 2019, on motion by **Mr Barr**:

That this bill be agreed to in principle.

**MR COE** (Yerrabi—Leader of the Opposition) (4.26): The opposition will not be supporting this bad legislation. The government has not addressed the significant issues raised by stakeholders and the Assembly inquiry. The Canberra Liberals continue to believe that Canberrans should have access to a comprehensive CTP scheme that supports the rights of motor vehicle accident victims and, therefore, we will be opposing what the government is proposing.

The Labor-Greens government was elected to represent all Canberrans. However, instead, what they are doing is representing insurance companies. They chose to entrust modifications of the CTP scheme to a citizens jury. I think they bamboozled the jury. The opposition believes that we should be engaging in meaningful ways with the community to determine all our policies. However, the complexities of the CTP scheme as such, in the short time frame and the detail, make it an unsuitable topic for a jury.

The jury had only a few weekends to come to terms with the complex nature of the current CTP scheme and then determine an alternative model. This is simply not enough time for the jury to make an informed decision. Jury members have stated their frustration with the way the jury was run, particularly with the lack of information presented on WPI thresholds and the practical operation of the models presented. One juror described the process as grossly corrupted and misleading before he walked out on the final day.

There has even been evidence the government tried to steer the outcome of the jury to select their preferred model. This is unacceptable and undermines the entire deliberative democracy process and does a disservice to those jurors.

The opposition has been inundated with messages from Canberrans who have had experience with the scheme, and they are passionate about this issue. However, these people were expressly excluded from being part of the citizens jury. We should have comprehensive public consultation on these important policy decisions and we should give appropriate weight to those who have knowledge of or have been personally affected by what is being proposed.

The Canberra Liberals are concerned that the rights of motor vehicle accident victims are being eroded by this legislation and that adequate compensation will not be fairly distributed. We are yet to be provided with the modelling which forms the basis of the current bill but, according to the Ernst & Young report dated 13 March 2018, the

model chosen by the jury reduced the overall compensation for not-at-fault victims by between 42 and 56 per cent. The selected model D effectively halves the compensation for innocent victims of motor vehicle accidents and puts their lives in the hands of big insurance companies.

I cannot overstate the effect that these changes will have. They include: quality of life payments would be cut by 80 per cent. There would be a 31 per cent reduction in loss of earning compensation, a 26 per cent decrease in care costs, and reimbursement for private medical costs and public hospital costs would drop 17 per cent and six per cent respectively. However, the minority jury report stated that these cuts are not warranted. The government has not released the second round of modelling, and we have grave concerns that the benefits and overall compensation available may have deteriorated even further.

This government continues to increase the cost of living for all Canberrans through rates, taxes, fees and charges. They have increased costs by thousands of dollars per household; yet they use the cost of living as an argument for changing the scheme. They are interested in a few dollars in the CTP scheme but not interested in the thousands of dollars in rates and other taxes and charges.

The model chosen by the jury originally predicted premium reductions of between \$91 and \$171 for motorists. However, the new modelling, the detail of which we have not yet seen, is now estimating a saving of between \$14 and \$99, considerably less. What is all this for?

We must also consider the additional resourcing required for the new scheme. The implementation and operational costs will likely mean that any small reduction in premiums will be more than offset by an increase in associated registration fees. The benefits for not-at-fault victims have been slashed; yet motorists may well find themselves paying more fees for fewer benefits.

The legislation before the Assembly is trading away the current level of compensation in favour of benefits to the driver who causes an accident, and this is something that the Canberra Liberals do not support. The government is far more interested in protecting and boosting insurance company profits than supporting permanently incapacitated Canberrans.

The legislation embeds inequity within the system by giving a significant amount of power to the insurance companies. One of the most disturbing and troublesome elements of the new scheme is the introduction of WPI thresholds. The proposed 10 per cent threshold is too onerous and will severely curtail the number of innocent victims who can access compensation. The proposed system would operate unfairly and result in many victims being barred from accessing what they could rightfully claim under the current system.

The scheme will have a devastating impact on many Canberrans' lives, not just road accident victims but also their families. Claimants will be forced to choose between coverage for psychological and physical injuries, and they are expected to inform their insurer which one they would like covered. Let me repeat that. Claimants will be

forced to choose between coverage for psychological and physical injuries. They will have to choose. It is appalling that somebody would have to make that choice. Adding to this pressure is the fact that the insurers will only cover one WPI assessment and do not have to cover any assessment if they believe the injuries have stabilised and there may be no permanent impairment.

If injuries have not stabilised after a set period an assessment may determine an estimated WPI, which is then used as the basis of compensation. This is inappropriate and unfair. It will potentially create an inequality in compensation and deprive the injured person of natural justice.

The injury definitions contained in the bill mean that claimants will be prohibited from claiming for anxiety or depression, that is, the injury definitions contained in the bill will mean that claimants will be prohibited from claiming for anxiety or depression—two common and potentially devastating psychological injuries—after an accident. Logically, any WPI assessment undertaken must consider the cumulative impact of all aspects of injuries which impact that individual's quality of life.

It is not unusual for injured persons to suffer both physically and psychologically. Therefore, combined, these can have a significant impact on the quality of someone's life. An injured person should not be required to elect just one of their injuries for assessment and provide it to the insurance company.

The issue is magnified by the current requirement that an injured person must have at least five per cent WPI to be eligible for quality of life benefits. Under the current, proposed, legislation an individual with four per cent physical and four per cent psychological will be excluded from quality of life benefits. Even though their combined WPI might be eight, if you were to put four and four together, in these circumstances they would not qualify. And this is fundamentally unfair. The purpose of quality of life benefits is to compensate an injured person for the loss of quality of life they experience due to injuries sustained in a motor accident.

Section 240 sets out quality of life damages through to 100 per cent. This effectively means that in order to get paid out at the full rate of 100 per cent you are probably dead twice over. That 100 per cent threshold is a furphy. No-one will receive the much-touted \$500,000 in damages. In fact, most will not even be eligible for \$50,000, one-tenth of that amount. The indexed damages are grossly and wholly inadequate, which means that practically no claimants will qualify for any meaningful damages.

If a damages threshold is to be set, the quantum each individual is awarded should be determined by the courts. The so-called exceptions for WPI in the bill are ineffective, because they are controlled by the insurers or are untested and uncertain. Significant occupational impacts are only vaguely defined, and it is unclear how they will operate.

The regulations for the newly created children's exception require that the injured child must be undergoing treatment and care approved by the relevant insurer. Effectively, the insurers remain the gatekeepers of the medical treatment for children. This is completely inappropriate. We cannot entrust this power to an entity with a

vested business interest in ensuring that as few people as possible get the care that they need. This is what Labor and the Greens are supporting.

There are other serious, unanswered and significant questions about the bill and its operation. For example, the legislation proposes the establishment of a new jurisdiction for ACAT to deal with the claims. This raises serious jurisdictional issues with other higher courts and may even lead to judicial challenges in order to determine the validity of this newly created jurisdiction.

On top of this, victims will be worse off than under the current system by appearing before ACAT without proper legal representation. The government has lauded these changes as making the justice system more accessible. However, it actually undermines what justice individuals are able to access.

When these claims go before ACAT the insurer will not be sending an intern, they will not be sending a novice, they will be sending seasoned lawyers who know the system back to front and they will be up against a victim that does not. This is not fair. This is not the stuff of model litigants. This really is a clear example of the inequality in this legislation that Labor and the Greens are supporting.

Additionally, ACAT may award costs, which will act as a deterrent for self-represented litigants and favour the insurance companies even more. The innocent motor vehicle accident victims will be at a clear and distinct disadvantage as a result of this legislation.

There is a multitude of other additional issues with the bill yet to be addressed. These include: injured people will no longer be able to claim for gratuitous care, for example parents taking time off work. There is nothing in the bill that requires the insurer to consider comments made by injured persons or their physician when determining a recovery plan, leaving it entirely in the insurers' remit to dictate the injured persons' recovery.

The bill creates offences for individuals, with no commensurate offence for insurance companies engaging in similar behaviours. Insurers will be able to bypass an injured person's legal representation and contact individuals directly, creating yet another power imbalance and put further pressure on people in a vulnerable position.

The bill ignores the most fundamental concept of common law principles by legislating that silence equates to acceptance of offers made by insurance companies. A very low bar is set for insurance companies to refuse to accept liability for accidents. Insurance companies can require injured persons to attend medical appointments and suspend payments if they do not comply, which could be abused by insurers who require injured individuals to continuously attend appointments, with little power to object.

Gross income used for income replacement does not include superannuation, meaning that individuals will be worse off at retirement age—this coming from the Labor Party, the Labor Party that seems to want to bang on about superannuation when it suits them but not when it suits victims. Insurers must not commute income replacement

benefits to a lump sum payment even when it would be of benefit to the claimant or speed up the resolution of a claim. However, legislation allows this to occur in some circumstances where it is administratively convenient for the insurance companies. If a person does not wish to have a WPI assessment for any reason, their quality of life benefits application is taken to be fully dealt with.

Common law claimants will not be able to recover their full loss of earnings for one year following their accident. This, again, is unfair. The difference between their income and defined benefits payment is not double dipping. The bill attempts to additionally regulate legal costs and charges which are already fully dealt with under the Legal Profession Act 2006 and the Court Procedure Rules of the same year. Lawyers and other service providers will be expected to provide information to the commission without the protections afforded to insurers such as commercial-in-confidence safeguards.

There are so many instances in this bill where insurers are given exclusive jurisdiction and power to determine how people fall into exception categories or are eligible for additional compensation. This is a massive power disparity. The insurance companies can effectively ensure that no-one qualifies for various benefits, compensation or common law avenues by simply not approving treatment and care.

The chair's dissenting report of the inquiry into the exposure draft of the Motor Accident Injuries Bill 2018 identifies that out of the 75 submissions it received the only submissions that were supportive of the changes were from the jury stakeholders, the government itself and the insurance companies. Meanwhile those who were unsupportive included union groups, legal firms, professional legal associations, key interest groups and organisations, interested members of the public and jury members—95 per cent of submissions. This speaks volumes about who this legislation favours.

The Labor-Greens government is far more interested in protecting the insurance companies than they are in protecting Canberrans. They are putting the best interests of these corporations ahead of the best interests of motor accident individuals and their families.

While the public discussion surrounding changes to CTP has been occurring for some time it was not until the last sitting week that we saw the final legislation. Two weeks later here we are and the government is trying to ram this through today. It is wrong. It was suggested to my office that we should have had our amendments ready for debate today, two weeks after the bill was introduced. Given that there is a 14-day notice period, this would be impossible.

The bill itself is nearly 440 pages long. The explanatory statement is 90 pages long. The draft regulations are about 60 pages long and the draft guidelines are approaching 140 pages. It is outrageous to expect that we should have a vote on this today.

**Mr Barr:** I am not expecting that. I have never said that. We are just starting the debate.

**MR COE:** It is interesting that Mr Barr should say he is not expecting that. That was not what we were told in the briefing. This may well be one of the most important pieces of legislation that we debate this term, and it is a shame that the government is trying to rush it through.

The Canberra Liberals believe that Canberrans should have access to an affordable and comprehensive CTP scheme. We will persist in our efforts to protect the rights of vulnerable Canberrans and hold this Labor-Greens government to account for their bad deal. This bill puts the interests of insurance companies ahead of Canberrans, ahead of innocent motor accident victims. We will not be supporting it.

**MS LE COUTEUR** (Murrumbidgee) (4.47): As has been noted by the previous speakers this bill proposes major changes to the compulsory third-party insurance scheme for motor vehicles in the ACT. It has been developed over a long period and been subject to a significant amount of community and stakeholder commentary and input. Unlike all other bills before this Assembly this bill was developed through a deliberative democracy process undertaken by a citizens jury. The ACT Greens have advocated for the citizens jury process. In fact, the Greens-ALP parliamentary agreement requires that the government run these kinds of deliberative democracy processes to better involve the community in decision-making.

The CTP citizens jury consisted of 50 Canberrans, and the jury process was managed by a professional deliberative democracy facilitator. It was an interesting issue for a citizens jury to examine because there are a lot of very technical and financial issues, but there are also some very complex questions about community values about who should pay for things and who should be eligible for compensation.

Some limitations were placed on the jury which meant that it was not as good a process and outcome as possibly it could have been otherwise. For instance, the jury could only consider schemes that are privately underwritten and that did not raise the cost of premiums. I will speak more about that.

The new CTP scheme in this bill seeks to implement basically what the jury asked for, and this a point that opponents of the scheme should look at. Everyday Canberrans spent real time and real effort looking at CTP and weighing it up and they decided on this scheme. We should value this input from our community representatives. I have to say that it was vastly more constructive than the input we got from the unfortunate committee investigation. The combined report only said that there was an investigation. It was a real plus for the jury that they did so well.

The biggest positive of this scheme is that it will cover the drivers who are unable to show that anyone else was at fault in an accident. Someone injured as a result of a momentary lapse of concentration, a coughing fit, or being hit by an animal for example will now be able to receive support and seek treatment for their injuries through the CTP scheme.

Under the existing scheme these people have no means to seek financial support for what can be serious and life-changing injuries. This is a good and important change

that recognises our transport system results in significant numbers of people being injured and that these people should be helped to recover. The modelling estimates that about 600 ACT residents per year are injured and cannot get assistance through CTP because they are considered to be at fault. We should not continue to deny assistance to these people.

Removing the need to prove fault also means that people can get earlier access to medical treatment, economic support and rehabilitation services earlier. This was a key principle emphasised by the citizens jury. As the Assembly committee on CTP noted, the most consistent theme of the evidence presented to the committee was that getting help takes an unreasonably long time during which injuries can go untreated and lost income can create significant financial stress.

The existing scheme provides most people \$5,000 for the first six weeks, but if you are significantly injured that will not go far. The new CTP model proposes the uses of defined benefits under which injured people can receive treatment for care and lost wages. It restricts common-law access to matters where a person is assessed as having at least 10 per cent whole person impairment, or WPI. This whole person impairment is one of the most controversial aspects of the proposed scheme, and I will discuss it more later.

The new scheme should see fewer claims going through a protracted legal process and see injured people getting faster access to the support and treatment they need. The CTP report tabled by Mr Barr yesterday showed that claims in the ACT often take many years to resolve, an average of nearly four years for large claims. People are currently left to cover the treatment and lost income costs themselves, a situation which can significantly interfere with people's wellbeing and recovery and is simply untenable for some. In the new scheme payments will begin as soon as the claim is lodged, and insurers are required to cover certain costs while they assess the application.

Not surprisingly the new scheme with its limits on common-law access is not supported by bodies representative of lawyers in Canberra. I note that in the current scheme around a quarter of all income to the scheme goes to legal and investigation costs. Stunningly, that is about the same amount that goes into treatment and care benefits for injured people. I am very hopeful that the new scheme will see more money—a higher proportion of the costs of the scheme—going to injured people for their care, that being after all the purpose of the scheme.

Considering the positives of the new model, including its development by a citizens jury, early access to treatment and benefits and the inclusion of at-fault drivers, the new scheme is overall a win for Canberra's travelling public.

The Greens did not start from this position of course. In our view the original version of this bill was problematic and did not faithfully implement the principles supported by the jury. We have spent a lot of time raising concerns with the government about the potential for injured people to be left worse off and to face barriers when navigating a new system. We were very clear publicly and in correspondence and

negotiations with the government that changes needed to be made before the Greens could support this proposed new scheme.

The Greens' goal is to put the injured people at the centre of the CTP scheme, not the insurers, not the lawyers and not even lower premiums. The scheme needs to look after injured people, provide the treatment and support they need and do it in a timely way. They should not have to spend years in a difficult and adversarial legal minefield which they may not win in. These principles should not be compromised just to reduce premiums.

Lower premiums are not bad of course, and I note that the proposed scheme is predicted to reduce them by somewhere between \$14 and \$99. But the Greens do not support reducing premiums at the expense of people's health and welfare.

I will briefly explain some of the substantial improvements that have been made in this bill since it was released as an exposure draft. These improvements respond to the concerns the Greens have raised, and I thank Mr Barr and his office for engaging closely with the Greens and working through these issues together. This process demonstrates how well having a minority government can work.

I also thank the legal profession because they provided considerable input into what they saw as the issues with the scheme. Obviously the Greens do not totally agree with them, nonetheless it has been very valuable having their words.

The Greens were concerned to ensure that accident victims receive fair compensation and that the WPI model does not lead to harsh outcomes for victims. The amended bill addresses this in two ways: injured children still requiring treatment and injured adults still needing income benefits after five years will be able to access common law despite having less than 10 per cent WPI. This recognises that injuries to children can be different from those of adults and can evolve differently over time as their bodies are still growing and changing.

The scheme will also provide options for injured people still requiring medical treatment after five years. The modelling showed that after five years of defined benefits there could be a small number of people—we understand a single digit number—who still require medical treatment. These people will be eligible for a lump sum payment from their insurer which can also be arbitrated in ACAT. This should be a good way to mitigate potential bad outcomes.

Of course we cannot be sure what is going to happen; this is a new scheme. That is why it is important that we closely monitor the scheme and perform the review after three years as required by the legislation.

Another change is that WPI assessments can consider physical and psychological injuries together if the psychological injuries arise as a result of physical injuries. This ensures that victims do not have to be assessed on one or the other. Unfortunately, the WPI assessment methodology has a limitation in that discrete psychological and physical injuries cannot be combined for the purpose of a single WPI assessment.

I acknowledge that this is unfortunate. It is a feature of all the other schemes that use WPI and it is something that the three-year review should seriously look at. I anticipate that it will not be a significant problem before the three-year review because people who have injuries will be treated as defined benefits recipients up to five years, but at three years we should have some idea of where this is going to track.

One of the Greens' primary concerns was that the scheme was weighted too far in favour of well-resourced insurance companies potentially raising the barriers faced by individual victims seeking entitlements. Insurance companies do not have a good reputation, probably for good reason. There are plenty of examples around about the actions of insurers causing immense difficulties to claimants. Insurers are obviously running a business; they are in it for the profit and this profit can collide in a really nasty way with the needs of victims trying to get help and treatment to put their lives back on track.

Some changes have been made to the bill to address these concerns. As a starting point, a motor accident injuries commissioner and commission will replace the existing regulator. The commissioner will have strong enforcement powers and, I am assured, adequate resourcing to exercise proper regulation and supervision of insurers and insurer profits, obtain and publish adequate information and respond adequately to complaints.

The Greens have raised concerns about the possibility that insurers achieve profits at the expense of accident victims and in fact all the people who pay CTP. The bill includes clauses to require insurers to specify their profit margins and it also includes the ability for the motor accident injuries commissioner to cap the profits or sue for profits from insurers in the situation where actual net profit differs from reasonable industry net profit. This is an important broad power waiting to be used if needed.

Another improvement is that all defined benefit decisions will now be able to be appealed through ACAT. A new division of ACAT will be established. Insurers cannot be the final arbiters of decisions about people's care and benefits, and it is important that these matters will be able to be resolved through an accessible tribunal like ACAT.

The Greens have also asked for improved advocacy support for claimants to help them navigate the system. Advocacy services will include community legal but also broader advocacy groups such as ADACAS and COTA and health groups such as Health Care Consumers Association.

I also draw the Assembly's attention to the amendment to section 34 of the bill to reduce the possibility of insurers rejecting claims because of late lodgement. It provides the example of a reasonable excuse for not lodging on time being a person injured in the motor accident who did not receive accurate or timely information about the application process. This will not only allow the injured person some leeway but incentivises the insurers to disseminate information about the CTP process. This is an important outcome. We want people to have clear and accessible information about what they need to do to make their CTP claim.

Lastly I note the ability for insurers to receive significant penalties for not complying with their obligations. At the moment it is up to 100 penalty units, which for a corporation is \$80,000. I believe this should be higher given that we are talking about extremely well-resourced and profitable companies and that there is some effort involved in prosecuting a case against any of these companies, and we are discussing this further with the government.

It remains to be seen whether these improvements will keep insurers in check. I am hopeful they will. I note that under the previous system the basic job of the legal system was to keep insurers in check. It has been a private insurer-based system in the ACT for a very long time.

The worries about insurance companies are innate in this type of CTP model; it is privately underwritten. This is not necessarily the scheme the Greens would favour, if we were in a position to design our own. We would seriously look at a government-run model possibly similar to the one used in Victoria through its Transport Accident Commission although one that is much more generous from a WPI point of view. This model should have been available for consideration in the citizens jury process, and I also think that this model should be looked at during the three-year review. Nonetheless, for now the government favours a privately underwritten scheme and the new model being proposed has several advantages over the current one.

I will quickly point out a few more amendments the Greens negotiated to this bill to make it fairer and more orientated towards the needs of accident victims. Amendments to clauses 51, 90 and 101 mean that people of retirement age but who were still working at the time of their accident will now be able to access defined benefit income replacement payments for up to two years. That is much fairer than the original proposal which limited payments based on statutory retirement age.

People injured in a motor vehicle will now have 13 weeks to decide whether to receive benefits through the workers compensation scheme or CTP scheme. Originally this was only 4 weeks.

Lastly I will mention that the original bill proposed removing benefits for a whole range of people who were injured while committing certain traffic offences even though those offences may have been completely unrelated to the accident. They included, for example, cyclists not wearing helmets, drivers whose passengers were not wearing a seatbelt and situations where a blood test detected a driver's past cannabis use but which did not necessarily impair the driver.

The blanket approach of excluding people committing an offence could have created perverse and unjust outcomes. Imagine, for example, that a person was driving safely through a green light when they were T-boned by a car who ran a red light. If the green light driver's passenger did not have a seatbelt on, under the government proposal the driver would lose access to many benefits even though they had been hit by a driver running a red light. That is really unfair, particularly considering that that person may have had their life drastically changed due to injury.

Following negotiations a variety of problematic restrictions on benefits have been removed, and I thank the government for agreeing to them. As I said, the Greens' position on this suite of significant amendments which have been negotiated into this new version of the bill is that they are a great improvement. It is a much fairer scheme than the one originally proposed by the government and one more suitably orientated around the needs of injured people. Unfortunately, we still have a traffic system which every day results in injuries to people and every year in death and serious injuries, so we need a CTP scheme to support victims of our traffic system.

I want to emphasise that today we are offering agreement in principle to the bill but we are not passing it. Some issues and details still need to be resolved, including the final form of the guidelines. I look forward to discussing these further with the government and other stakeholders in the coming weeks.

**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) (5.05): The genesis of this bill is the government's belief that our current compulsory third party, or CTP, insurance scheme can be improved in the interests of Canberrans to better protect Canberrans.

I completely reject Mr Coe's claims as to the government's motivation in relation to this matter. Indeed it is hard to genuinely argue that this could possibly be the case when the design of this scheme we are debating today is based on an independently run citizens jury process, a process informed by a reference group representing vested interests but where participants themselves were demographically representative community members who did not and could not know whether they or a loved one would ever need to make a claim, but did know that they or a loved one might need to make a claim under a future scheme, because a motor vehicle accident can happen to anyone.

Under the existing system, many Canberrans who are in a motor vehicle accident are not covered. Even if they are covered, it can take two years or more to get a payout. In spite of this, Canberrans pay some of the highest CTP premiums in the country. The review of the CTP system tabled by the Chief Minister on Tuesday noted that our premiums are the second highest after South Australia's. The same report also highlighted that about 24 per cent of payouts in the ACT went to legal costs and, by comparison, 22 per cent went to treatment and care.

The fact that under the current scheme more money goes to legal costs than care shows that the system is not working in the interests of Canberrans injured in motor vehicle accidents. The no-fault model proposed in this bill will benefit those injured in a motor vehicle accident by providing faster and fairer access to benefits without the need to go to court to prove fault, meaning that people can start recovering from their accident sooner.

The new motor accident injury scheme set out in this bill will see about 600 more Canberrans each year entitled to treatment, care and lost wages when they are hurt in

a motor vehicle accident. Significantly, under this proposed scheme everyone who is injured in a motor vehicle accident will be entitled to up to five years of medical treatment, care and lost wages, provided they are not breaking the law at the time of the accident. Canberrans who are seriously injured will still be able to pursue damages through the legal system if they need treatment and care long term, after accessing up to five years of defined benefits. The new system of defined benefits under the proposed scheme will mean that people can start accessing the support they need sooner after an accident.

Under the new scheme, the payment of benefits can start as soon as a claim is lodged. Insurers will be required to cover specified medical and treatment costs while an application is being assessed. Once the application is accepted, insurers will also have to immediately back pay any reasonable and necessary treatment and care not already reimbursed, as well as lost income for the period since the accident happened. This will ensure that injured people are not left out of pocket for long. People who are more seriously injured in accidents caused by someone else's negligence will continue to be able to make a claim at common law if they need treatment, care and income replacement in the longer term, in line with the model chosen by the citizens jury. The new proposed system also includes rules for how insurers must assess claims, oversight of the implementation of these rules and sanctions for breaches, external review of insurers' decisions, expanded data-gathering powers for the motor accident injuries commissioner, powers for the commissioner to determine what reasonable profits for insurers are, and power for the commissioner to improve annual premiums.

In arriving at the design of the new scheme, the government undertook a comprehensive process, which was appropriate given the complexity of the issues under consideration and the extent of impact on the ACT community. Significantly, as I have already mentioned and Ms Le Couteur has also discussed, as has the Chief Minister, the ACT government established a citizens jury to explore how the ACT's CTP insurance scheme could be improved. A deliberative process was adopted, because this issue impacts on the approximately 290,000 drivers in the territory. The specific deliberative process of the citizens jury was selected as it is identified as an ideal model to work through a complex issue like CTP, an issue with complexity but also a level of inanity which means that most people in the community do not engage on a day-to-day basis with the issue of CTP. In announcing the government's commitment to this deliberative process, the Chief Minister also announced our commitment to pursuing the model the jury preferred, on the basis that it meets the community's priorities.

The government set out to establish a representative jury of approximately 50 Canberrans who would be brought together to understand the scheme and the trade-offs involved. Invitations to participate in this process were sent to 6,000 households across the ACT. Once interested invitees registered, jurors were randomly selected, broadly representing the demographics of our community. This process, conducted by democracyCo, resulted in 56 jurors being selected. Forty-five per cent of the jury were women, 66 per cent owned their own homes and more than 10 per cent were under 24. The jury also reflected a range of road users, with cyclists, pedestrians, public transport users and motorists all represented.

The jury first met on 14 and 15 October and 28 and 29 October 2017. Over these four days, plus many hours in between, the jury heard evidence from injured people and past CTP claimants as well as medical, legal and insurance experts. They analysed research and submissions provided by these experts and considered the feedback provided by the Canberra community, which informed their discussions and debate.

Community feedback had been gathered through a broad consultation prior to the commencement of the jury process. Through this consultation the government received around 1,435 pieces of feedback, including 725 survey responses, 328 pieces of feedback on individual CTP priorities, 263 online quiz responses and 119 comments and submissions. All of this community feedback was provided to jury members to inform their deliberations. In the first stage of deliberation the jury was tasked with answering the question: “What should be the objectives of an improved CTP scheme to best balance the interests of all road users?” The jury’s report for this first stage of their work notes:

The Jury process was contentious at times with jurors representing a wide variety of values and perspectives.

In spite of this, the jury was able to develop six overarching objectives which broadly reflected the perspective of this diverse jury. The priorities that were identified by the jurors and that underpin the CTP model being implemented in this bill were (1) early access to medical treatment, economic support and rehabilitation services; (2) equitable cover for all people injured in a motor vehicle accident; (3) a value-for-money and efficient system; (4) promote broader knowledge of the scheme and safer driver practices; (5) implement a support system to better navigate the claims process; and (6) a system that strengthens integrity and reduces fraudulent behaviour.

These objectives were provided to the stakeholder reference group, which included insurers but also the legal profession, a healthcare consumer representative, a rehabilitation researcher and representatives of the ACT government. An expert scheme designer with input from the reference group then worked to develop four models in line with the jury’s priorities. The four models were released publicly on your say for community members to review.

Members of the jury met again on 24 and 25 March 2018. At this meeting the scheme designer presented the four models. The jurors were able to ask questions of reference group members in attendance on the day and they voted on which model best met the objectives they had previously set. The model selected by the jury included the following elements: up to five years treatment care and income benefits for anyone injured in a motor vehicle accident, regardless of who was at fault; quality-of-life benefits which provide compensation for non-financial loss, available for all people who meet injury thresholds; and access to common law for anyone whose injury was caused by someone else’s negligence and who is more seriously injured.

I had the opportunity to observe the jury deliberating on a couple of occasions, including on the final weekend of the citizens jury, when they met to select a

preferred model for the scheme. It was a good opportunity to gain a better understanding of the citizens jury process and also provided me and other observers with a chance to watch and listen as the jury worked through the community benefits and trade-offs involved in a new, improved CTP or motor accident insurance scheme. I thank the members of the citizens jury for their time, commitment and dedication to the process. Anyone who claims that the jury did not understand the decisions and trade-offs they were making cannot have been in the room during these deliberations.

The bill before us today is the realisation of the model selected by the jury. A draft bill, as we know, was also considered by the justice and community safety committee to allow further community consultation and scrutiny. This allowed for further refinement to ensure that the model met community expectations and that appropriate consideration was given to all potential impacts of the scheme. The government agreed to all the recommendations of the majority report. The scheme set out in the bill before us today reflects that.

I will highlight two amendments to the scheme which improved the protection provided by the scheme for some workers and other people. Specifically, the bill now allows 13 weeks for a worker injured in a motor vehicle accident to choose whether to switch a defined benefits claim under a workers compensation scheme to defined benefits under the motor accident injury scheme, or vice versa. This has increased from a one-month period in the draft bill. It is also important to note that, whichever defined benefit scheme is chosen, if a person is eligible to make a common-law claim under both workers compensation and the motor accident injury scheme they are not locked in by their choice of defined benefit scheme as to which avenue of common law they pursue.

The bill also includes a number of exceptions for people who do not meet the impairment threshold but have another compelling reason for needing to make a further claim for benefits at common law. Specifically, children who are still accessing treatment and care benefits after 4½ years and workers who have been unable to retrain or return to work because of their injury will be able to make a common-law claim even if they are not assessed as having a whole-person impairment of 10 per cent or more.

The process of reaching the point we are at, with a bill for consideration before the Assembly, has been a significant journey. It has been underpinned by a commitment to transparency and community participation and driven by the government's belief that the CTP scheme could better protect Canberrans. I thank Ms Le Couteur for her detailed engagement in this process and the constructive way I understand she has engaged with the Chief Minister's office in relation to the changes that the Greens were proposing. I think those have improved the bill. I think the bill before us today and the related regulations outline a scheme that serves Canberrans well and is in the interests of all Canberrans. I commend the bill to this place.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.17), in reply: I thank members for their contribution to the debate. A little under two years ago when we announced CTP as the topic of Canberra's first

citizens jury, I recall at least one member of the Assembly describing the topic as boring. I am sure that Ms Le Couteur no longer feels that way, and I am sure members no longer feel that way, having spent a lot of time hearing from different groups and people who have very passionate views about this issue.

Of course, there is no such thing as a perfect accident insurance scheme. As we have said from the start of this reform project, we are aiming to deliver a new scheme that best reflects the priorities and the values of this community. We have been up-front in acknowledging that there will always be trade-offs and competing views when embarking on an overhaul this significant.

This bill and the new motor accident injury scheme it establishes have been designed around the priorities and the values that Canberrans told us were important to them. Those priorities and values were: fair coverage for all road users; equitable access to treatment and care for people who are injured; quick and transparent benefits to get recovery underway as soon as possible; and comprehensive and ongoing support for those who need it most.

This reform means that everyone—I repeat: everyone—who is injured in a motor vehicle accident will be entitled to up to five years of medical treatment, care and income replacement benefits as long as they are not breaking the law at the time of the accident.

To put this into some perspective for members of this place, about 1,500 people each year are injured in motor vehicle accidents in Canberra. At the moment only around 900 of them are eligible to access treatment and support through our existing CTP scheme. Only 900 of the around 1,500 people who are injured each year are eligible under the current scheme. The changes we are making will mean that around 600 more Canberrans are covered. Those 600 more Canberrans each year will be able to make a claim for their treatment, care and lost wages when they are injured on our roads.

Importantly, too, the new scheme preserves the ability for people who are more seriously injured in an accident where someone else was at fault to sue at common law if they need treatment, care and income in the long term.

This bill delivers a better and fairer insurance scheme for Canberrans. It is a big step forward from the current scheme, which sees hundreds of people each and every year left without the help they need after an accident.

Madam Assistant Speaker, as we have heard this afternoon, there is a fair bit of misinformation around about what this bill does and what it does not do. We have seen it on display in the contributions other members have made, one in particular, in this debate. I would like to take this opportunity this afternoon to bust a few myths about the new motor accident injury scheme.

The first is the suggestion that this new scheme will not deliver faster access to treatment and care. Under the new scheme, the payment of benefits can start as soon as a claim is lodged, with insurers required to cover specified medical and treatment

costs whilst they assess the application. Once an application that was lodged on time has been accepted, insurers must immediately back pay any reasonable and necessary treatment and care not already reimbursed, as well as lost income for the period since the accident happened, ensuring that injured people are not left out of pocket for long.

Any injured person who cannot return to work or their normal activities will be then put on a treatment plan which steps out what treatment and care benefits they will receive via their insurer. This plan is developed in consultation with the injured person and their treating doctor.

Under the existing scheme, payment for treatment, care and lost wages is often delayed by months or even years while liability for the accident is determined. We know from the scheme review, and I tabled it in the Assembly earlier this week, that the average time taken to finalise small claims is 1½ years. It is 3.7 years for larger claims. The new scheme will deliver benefits for injured people sooner so that they can start their recovery right away.

Another common misunderstanding is that defined benefit payments will be provided at the discretion of insurers, who can knock back claims without oversight. In fact, the government sets the rules for how insurers must assess claims, and will oversee how these rules are implemented. Individual decisions made by insurers will be subject to external review through the Civil and Administrative Tribunal.

To provide motor accident injuries insurance, each insurer must be licensed by the motor accident injuries commission. It is a condition of this licence that they follow the rules of the scheme as stepped out in the act and the government regulations and guidelines.

These regulations and guidelines state that insurers must provide injured people with reasonable and necessary treatment and care to help them recover after an accident. These documents also provide a significant level of detail on what this means in practice.

If insurers fail to follow the scheme's regulations and guidelines, the motor accident injuries commission can use different sanctions against them, ranging from financial penalties to the cancellation of a licence to provide insurance in the ACT.

If an injured person is not happy with the decision made by their insurer, they can first seek an internal review. If an internal review does not resolve the matter, the injured person can seek an external review through the ACAT. The ACAT is a far more approachable body than the Magistrates Court, because of its use of alternative dispute resolution and less adversarial processes. The tribunal also has access to medical tribunal members, so it can deal with medical issues more quickly. People who are seeking external review of insurer decisions through the ACAT can be legally represented if they chose to do so, but they do not have to be in order to have their complaint heard.

Through this debate there has been a lot of focus on the use of a 10 per cent whole person impairment threshold in the new scheme, with it being suggested that this is

unfairly high and will exclude injured people from accessing the benefits they need. The reality is that everyone who is injured in a motor vehicle accident will be entitled to the treatment, care and income replacement they need to recover from their accident through the defined benefits component of the scheme.

The whole person impairment threshold only applies when considering who can make an application for quality of life defined benefits or can proceed through to common law to claim for additional compensation. Access to common law will be limited to cases where someone else was at fault for the accident and a medical assessment indicates that a person has a whole person impairment of 10 per cent or more. This will help ensure that more of the scheme's resources are directed to people who have serious ongoing injuries.

Whole person impairment assessments are conducted by specially trained medical experts, using a set of standard criteria in use around the country. These assessments are already used in the Comcare and private workers compensation schemes to determine access to benefits. Whole person impairment assessments are only done once a person's injury has stabilised, meaning that it is not getting any better or any worse. The ACT's threshold will be the lowest of any comparable scheme in Australia. In Victoria for example, a 30 per cent whole person impairment threshold is used to determine access to common law.

The ACT's new scheme will include a number of exemptions for people who do not meet the impairment threshold but have another compelling reason for needing to make a further claim for benefits at common law. Children who are still accessing treatment and care benefits after 4½ years and workers who have been unable to retrain or return to work because of their injury will be able to make a common law claim even if they are not assessed as having a whole person impairment of 10 per cent or more.

It is also worth stepping through how the new scheme will interact with existing workers compensation arrangements because for the first time there will be defined benefits on offer under both types of insurance. People who get injured on the road whilst at work will have 13 weeks to decide whether to access defined benefits through their motor accident injuries insurance or their workers compensation insurance. This allows the injured person time to deal with their acute injury, get to know their insurer and service providers, take advice, and make an informed decision about which scheme is best for them. If necessary, they can seek advice from their union, an information support service or a lawyer.

If they are eligible to make a common law claim under both workers compensation and motor accident injuries insurance, they are not locked in by their choice of defined benefit scheme. Under the current scheme, there is no need to choose between workers compensation and CTP because there are simply no defined benefits in CTP. If someone else was at fault for their accident, a worker can access defined benefits through the workers compensation scheme until their CTP claim is dealt with at common law, and then switch to CTP damages if they are awarded these.

The new scheme will establish defined benefits within the motor accident injuries scheme, which will operate in parallel to workers compensation. The objective of both the motor accident injuries and workers compensations schemes is to reduce the impact of injury and support a timely return to work or normal life for the injured person. Injured workers need to elect one scheme to receive the defined benefits, though, because they will be placed on a treatment plan to support their recovery in either scheme. Switching between schemes at different times would disrupt this plan and potentially slow down their recovery. There is strong evidence that early support with medical rehabilitation and return to work support are critical to an injured person's recovery. Delays and disruptions to the process, such as by changing schemes, can severely hamper this.

The final misconception I want to deal with very briefly is the suggestion that premiums will not reduce in the new scheme, so people will be paying the same amount.

Estimates for the new scheme indicate that Canberrans will save between around \$100 and \$14 on a 12-month motor accident injuries insurance policy for a passenger vehicle when compared with the current premiums. The new scheme significantly expands coverage for Canberrans, because, as I repeat, everyone—everyone—who is injured in a motor vehicle accident will now be entitled to treatment, care and income replacement benefits, not just those who can prove that someone else was at fault. To repeat it again, this means that about 600 more Canberrans each year will be covered by the scheme. All Canberrans—all Canberrans—will benefit from faster and fairer access to benefits without the need to go to court and prove that someone else was at fault, so they can start recovering from their accident sooner.

It comes as no surprise that members opposite have opposed this reform from day one. Perhaps this is because they are hopelessly compromised by having accepted the single largest donation in ACT political history from a personal injury lawyer. Or perhaps it is just that they are way off base again about what our community's real values and priorities are.

If they fail to support this bill, they will be failing hundreds of Canberrans each year who get injured on our roads and currently find that the CTP scheme does not cover them. They will be failing Canberrans who want to get help quickly and to get better after an accident without a stressful and lengthy legal fight. And they will be failing our community by refusing to listen to the clear priorities and objectives for an improved motor accident injuries insurance scheme that better protects all Canberrans on our roads.

I commend the bill to the Assembly.

Question put:

That this bill be agreed to in principle.

The Assembly voted—

Ayes 10

Noes 7

Mr Barr	Ms Orr	Mr Coe	Mr Parton
Ms Cheyne	Mr Pettersson	Mr Hanson	Mr Wall
Ms Cody	Mr Rattenbury	Mrs Kikkert	
Ms Fitzharris	Mr Steel	Ms Lawder	
Ms Le Couteur	Ms Stephen-Smith	Mr Milligan	

Question resolved in the affirmative.

Bill agreed to in principle.

### Detail stage

Clause 1.

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

### Privileges 2019—Select Committee Membership

**MADAM ASSISTANT SPEAKER** (Ms Orr): The Speaker has been notified in writing of the following nominations for membership of the Select Committee on Privileges 2019: Mr Pettersson, Mr Rattenbury and Mr Wall.

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

That the Members so nominated be appointed as members of the Select Committee on Privileges 2019.

### Fuels Rationing Bill 2018

Debate resumed from 29 November 2018, on motion by **Mr Rattenbury**:

That this bill be agreed to in principle.

**MR COE** (Yerrabi—Leader of the Opposition) (5.37): The opposition will support the legislation before the Assembly today regarding fuels rationing. It is important that the ACT has a legislative framework that allows the government of the time to implement a fuel rationing scheme in the unlikely event of a national shortage. I acknowledge that this bill is the result of the ACT's participation in the intergovernmental agreement in relation to a national liquid fuel emergency, and the Canberra Liberals support the territory's ongoing involvement in this arena.

The opposition supports exemptions provided to emergency services from any fuel rationing scheme as it is imperative that our first responders are still able to conduct their activities during a shortage event. The ability to prioritise the distribution of fuel

to emergency services is crucial to the success of any such scheme, and I know these measures are included in the legislation before the Assembly today.

This bill provides the minister with the power to declare that fuel restrictions are in place by a notifiable instrument. Whilst this Assembly should always be wary of providing the executive with excessive powers, it is necessary in this case for the minister to be able to act quickly to implement restrictions in the event of a fuel shortage. The opposition also supports introducing consistent legislative frameworks when responding to other energy shortages that may arise, be it electricity, gas or other.

The ability to extend restrictions if required is also important, and this bill allows for extensions if declared by the minister within two months of the initial three-month maximum period. Any challenge to the decision of the minister must be brought within 30 days of announcement. Whilst this is somewhat restrictive, it is necessary to ensure court proceedings do not limit the ability of the territory to act quickly to preserve limited fuel stocks. However, as the territory lacks experience with hands-on fuel shortages, there may be a need to review this legislation should inadequacies be found during such a future event.

I note that the JACS committee, through its legislative scrutiny role, raised a number of concerns about potential conflicts with the Human Rights Act. Clause 10 of the bill requires a fuel retailer to provide the director-general with their name, contact details and business locations. I acknowledge that the committee indicated this may contravene a right to privacy. The opposition is, however, satisfied that this information will be secure, as it will be held under the protections of the Information Privacy Act 2014. It is also worth noting that this information is most likely already held by the ACT revenue office or another government directorate.

The bill also provides inspectors with powers to seize items without the supervision of a court process. I acknowledge the committee's concern that this may contravene the right to a fair trial. Safeguards are provided to limit this power, such as the provision of a receipt for any confiscated goods, as well as the right to view the item at any time. It is also worth noting that any confiscated item must be provided to its owner within 90 days unless an offence is proved and a court order issued to forfeit the item. The opposition believes these safeguards are reasonable.

Another area worth highlighting in the legislation is the presence of part 10 of the bill, relating to transitional regulations. Whilst I understand that the purpose of this is to allow a form of flexibility to make the changes that may be required during the transition of responsibilities that come with the implementation of this legislation, the opposition will be monitoring these closely to ensure that they do not contravene the purposes of the act. The opposition notes that other jurisdictions have or are in the process of implementing similar legislation in their jurisdictions. We believe a national approach to a fuel shortage event is important and worth pursuing. As such, the opposition will support the legislation.

**MR RATTENBURY** (Kurrajong—Minister for Climate Change and Sustainability, Minister for Corrections and Justice Health, Minister for Justice, Consumer Affairs

and Road Safety and Minister for Mental Health) (5.41), in reply: Liquid fuel supply currently plays a crucial role in our community. Without it, many of the services essential to the safety and wellbeing of our community would be unable to function. I thank Mr Coe for his interest and support for this initiative.

This bill provides for effective management of a potential liquid fuel shortage and it requires us to be able to tailor our response to suit the particular circumstances of the event. Given the integrated nature of our liquid fuel supply network and our geographic location, the ACT also needs to be able to work cooperatively with other states and territories to manage liquid fuel emergencies.

We also need to be prepared to manage a potential long-term shortage of liquid fuel in a way that best protects the community and the economy. The ACT's existing fuels emergency legislation, the Fuels Control Act 1979, does not currently provide for this. It was found that the current legislation does not fully allow the ACT to meet these requirements in the event of a liquid fuel shortage, and the Fuels Rationing Bill 2018 has been drafted to address this.

The passage of this bill will allow the ACT to work with other jurisdictions to protect the interests of consumers, to provide a reliable supply of fuel and to manage the safety and security of the fuel distribution chain. For fuel rationing measures to work people need to know when fuel restrictions are in effect and they need to know how to comply with them.

This bill includes provisions for an enacted fuel restriction to be communicated to all stakeholders. Notices will be given to the public by local television or radio, in the newspaper and by public notification. The Environment, Planning and Sustainable Development Directorate must also inform fuel stations in writing of restrictions and fuel stations must display signage to inform the community that restrictions are in place.

The effective management of fuel also requires that people are compelled to comply with potential fuel restrictions, and this bill includes appropriate penalties for non-compliance, as well as many safeguards which make sure that people are adequately informed about their rights and responsibilities under the legislation and the possible consequences of their actions.

I take this moment to reassure the community that it is unlikely that the powers created by the bill will need to be enforced. The fuel industry has mechanisms in place to support ongoing fuel supply to the community and effectively manage common disruptions to fuel supplies. Fortunately, fuel restrictions have not been enforced in decades. Even if a fuel restriction scheme were to be implemented, it would be unlikely to reach the most severe stage.

This bill provides a framework to ensure that, in the unlikely event of a fuel shortage, fuel reserves can be effectively managed to allow services essential to the community's safety and wellbeing to continue to function. The bill strikes the right balance between providing flexibility for the minister to respond to the circumstances

of a potential fuel shortage and allowing scrutiny of all possible fuel restriction measures through the Legislative Assembly. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Adjournment**

Motion (by **Ms Stephen-Smith**) proposed:

That the Assembly do now adjourn.

### **Mr David Stafford Finney—tribute**

**MS CHEYNE** (Ginninderra) (5.45): Before I begin, and with the indulgence of my colleagues, which I think is agreed, I seek leave to have my allocated time extended by up to 2½ minutes so as to not interrupt the sensitive speech I am about to give.

Leave granted.

**MS CHEYNE:** Thank you, colleagues. It is an honour but one filled with deep regret that tonight I rise to pay tribute to an extraordinary Canberran, David Stafford Finney, or Dave. Dave was born in Adelaide in 1980. In the words of Dave’s mum, Julie Anne, every minute of Dave’s nearly 39 years was so full. He was by all accounts a handful, with a cheeky sense of humour and a capacity for mischief which never left him.

It came as some surprise, then, that when he finished school he joined the Navy, but he had been inspired by his father, who had served in the RAAF. It took him two goes to make it through recruit school after first joining in 1998, having been kicked out the first time for being a smart arse. But despite this rocky start Dave went on to serve this country for 20 years.

In his long career as a marine technician and electrical engineer he deployed and did tours to Bougainville, East Timor and the Middle East. Dave was incredibly proud to serve—proud of veterans past, present and future. He wrote of “being in the presence of so much devotion, strength, courage and outright heroic characteristics that it is hard to comprehend”. Dave may have spoken of the heroic acts of others, but he will always be remembered as a hero. He lived a life helping others and it is well known that he directly and indirectly saved the lives of many.

Dave came to international attention in 2016 when, in Hawaii on a maritime exercise with HMAS *Canberra*, he and a fellow sailor rescued a local man who was drowning after falling from a pier and was suffering from a serious head wound. With barely a second thought, Dave had stripped to his underwear and jumped in to assist. Dave

fitted a neck brace and helped drag the man from the water, with the assistance of paramedics. At the time he said anyone else would have done the same thing because it simply had to be done.

It is Dave's relationships that define him. I am quite certain that he knew almost everybody in Canberra. Every day that people got to spend with Dave was a gift. In the words of his friend Kate, "Dave was my best mate, but there would be at least 10 other people who would say the same thing."

He held his friends and his family in high regard, with never a bad word uttered about anyone. He had this amazing ability to stay in touch with people. When visiting different towns, if he was not seeking out a friend from his extensive network to catch up with, you could be assured he would be making a new friend. He was so very generous in all that he did, including his support for Camp Quality and for Menslink, with Menslink CEO Martin Fisk recently describing him to me as one of their best volunteer mentors.

He is remembered for his smirks and his big smiles, his laughter and the many, many good times. And he loved no-one more than his two beautiful children, Kayne and Kate.

But beneath all Dave's extraordinary qualities was a struggle. Towards the end of his Navy career and afterwards, he wrote candidly and eloquently about what he was going through. His medals were not free. Dave had seen and lived through harrowing and traumatic events during his career and in his personal life, not least the death of his son, Kayne, at just 36 days old.

He spoke openly of the contest within him, of the pride in serving his country, which battled being apart from his family, and of the enduring impact of this. As recently as December Dave wrote, "For the first time in a long time, I don't want to help out just other people. I want to help me. I want to help myself become a better man, a man strong enough to be loved."

Dave was so loved. He had incredible support from his family and his friends and from Veterans 360 as he searched for answers through his own personal war zone. Tragically, the answer for Dave has caused a whole new war zone for the loved ones left behind.

But with the determination of Dave's loved ones, he will not be defined by how he died. He will be defined by his love of the Navy, his career, his desire to fix the world, his love of people, his fight, his tenacity, his compassion, his humour and his amazing mind. Throughout his life Dave was a great teacher and that, perhaps most of all, is what will continue to define him, because there is so much to learn from Dave and from his life.

Dave has already taught us that we must do better for our veterans, particularly once they discharge. It is simply wretched that what Dave went through is not unique, and we must do more. It is for this reason that Dave's story cannot be over. And it is not. Rest in peace, Dave.

**Centenary Hospital for Women and Children—unauthorised examinations**  
**Canberra Hospital—staff safety**

**MRS DUNNE** (Ginninderra) (5.53): This evening I want to reflect on two issues that have come to my attention about the Canberra Hospital. It will be no surprise that one of these issues is the complaint by a woman, who did not leave her name, about “being forced into a vaginal examination without my consent by a senior doctor to determine whether I was progressing”. The complainant made the complaint, again in her own words, for “this not to happen”. As members know, some of us received an email on the weekend that confirms that this complaint was lodged.

Looking at the email chain which I received on the weekend, I can see that the hospital acted very quickly on this complaint. It is clear that within an hour this complaint had been sent to the CEO’s office, the office of the chief nurse and the CMC of the birth suite. From the time the complaint came in on 7 February until the CMC of the birth suite sent out an email reminding people of procedures, less than an hour had passed. I think that that is fantastic and I want to compliment staff at the hospital for the rapidity with which they acted. Given that this was an anonymous complaint, there was not much more that a conscientious staff member could do. I thank them for their conscientiousness.

The thing that is baffling is the response from senior management after this complaint became public. There was denial, shooting the messenger, victim blaming and outbursts from the CEO and the minister. Why, when front-line staff acted so appropriately, did management overreach to the extent of denying that the complaint had been made and denying that such an incident had taken place? I will leave that for members to contemplate. For me, it will be an important line of investigation in the inquiry into maternity services.

The other issue, which is more alarming than this, is the safety of staff at the Canberra Hospital. This afternoon I have written to the minister for health asking her to confirm the accuracy of three separate reports that I have received that recently a male nurse who was leaving his shift at the Canberra Hospital was stabbed in the neck and the back in the car park opposite the Canberra Hospital on Yamba Drive. If this is true, this is a very alarming incident indeed.

From time to time staff have expressed to me their concern about accessing staff car parks late at night. Mainly they are women. In this case, it appears that the victim was a man. If this incident did take place, the minister needs to immediately inform staff about what extra security measures are in place to ensure that staff are safe, especially those who leave work late at night.

Staff at the Canberra Hospital and Canberra Health Services do a fantastic job every day under trying circumstances. Their workplace is tougher than most and they deserve to feel safe at work. That is why I have worked hard for an inquiry into workplace bullying and culture.

Staff also deserve to feel safe going to and from work. After a long day at work they should not have to be on their guard while walking to a government-supplied car park. I stand with staff at the Canberra Hospital and Canberra Health Services, who do their best every day. The Canberra Liberals will always support them in their work, and I call on the minister for health to take immediate steps to improve the security and safety of staff at the Canberra Hospital.

### **Relay for Life Gungahlin Jets**

**MS ORR** (Yerrabi) (5.56): I rise this evening to talk about Relay for Life and the 2019 Gungahlin Jets season launch. On Saturday, 23 March this year I participated in the Relay for Life at the AIS athletics track in Bruce. For anyone who is not familiar with Relay for Life, it is a fundraising challenge that brings the ACT and surrounding community together to celebrate cancer survivors and to recognise the unsung heroes, their carers.

Friends, families and colleagues are encouraged to join in teams and relay around a designated track to raise funds to support people affected by cancer and to fund research and prevention programs. Teams walk, run, dance, hop and skip over 24 hours to acknowledge the fact that cancer never rests. During the evening a candlelight ceremony is held to remember those who have lost their fight with cancer.

This year I joined the Community and Public Sector Union team. We were there in support of the wonderful Fran Blackburn, an organiser with the CPSU and a cancer survivor. I am pleased to say that our team completed the challenge, raised a lot of vital funds and had a great time coming together with many people from across the ACT and region to support this worthy cause.

While I was walking around and around the track that afternoon I struck up a conversation with the person next to me. He asked me if I was walking all evening. I let him know that I would not be able to walk into the evening because I had to go to the 2019 season launch for the Jets. I asked him if he had heard of the Jets and, to my surprise, he had. He mentioned that he plays AFL for a competing team. He then went on to tell me how the Jets were really getting it together and were becoming a team not to take for granted.

For the last few years the Jets have been in a phase of rebuilding and strengthening their club. It has been a long and at times difficult road for the club. But their “one club, one family” motto has translated into a community club that is finding its feet and going from strength to strength.

At the 2019 season launch I had the honour of becoming the 2019 number one ticketholder. While I was addressing the club, I recounted the story from earlier that day. As I said to the club that evening, to hear a competitor from another club that I had never met before tell me about how well the teams are doing and how they are becoming a group to watch is testament to just how far the Jets have come.

Madam Assistant Speaker, the launch was not only about the men's team. The Jets women's teams were front and centre too. The women's team has a distinguished history, but this year marks a new chapter for the team. Over the past 12 months there has been some generational change in the women's team, with wise older hands passing the ball to newer players. What has stayed the same is the dedication and camaraderie that has always been found in women's AFL. Jets women have always been fierce competitors, and I have no doubt that this new generation will take it to them on the field.

The Jets netball teams were also part of the season launch. The Jets netball only started three years ago, but what started as one team in the first year, growing to three teams in the second year, is now seven teams in the third year. The growth is phenomenal and indicative of the passion for netball among the Gungahlin community. Several of the players, from both AFL and netball, came up to me after the official proceedings and asked what we could do to get some netball courts in Gungahlin. I am happy to put on the record that, like many other people in Gungahlin, I too would love some netball courts for the area. I am committed to working with the Jets and members of the government to realise this.

As I mentioned before, the Jets' motto is "one club, one family", and it is noted that Jets always fly together. It is a pretty special club. I wish every member of the Jets family a wonderful 2019 season.

### **Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability**

**MS LE COUTEUR** (Murrumbidgee) (6.00): I am pleased today to rise to talk about the fact that at last a royal commission into violence, neglect and abuse of people in the disability care sector has been agreed to and funded. For many years there has been a call to have such a commission. I have to commend my federal Greens colleague Senator Jordon Steele-John for applying enough pressure to get this finally happening. Indeed, he said that the commission was made possible because of "the disability activists who fought tirelessly, alongside our Greens movement, to see justice done".

Our Greens movement has been working with disability rights advocates to make this day a reality since the very beginning. The Greens established and led the 2014 Senate investigation that revealed the widespread and systemic abuse experienced by disabled Australians every day. The Greens immediately called for a royal commission and continued to push for urgent action, despite the fact that the major parties did not seem to care.

I myself was a signatory to a letter in February signed by Greens members of parliaments from across the nation urging all chief ministers and premiers to support the royal commission because, although both houses of parliament up in the house on the hill had passed motions supporting the establishment of such a commission and despite there being no legal, legislative or constitutional impediment to establish such a commission, the Prime Minister made it clear that he was not going to proceed without support from his state and territory counterparts.

The Prime Minister was slow to act, but he got there in the end. Violence, abuse and neglect of people with disability, including children with disability, is systemic. The evidence is extensive, compelling and irrefutable. Hopefully, this commission will not only uncover what has remained hidden for decades but also give people with disability a voice and treat them with the respect and dignity they deserve.

We know already that people with disability experience disproportionate rates of discrimination, violence and abuse. Women with Disabilities Australia tells us that women with disability are 40 per cent more likely to be victims of domestic violence than women without disability and that more than 70 per cent of women with disabilities have been victims of violent sexual encounters at some time or other in their lives.

Whilst it is difficult to get accurate numbers, due to the ABS people safety survey not including people in institutions, what we do know is that violence against women with a disability, or even men with a disability, is far more prevalent than we dare to imagine. People with disability have a right to justice and we must ensure that they are at the forefront of all decision-making that arises from the commission.

I look forward to seeing the final terms of reference and hope that they genuinely empower the commission to do its job properly. Violence, abuse and neglect of people with disability must be uncovered and addressed before we can become a truly inclusive community.

### **Environment—green buildings**

**MR PARTON** (Brindabella) (6.03): I stand to express my confusion at what on earth went on in our chamber this morning regarding a Labor motion that came to us from not one Labor MLA, not two Labor MLAs, not three Labor MLAs but four Labor MLAs. This motion sought to refer some heating and cooling standards in new and existing buildings to the planning committee. In itself that is a matter for debate that we did not have. I was confused when it first came forward and even more confused when, at the last moment, one of those Labor backbenchers chose to withdraw it from the notice paper.

Four Labor backbenchers put their brilliant minds together to construct a motion and still could not get it right. They got stage fright just as the curtains were about to open. How many Labor backbenchers does it take to write a workable motion? How many Labor backbenchers does it take to change a light bulb? That is the key question: how many Labor backbenchers does it take to change a light bulb? Based on this morning's experience we know the answer: it is four.

One of them has the job of very respectfully calling the CFMEU to seek permission to change the light bulb and to blame the federal Liberal government for the light globe going out in the first place. One of them has the job of consulting the Electrical Trades Union to get advice on possible demarcation and to set up an environmental impact panel to discuss the correct wattage for the new globe.

One of them has the job of going out to the public to bleat about the fact that the Canberra Liberals would only employ one person to change the light bulb, that they would probably undertake the task in two minutes and that that equates to job cuts and casualisation. The fourth one has the job of responding to questions without notice on why, despite all of the effort and the song and dance and the fanfare, the light bulb still has not been changed.

It takes four Labor backbenchers to attempt to change a light bulb, and for some reason it took four of them to put this motion together this morning. It reminds me of those group projects you would do at primary school. If you cannot remember doing them yourself, I am sure those of us with children can remember their children doing them.

They put four students of varying skills and ability together and it usually transpires that just one of them does all the work. She tends to do the whole thing—I am not prepared to say which one that was. One of them sits on the sidelines carping about how she would have done it and how it is all wrong. One of them insists on drawing pretty flowers on the borders of the page because she was not really listening when the teacher set the assignment and so she felt she had to contribute in some way, so good on her. And one of them gets the dates for their project workshops all wrong, does not even turn up for any of them but he is still happy to take the mark in his assessment.

So four had the job of changing this light globe and we are still in the dark.

### **Ms Elva Loris McLeod—tribute**

**MS BERRY** (Ginninderra—Deputy Chief Minister, Minister for Education and Early Childhood Development, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (6.06): I take the chance today to wish my nan, Elva Loris McLeod, born in Bombala on 4 April 1919, a very happy 100th birthday. She grew up in a very challenging time, something none of us today could possibly think about: using fuel stoves and open fires, no bathrooms and just a wash tub, hitching up the horses to the cart to go into town to do her shopping. They had a radio and a gramophone and a piano for entertainment, not iPhones, iPads or Netflix as we do today. Her father died after the First World War, and to supplement her mum's widow's pension they used to skin rabbits and peel bark off trees to sell.

My favourite memories of my nan, growing up, were of her most amazing passionfruit cheesecake and the best flower garden I have ever seen. They are great memories. My nan received some cards this week, and we videotaped her receiving them. I cannot show you what they were, but I do not think she was very impressed. I think after a hundred years you can be as grumpy as you like when you receive cards from Scott Morrison and others. She is an amazing woman. A hundred years is a remarkable time on this earth, and I take the chance today to say happy 100th birthday, Nan.

**NAIDOC Week**

**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) (6.09): Late last month I had the opportunity to meet with representatives from both the ACT and national NAIDOC committees to hear about preparations for this year's NAIDOC Week activities. As I have noted previously, Canberra will be the focus city for this year's national NAIDOC Awards ceremony and celebrations. The theme, "Voice, treaty, truth—let's work together for a shared future"—was no accident. And it is no accident that they are bringing this theme to Canberra, the nation's capital, soon after a federal election.

The ACT is unique in having a first nations voice to the ACT government and Legislative Assembly through the ACT Aboriginal and Torres Strait Islander Elected Body. Real change is driven by the elected body. This is seen in the agreement signed on 26 February and the annual hearings process, which took place just last week. The ACT is also unique in having a public holiday for truth-telling in our community. This is the purpose and value of Reconciliation Day.

The ACT government is committed to self-determination. We have heard loud and clear that treaty is an important issue for Ngunnawal people. Embarking on a treaty process with government is arguably the ultimate expression of self-determination, and the ACT government and ACT Labor are proud to support that process. The 2018 ACT Labor conference passed a motion calling for a conciliation and treaty process with our region's first people and for the treaty process to be guided by the principle of self-determination, with consultation to commence treaty negotiations with Ngunnawal traditional owners.

I am proud to be part of a party and a movement that has explicitly expressed support for treaty. There is no doubting ACT Labor's support for a treaty process. For some time we have been closely watching treaty processes in Victoria, in the Northern Territory and in South Australia prior to the change of government. Given the complexity of treaty for all jurisdictions, including the ACT, it is vital that we learn what we can from other jurisdictions' experiences and processes. To that end, officials from the Office for Aboriginal and Torres Strait Islander Affairs recently met with the Victorian Treaty Advancement Commissioner, Jill Gallagher AO, to get a deeper understanding of Victoria's process and experience. They have also met with third parties involved in the Victorian process, to gauge a view of the treaty process outside government.

Last year I had the privilege of attending the August meeting of the United Ngunnawal Elders Council to discuss treaty, among other things. Following this meeting the elders council wrote to me, seeking the ACT government's legal understanding of treaty for the ACT. They also asked to learn more about the Victorian treaty process and highlighted a number of their priorities for treaty. In my response to the elders council I was able to advise them that our legal advice confirms that a treaty for the ACT is possible and that the ACT government will support the

elders council to learn more about the Victorian process to inform their consideration of the implications of treaty for the ACT.

While treaty is first an agreement with traditional owners and traditional owner groups, I have also sought views on treaty for the ACT from the Aboriginal and Torres Strait Islander Elected Body. The elected body was unequivocal in supporting the inclusion in the Aboriginal and Torres Strait Islander agreement cultural integrity action plan of a commitment to progressing treaty discussions, and this is indeed included in the action plan.

The commitment to treaty is at heart a recognition that the first peoples of this land did not cede their sovereignty, which brings me back to the importance of truth-telling. In this context I recognise federal Labor's commitment to working with first nations people to establish a Makarrata commission. The healing process of truth-telling needs to be a national conversation, and I am sure voices from Canberra and the surrounding region will be heard. As the Uluru statement from the heart says:

With substantive constitutional change and structural reform, we believe this ancient sovereignty can shine through as a fuller expression of Australia's nationhood.

Through events like NAIDOC Week and themes like "voice, treaty, truth" we will get closer to this fuller expression of our nationhood, of what Australia truly can be.

Question resolved in the affirmative.

**The Assembly adjourned at 6.14 pm until Friday, 10 May 2019, at 10 am.**

## Answers to questions

### Health—public healthcare campaign (Question No 2114)

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 15 February 2019:

- (1) Who initiated the concept for the “I love free public healthcare” campaign.
- (2) With whom did they consult in development of the concept.
- (3) What advice came forward from that consultation process.
- (4) Who approved the developed concept to proceed to campaign development.
- (5) What publicly funded research was used to develop this campaign, by whom and at what cost for each supplier.
- (6) To what extent were staff in the Minister’s office involved in developing the (a) concept and (b) campaign.
- (7) To what extent were (a) other ministers, (b) ACT Labor or any associated entity, (c) ACT Health and (d) Canberra Health Services, involved in developing the (i) concept and (ii) campaign;
- (8) How much money did (a) ACT Health and (b) Canberra Health Services, spend on this campaign for (i) campaign development, (ii) design and production of printed collateral, (iii) distribution of printed collateral, (iv) design and production of print and electronic media collateral, (v) design, production and placement of material on web-based services and (vi) placement of print and electronic media.
- (9) What external services were contracted and to whom were they contracted for what services and at what cost for each contract.
- (10) What financial contributions were made towards the cost of the this campaign from (a) within and (b) outside the ACT Government.
- (11) In relation to those financial contributions referred to in part (10), (a) what sources were they and (b) how much did each source provide.
- (12) What non-financial costs were incurred by (a) ACT Health and (b) Canberra Health Services, in terms of (i) staff hours and (ii) other in-kind support.

**Ms Fitzharris:** The answer to the member’s question is as follows:

- (1) The “I love free public healthcare” campaign was initiated by the ACT Labor Party to highlight the benefits of Walk-in Centres. The campaign and concept was developed, promoted and funded by the ACT Labor Party. The ACT Health Directorate and Canberra Health Services did not contribute towards the campaign in any way.
- (2) See answer to (1)

- (3) See answer to (1)
- (4) See answer to (1)
- (5) None, The campaign drew on publically available information about how successful Walk-in Centres are.
- (6) The concept was developed by ACT Labor. Staff in the Minister's Office advised on publically available information on public health in the ACT.
- (7) (a) (i) None (ii) None  
(b) See answer to question 1  
(c) (i) & (ii) None  
(d) (i) & (ii) None
- (8) (a) None  
(b) None
- (9) See answer to (1). The ACT Government did not contract any services in relation to the campaign.
- (10) (a) None  
(b) See answer to (1).
- (11) N/A
- (12) (a) None  
(b) None

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**ACT Health—consultants  
(Question No 2117)**

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 15 February 2019:

- (1) In relation to the answer given at part (1)(iii) (relating to contract 2016-2074 with Ernst and Young) of question on notice No 1734, if data was not available to be given to the contractor, why did the directorate enter into the contract.
- (2) Why did the directorate not accept the report of the contractor.
- (3) What specific elements of the report led the directorate to reject it.
- (4) In reaching a decision to reject the report, did the directorate conclude that Ernst and Young had failed to deliver on the agreed contractual terms.
- (5) Was Ernst and Young paid the agreed contract price; if so, why; if not, (a) how much was paid, (b) on what basis, (c) what consultation/negotiation process was engaged and (d) was a dispute involved; if yes, how was it settled.

- (6) Will/has the work that was intended under this contract be/been the subject of a new contract with the same or similar terms; if not, why not; if so, (a) what is/will be the stated purpose of the new contract, (b) who is/will be the new contractor, (c) what is the value of the contract and (d) what is the reporting deadline.

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1) Data was not available for only certain areas being considered in the report. The attempts to access appropriate data for these areas subsequently delayed the completion of this report.
- (2) To clarify the previous response, ACT Health "did not accept the report" in the context of establishing an implementation program on the basis of the findings in the report. The report provided quantitative and qualitative technical analysis and the information has been considered in ongoing work in the ACT Health Directorate.
- (3) See response to Question 2.
- (4) See response to Question 2.
- (5) Yes. Because the terms of the contract were determined as met.
- (6) See response to Question 2.

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### **Health—Medicare agreements (Question No 2119)**

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 15 February 2019:

- (1) What agreements does the ACT Government have with the Commonwealth relating to Medicare.
- (2) When does each agreement expire.
- (3) What agreements are available to the ACT Government from the Commonwealth relating to Medicare, but not accessed by the ACT Government.
- (4) For each available but not accessed contract, (a) why is it not accessed, (b) what has been the opportunity cost for each year from 2012-13 to 2017-18,
- (5) what is being done to gain full access and (d) when will full access be achieved.
- (6) What health services does the ACT Government provide for which has no access to Medicare benefits.
- (7) For each service referred to in part (5), (a) what is the cause for no access to Medicare benefits, (b) what is being done to gain full access and (c) when will full access be achieved.
- (8) What health services does the ACT Government provide for which it has only partial access to Medicare benefits.

- (9) For each service referred to in part (7), (a) what is the cause for only partial access to Medicare benefits, (b) what percentage of full access is available to the ACT Government, (c) what is being done to gain full access and (d) when will full access be achieved.

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1) The ACT Government does not have agreements with the Australian Government in relation to Medicare. Medicare is an individual benefits scheme administered by the Australian Government under Commonwealth legislation.

Hospital services provided by State and Territory governments are funded or subsidised by the Australian Government through the National Health Reform Act 2011 (Cmth) and the Independent Hospital Pricing Authority. Information on the IHPA can be found at <https://www.iHPA.gov.au>

- (2) See answer to question 1.
- (3) See answer to question 1.
- (4) See answer to question 1.
- (5) See answer to question 1.
- (6) There are a number of services provided by the ACT Government that are not eligible for Medicare rebates in any jurisdiction. The inclusion and subsidy of items of the Medicare Benefits Scheme is a matter for the Australian Government.
- A list of Medicare subsidised services is available from the Australian Government at <http://www.mbsonline.gov.au/internet/mbsonline/publishing.nsf/Content/Home>
- To provide a list of non-Medicare services provided by the ACT Government would be an extensive task and require a significant diversion of resources.
- (7) See answer to question 1.
- (8) There is no concept of 'partial access' in relation to the Medicare Benefits Scheme.
- (9) See answer to question 1 and 8.

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### **ACT Health—invoices (Question No 2123)**

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 15 February 2019:

- (1) In relation to invoices paid in October 2018 and noting that some invoices for Clinical Services, received before and after 1 October 2018, were paid after 1 October 2018 and accounted for under Canberra Health Services, why was there one invoice for Clinical Services, received on 25 July 2018 and paid on 2 October 2018, and two further invoices, received on 2 October and paid on 16 and 30 October 2018

respectively, accounted for under ACT Health; why did it take from 25 July 2018 to 2 October 2018 to pay the invoice for \$23,100 from Calvary Health Care ACT Ltd for Clinical Services.

- (2) Why did it take from 10 March 2018 to 23 October 2018 to pay two invoices from Nous Group Pty Ltd (\$27 500 and \$30 855 respectively).
- (3) Why did it take from 2 September 2018 to 30 October 2018 to pay the invoice for \$310 632.76 from American Express Australia Ltd.
- (4) Why did it take 40 days to pay many of the invoices for Service Funding Agreements, accounted for in ACT Health.
- (5) Why did it take 38 days to pay many of the invoices for Equal Remuneration Orders, accounted for in Canberra Health Services.
- (6) Why did it take from 25 July 2018 to 18 October 2018 to pay the Service Funding Agreement invoice for \$146 300 from Marathon Health Ltd.
- (7) Why did it take from 6 July 2018 to 18 October 2018 to pay the Service Funding Agreement invoice for \$34 100 from the Australian Institute of Health and Welfare.
- (8) Why are some invoices for Service Funding Agreements, received both before and after 1 October 2018 and paid after 1 October 2018, accounted for under ACT Health, while others with the same date profile, including from the same supplier, are accounted for under Canberra Health Services.
- (9) What were the (a) purpose and (b) genesis, of the payments made for “Equal Remuneration Orders”.
- (10) During each month from July 2017 to the date on which this question was published in the Questions on Notice Paper, how much was (a) paid and (b) to whom, for remediation of the birthing suites in the Centenary Hospital for Women and Children.
- (11) As at the date on which this question was published in the Questions on Notice Paper, (a) how many birthing suites remain to be remediated, (b) at what cost for each suite and (c) by what target date is all work to be completed.
- (12) What were the conferences and seminars relating to the payments to American Express Australia Ltd, totalling \$609 498.79.
- (13) In relation to each conference or seminar (a) where was it held, (b) how many clinical staff attended, (c) how many non-clinical staff attended, (d) how many other people (non-staff) attended, (e) what were the costs for (i) travel, (ii) accommodation, (iii) meals and (iv) other expenses and (f) what class of travel did attendees use.

**Ms Fitzharris:** The answer to the member’s question is as follows:

- (1) The payments were made to Calvary Hospital as part of the ‘Better Infrastructure Fund’ programme and were paid through ACT Health Directorate’s Territorial bank account.

The 'invoice date' for the payment of \$23,100 made on 2 October 2018 was stated as 25 July 2018 due to an error and should be stated as 27 September 2018. The Directorate will take necessary steps to have this record corrected.

- (2) There was no delay in processing payment of the two invoices from Nous Group Pty Ltd (\$27 500 and \$30 855 respectively). The ACT Health Directorate first received these invoices, which relate to the work undertaken by Nous Group on the ACT Health transition to two organisations, on 4 October 2018.
- (3) The delay in the payment of the invoice for \$310,632.76 to American Express for approved training and study leave conferences and seminars funded by the Medical Education Expenses entitlement under the Medical Officers Enterprise Agreement or funded by The Canberra Hospital Private Practice Fund was due to an unplanned staff absence and a technical glitch in the downloading of the statement. The 2 September 2018 date was the first date the statement was available, the date the statement was downloaded for payment was 5 October 2018.
- (4) In relation to October payments for NGO SFAs, most payments were made within 10 working days of the due date in accordance with individual SFAs (The majority of SFAs require Recipient Created Invoices (RCI) that are generated by the Directorate. Dates on these RCIs are nominal in nature – the true due date for payments lies within the individual SFAs).
- (5) All Equal Remuneration Order (ERO) payments are made to eligible community organisations through ACT Health Directorate (not Canberra Health Services). See also response to Question 8 below.

ERO payments due in October 2018 proceeded as follows:

- Recipient Created Invoices were generated by ACT Health Directorate on 10 September 2018;
  - Payments were approved by the ACT Health Financial Delegate on 24 September 2018;
  - Payment Authorities were forwarded to Shared Services for payment via email on 2 October 2018;
  - Payment was made to eligible community organisations by Shared Services on 8 November 2018.
- (6) The provision of Headspace Services transitioned from Headspace Canberra to Marathon Health. As a new vendor, Marathon Health did not register with ACT Government Shared Services as a new supplier until September 2018. Payment of the Vendor Created Invoice was then made within 30 days of that date.
  - (7) The delay in approvals was the result of the employment contract for the Executive Director, Policy Partnerships and Programs Branch, expiring during this approval process and required renewal prior to the approval of this payment through APIAS.
  - (8) On 1 October 2018 ACT Health split into two entities: ACT Health Directorate and Canberra Health Services.

As at 1 October 2018 ACT Health Directorate began trading under a new ABN, while Canberra Health Services applied for a name change to the original ACT Health ABN and continued trading.

It is likely that some invoices would have been raised prior to 1 October 2018 but not finalised until after the change-over.

- (9) In 22 June 2012, Fair Work Australia made a decision that employees in the Social and Community Services industry should receive the same pay as state and local government employees for comparable work. The decision included recognition that government, while not a SACS industry employer, plays an important funding role.

An Equal Remuneration Order (ERO) was issued on the same day, detailing loadings to be added to the Social, Community, Home Care and Disability Services Industry Award 2010 for relevant employees in instalments over eight years from 1 December 2012 to 30 November 2020.

ACT Government provides financial support annually for those community sector organisations to which the ERO is applicable.

(10)

- (a) \$578,482.65 for the remediation of the birthing suites.
- (b) SHAPE Australia Pty Limited.

(11)

- (a) Five birthing suites remain to be remediated, two are currently being remediated.
- (b) The forecast costs for the full remediation of each birthing suite is approximately \$90,000.
- (c) All construction works in the 14 birthing suites to be remediated are expected to be completed by November 2019, subject to clinical operational constraints.

- (12) The invoices for \$310,632.76 and \$270,176.24 relate to approved training and study leave conferences and seminars funded by the Medical Education Expenses entitlement under the Medical Officers Enterprise Agreement or funded by the Canberra Hospital Private Practice Fund. In relation to the invoice for \$28,689.79, these costs relate to approved training and study leave conferences, approved interstate meetings/interviews and approved local accommodation expenditure for locum medical staff for the Division of Medicine and Division of Surgery.

(13)

- There are 157 clinical staff involved in conference costs relating to the payments to American Express for \$310,632.76 and \$270,176.24:
  - (a) I have been advised by CHS that the information sought is not in an easily retrievable form, and that to collect and assemble the information sought solely for the purpose of answering the question would require a considerable diversion of resources.
  - (b) these payments relate to 157 clinical staff
  - (c) these payments do not relate to any non clinical staff
  - (d) these payments do not relate to any non staff
  - (e)
    - i. there were 69 domestic flight charges to the value of \$33,420.79 and 64 international flights charges to the value of \$450,247.65.
    - ii. there were 38 domestic accommodation charges to the value of \$23,135.40 and 39 international accommodation charges to the value of \$74,005.16.

- iii. these payments do not relate to any meals
- iv. these payments do not relate to any other expenses
- (f) as per the travel policy the 64 international flights were business class. The domestic travel was taken as economy class except flights to Darwin (1) and Perth (4) which are available as business class as per the travel policy.
  - The invoice for \$28,689.79 relates to the Division of Medicine and Division of Surgery. The invoice is mainly travel expenses that relate to approved training and study leave conferences and seminars funded by the Medical Education Expenses entitlement under the Medical Officers Enterprise Agreement or funded by The Canberra Hospital Private Practice Fund. There is one accommodation charge that relates to an executive staff member attending a conference interstate. There are also a number of accommodation charges for locum medical staff:
- (a) I have been advised by CHS that the information sought is not in an easily retrievable form, and that to collect and assemble the information sought solely for the purpose of answering the question would require a considerable diversion of resources.
- (b) these payments relate to 19 clinical staff and one executive staff member.
- (c) these payments mostly relate to clinical staff, with the exception of one executive member.
- (d) these payments do not relate to any non staff
- (e)
  - i. there were 13 domestic flight charges to the value of \$3866.80 and 1 international flight charge to the value of \$11,133.91.
  - ii. there were 13 domestic accommodation charges to the value of \$13,689.08 and no international accommodation charges.
  - iii. these payments do not relate to any meals
  - iv. these payments do not relate to any other expenses
- (f) as per the travel policy the 1 international flight was business class. The domestic travel was taken as economy class.

### **Health—stroke services (Question No 2129)**

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 15 February 2019:

- (1) How many cases of stroke occurred in the ACT during (a) 2012-13, (b) 2013-14, (c) 2014-15, (d) 2015-16, (e) 2016-17, (f) 2017-18 and (g) 2018-19 (to the date on which this question was published in the Questions on Notice Paper).
- (2) How many cases of stroke resulted in death within one month for each of the years in part (1).
- (3) Did the Government make an election promise relating to the delivery of a stroke service before the 2016 ACT election; if so, what (a) was the nature of the

administrative arrangements and treatment services to be provided and (b) was the promised spending commitment.

- (4) Has the service been established; if not (a) why and (b) when will it be.
- (5) If the service has been established (a) when was it established, (b) where is it located, (c) what is the model of care, (d) what are the administrative and clinical staffing arrangements, (e) what are its hours of operation, (f) as at the date on which this question was published in the Questions on Notice Paper (i) how many patients have been treated in the service, (ii) how many patients were on the waiting list for treatment and (iii) what was the waiting time and (g) how much was spent on the service during (i) 2016-17, (ii) 2017-18 and (iii) 2018-19 (to the date on which this question was published in the Questions on Notice Paper).
- (6) What reciprocal treatment arrangements does ACT Health have with other jurisdictions.
- (7) Under what circumstances might a patient be referred to a stroke service in another jurisdiction.
- (8) What arrangements are in place to transfer patients to other jurisdictions for stroke treatment.
- (9) What assistance is available to patients who are referred to an inter-jurisdictional service.
- (10) Will the promised expenditure commitment be spent before the 2020 ACT election; if not, why.
- (11) What are the future plans for the service.

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1) The table below shows the total number of acute episodes of care where the patients primary diagnosis related to a stroke.

	Financial Year	Cases of stroke in ACT
a.	2012-13	463
b.	2013-14	481
c.	2014-15	545
d.	2015-16	578
e.	2016-17	633
f.	2017-18	636
g.	2018-19 (to 15/2)	356

- (2) It is not possible from the data to determine the numbers of patients who subsequently died within 1 month.
- (3) In 2016 the ACT Government made an election promise that funding of \$5 million would be available to improve access to timely assessment and acute stroke treatment service in the ACT.

- a. An additional four specialised staff would be employed to provide more timely assessments for clot break-down treatment at Canberra Hospital and Calvary Hospital and better access to clot retrieval procedures for patients requiring this advanced treatment.
  - b. The \$5 million would be allocated over four years in the 2016-17 budget.
- (4) The Canberra Health Services (CHS) Stroke Service is a long standing and established service.
  - (5) This service is already established and has received additional funding to enhance its current operations.
  - (6) There are none presently, but CHS is in discussion with interstate hospitals.
  - (7) When CHS is unable to provide the care that is required.
  - (8) Transfer of acute stroke patients is rare and is managed on a case by case basis in discussion between the treating and receiving teams.
  - (9) Patients who access treatment that is not provided in ACT are able to access assistance for transport through the Interstate Patient Travel Assistance Scheme.
  - (10) Yes.
  - (11) Development of a 24 hour clot-retrieval service.
- 

**Health—elective surgery  
(Question No 2130)**

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 15 February 2019:

- (1) How many elective surgery operations were performed in each specialty between 1 July and 31 December 2018.
- (2) What were the elective surgery wait times, by triage category in each speciality, as at 31 December 2018.
- (3) What factors are contributing to the wait times in each specialty.
- (4) Was performance of elective surgery between 1 July and 31 December 2018 impacted by a lack of specialists or other appropriately-qualified staff; if so, in what areas.
- (5) Was performance of elective surgery between 1 July and 31 December 2018 impacted by problems in surgical theatres; if so (a) which theatres and (b) what problems.
- (6) How many elective surgeries are predicted to be performed between 1 January and 30 June 2019.
- (7) Is the ACT on track to meet its target of 14,000 elective surgeries for this financial year; if not, why not.

(8) What strategies are in place to minimise the risk of not meeting the target.

**Ms Fitzharris:** The answer to the member's question is as follows:

(1) Elective surgery operations performed in each speciality between 1 July and 31 December 2018:

<b>Specialty</b>	<b>Number of elective surgeries</b>
Cardiothoracic	69
Ear, Nose & Throat	600
General	1074
Gynaecological	722
Neurosurgery	185
Ophthalmology	702
Orthopaedic	841
Oral	268
Paediatric	341
Plastic	465
Thoracic	65
Urology	1530
Vascular	281
Validations yet to be finalised	25
<b>Total:</b>	<b>7168</b>

(2)

<b>Median Wait Times in Each Speciality by Urgency Category as at 31 December 2018</b>		
<b>Speciality Name</b>	<b>Triage Cat</b>	<b>Median wait time (days)</b>
Cardiothoracic	1	n/a
Cardiothoracic	2	12
Cardiothoracic	3	n/a
Ear, Nose & Throat	1	11
Ear, Nose & Throat	2	48
Ear, Nose & Throat	3	189
General Surgery	1	14
General Surgery	2	43
General Surgery	3	123
Gynaecological Surgery	1	15
Gynaecological Surgery	2	36
Gynaecological Surgery	3	141
Neurosurgery	1	8
Neurosurgery	2	33

<b>Median Wait Times in Each Speciality by Urgency Category as at 31 December 2018</b>		
<b>Speciality Name</b>	<b>Triage Cat</b>	<b>Median wait time (days)</b>
Neurosurgery	3	102
Ophthalmology	1	n/a
Ophthalmology	2	39
Ophthalmology	3	134
Oral-Maxillofacial Surgery	1	14
Oral-Maxillofacial Surgery	2	80
Oral-Maxillofacial Surgery	3	189
Orthopaedic Surgery	1	21
Orthopaedic Surgery	2	53.5
Orthopaedic Surgery	3	153
Oral Surgery	1	n/a
Oral Surgery	2	29
Oral Surgery	3	81
Paediatric Surgery	1	11
Paediatric Surgery	2	41
Paediatric Surgery	3	114.5
Plastic Surgery	1	18
Plastic Surgery	2	71
Plastic Surgery	3	265
Thoracic Surgery	1	8
Thoracic Surgery	2	n/a
Thoracic Surgery	3	n/a
Urology	1	15
Urology	2	29
Urology	3	64
Vascular	1	22
Vascular	2	35
Vascular	3	118
<i>n/a = no patients waiting in this speciality at this urgency category as at 31/12/2018</i>		

- (3) The main factor that contributes to wait times is overall demand. The ACT seen the highest growth in demand compared to any other jurisdiction (Australian Institute of Health and Welfare Report 2017-18). This increase in demand for surgical activity has consequently meant an increasing demand for surgical specialists and anaesthetists.

Workforce challenges locally and nationally also have an impact. Canberra Health Services and Calvary Public Hospital Bruce have mechanisms in place to attract and retain anaesthetists, however these agencies must also compete with the private sector, as well as other jurisdictions. Ear, Nose and Throat specialists are also an area of high demand, and these workforce challenges are being addressed through recruitment, attraction and retention strategies as much as possible.

- (4) No. The Territory is on track to meet the target of 14,000 elective surgeries.
- (5) No. The Territory is on track to meet the target of 14,000 elective surgeries.
- (6) It is anticipated that approximately 7,000 surgeries will take place over the second half of 2018-19.
- (7) Yes.
- (8) Record levels of funding have been allocated by the ACT Government to achieve 14,000 elective surgeries this year. In addition, extra resources have been provided where necessary and practicable to achieve targets. In areas of high demand, strategies have been put in place to work with specific surgeons where practicable to provide extra surgical resources. These areas include Vascular, Ear Nose and Throat, Oral maxillofacial surgery, Gynaecology, Plastics, General Surgery, Ophthalmology, Orthopaedics, Urology and Paediatric surgery.

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**Minister for Health and Wellbeing—briefing  
(Question No 2133)**

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 15 February 2019:

- (1) What is the derivation of each number in the columns headed “Existing #” and “Project #” in relation to the ministerial brief number GBC18/174, dated 22 March 2018, specifically the table at paragraph 8 on page 3.
- (2) For each number in the columns headed “Net Growth” and “Total Canberra Hospital” what formula was used to calculate it.
- (3) If the formulae vary, why do they vary.
- (4) Did the brief explain all formulae variations; if not (a) why and (b) why did the Minister sign off on a brief with unexplained formulae variations.
- (5) Is the table correct in all aspects.
- (6) If the table is not correct in all aspects, will the Minister attach a corrected version to the answer to this question; if not, why.

**Ms Fitzharris:** The answer to the member’s question is as follows:

The intent of the table in the brief was to outline the increase in beds, spaces and rooms, as a result of a proposed point-in-time solution for the project (subject to further planning and early design for the project).

It is important to note that the table in the brief does not reflect a final proposed project solution. The project is still proceeding through detailed planning and early design phases to inform final recommendations for the Government.

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## ACT Health—advertising campaigns (Question No 2134)

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 15 February 2019:

- (1) How much did ACT Health spend on advertising campaigns during each year (a) 2014, (b) 2015, (c) 2016, (d) 2017 and (e) 2018.
- (2) How much does (a) ACT Health and (b) Canberra Health Services, plan to spend on advertising campaigns during 2019.
- (3) What were the individual advertising campaigns that cost more than \$25,000 during (a) 2014, (b) 2015, (c) 2016, (d) 2017, (e) 2018 and (f) 2019 (planned).
- (4) For each campaign identified in part (3) what (a) advertising collateral was produced, (b) media and other communication channels were used, (c) were the target campaign outcomes, (d) reach and frequency figures were achieved and (e) were the actual campaign outcomes achieved.
- (5) Who approves expenditure on advertising campaigns in (a) ACT Health and (b) Canberra Health Services.
- (6) What processes are in place to ensure that ACT Health and Canberra Health Services advertising campaigns provide value for money.

**Ms Fitzharris:** The answer to the member's question is as follows:

(1)

Campaign	Advertising spend (GST inclusive; rounded figures)				
	2014 (a)	2015 (b)	2016 (c)	2017 (d)	2018 (e)
After Hours and Emergency Department Diversion*					\$54,949*
Healthier Choices Canberra*					\$104,113*
University of Canberra Hospital					\$60,217
Walk-in Centres – Gungahlin					\$30,932
Kilojoules on the menu					\$34,936
Childhood Influenza					\$11,672
Meningococcal (ACWY)					\$14,145
Antenatal pertussis	\$8,455	\$23,823	\$7,566	\$3,668	\$16,128
Smoking in Pregnancy (If you smoke your future's not pretty + Quit for You, Quit for Two)			\$115,500	\$60,500	
ACT Cervical Screening Program	\$25,580	\$20,977	\$66,265	\$26,754	

Campaign	Advertising spend (GST inclusive; rounded figures)				
	2014 (a)	2015 (b)	2016 (c)	2017 (d)	2018 (e)
<b>Sugar Swap Challenge</b>			\$65,720		
<b>Back to school</b>			\$54,191		
<b>Good Habits for Life</b>	\$84,293	\$5,544			
<b>Total</b>	\$118,328	\$50,344	\$309,242	\$90,922	\$327,092

\*Campaign runs over the 2018-19 financial year.

(2)

Organisation	Campaign	Planned expenditure (GST incl) for 2019
<b>(a) ACT Health Directorate</b>	Healthier Choices Canberra	Refer to (1) Activity paid in 2018. This campaign runs over the 2018-19 financial year.
<b>(b) Canberra Health Services</b>	After Hours and Emergency Department Diversion	\$54,949 (this campaign runs over the 2018-19 financial year)

ACT Health Directorate and Canberra Health Services have not yet committed or had approved any other spending towards advertising campaigns for the 2019/20 financial year.

- (3) For response to part (a) through to (e) of this question, please refer to campaigns with an advertising spend over \$25,000 listed in the table at Question (1).

For response to part (f) of this question, please refer to campaigns with advertising spend over \$25,000 listed in the table at Question (2).

- (4) *(Answer available at the Chamber Support Office).*

(5)

- (a) Advertising campaign strategy and expenditure is approved by the responsible Executive Group Manager, Deputy Director General and Director General before approval is sought from the responsible Minister.
  - (b) Advertising campaigns are approved by the responsible Executive Director and the CEO before approval is sought from the responsible Minister.
- (6) Both ACT Health and Canberra Health Services employ professional communication staff.

Communication staff have training, qualifications and/or significant experience in professional communication. They are responsible for ensuring the communication strategies deliver value for money to the ACT Government.

Advertising campaigns are designed with evaluation mechanisms built in. At the conclusion of a campaign the activity is evaluated to determine the reach and impact of messaging, which informs value for money, and improves strategies in future campaigns

Evaluations are used to inform future campaign design to ensure ongoing value and success. All campaigns go through the Independent Reviewer process and are carried out by members of our creative services panel (if contracted out).

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### **Centenary Hospital for Women and Children—aluminium cladding (Question No 2136)**

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 15 February 2019:

- (1) Which ACT Health or Canberra Health Services buildings have been identified to have flammable cladding (other than the Centenary Hospital for Women and Children).
- (2) For each building identified as having flammable cladding what date was it identified and (a) what progress has been made on assessing its fire safety, (b) what is the timetable for its remediation, (c) what is the (i) cost or (ii) budget, for its remediation, (d) will an insurance claim be made for the cost of its remediation and (e) if an insurance claim will not be made, why.

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1) and (2)

<b>Building</b>	<b>Date Identified</b>
Belconnen Community Health Centre	October 2017
Building 4, Canberra Hospital	October 2017
Building 12, Canberra Hospital	October 2017
Building 20, Canberra Hospital	October 2017
Health Protection Service, Holder	October 2017
Gungahlin Community Health Centre	November 2017

- (2) (a) – (e)

The Cladding Review Group, comprised of representatives from Environmental Planning and Sustainable Development Directorate (EPSDD), Emergency Services ACT (ESA) and Access Canberra is currently working with ACT Government Directorates, including Canberra Health Services and ACT Health, to identify any government-owned and operated buildings that maybe at risk from the incorrect use of cladding materials.

Building on the earlier desktop audits Canberra Health Services/ACT Health undertook on its buildings, the Review Group has started its detailed assessment on two specific CHS buildings: Canberra Hospital Building 12 and Belconnen Community Health Centre. These assessments will be used to identify whether these buildings or other CHS /ACT Health buildings (subject to detailed assessment) may require any building work or other fire safety or risk mitigation.

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**Health—medical research  
(Question No 2138)**

**Mrs Dunne** asked the Minister for Medical and Health Research, upon notice, on 15 February 2019:

- (1) What is the title of each (a) medical or health research project and (b) clinical trial, in relation to the answer given to question on notice 2048, that was (i) begun or (ii) completed, during each the years (A) 2012-13, (B) 2013-14, (C) 2014-15, (D) 2015-16, (E) 2016-17 and (F) 2017-18.
- (2) What was the total cost of each completed project or clinical trial.
- (3) What practical outcomes has each research project and clinical trial produced for improved, extended, or otherwise modified day-to-day service-delivery for the ACT community by ACT Health.

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1) Attachment A shows the reference number, full title, study and status of 1133 health and medical research projects that were ongoing, started or completed during the requested years (2012-2018). Attempts have been made to obtain internal support to develop an electronic system to capture research activity but have been unsuccessful to date.

Of these 1094 are human research projects and 39 are animal research projects.

Of the human research projects 351 are classified as Clinical Research; 197 are Clinical Trials; 546 are Health Services/Social Science.

Of the 197 projects that are classified as Clinical Trials five are device trials meaning that a new device is being tested or evaluated in human beings.

Twenty-three projects are classified as Clinical Trial Other meaning that they are not testing or evaluating drugs or devices. Clinical Trial Other describes observational trails, comparative effectiveness trials and trials of new or existing procedures, tests or scans.

The remaining 169 projects are classified as Clinical Trial of a Drug meaning that new or existing drugs are being tested or evaluated in human beings.

Clinical Trials of new drugs are often conducted in various stages, known as phases, ranging from phase I to phase IV. Phase I trials are also known as 'first in human' meaning that it is the first test or evaluation of the drug in human beings. Previous testing will have occurred in animal trials.

One hundred and twenty-three drug trials identified phases as follows:

- Eight phase I trials
- 34 phase II trials
- 80 phase III trials
- One phase IV trial

## Definitions:

Phase I – testing a new biomedical intervention for the first time in a small group of humans (e.g. 20-80) to evaluate safety (e.g. to determine a safe dosage range and identify side effects).

Phase II – studying an intervention in a larger group of people (several hundred) to determine efficacy and to further evaluate its safety.

Phase III – studying the efficacy of an intervention in large groups of trial participants (from several hundred to several thousand) by comparing the intervention (new drug) to other standard or experimental interventions (or to non-interventional standard care). Phase III studies are also used to monitor adverse effects and to collect information that will allow the intervention (drug) to be used safely in human beings.

Phase IV – conducted after an intervention (drug) has been approved marketed. These studies are designed to monitor the effectiveness of the approved intervention (drug) in the general population and to collect information about any adverse effects associated with widespread use over longer periods of time. Phase IV may also be used to investigate the potential use of the intervention in a different condition, or in combination with other therapies.

- (2) Determining this will require a significant commitment of resources to respond to this question accurately.
- (3) Health and medical research are a core business for the ACT Health Directorate and Canberra Health Services. Canberra Health Services includes teaching hospitals of the Australian National University, the University of Canberra and the Australian Catholic University.

Other than Ethic reports, at present it is not possible to provide project level outcome details for the 1133 health and medical research projects and clinical trials conducted in the period 2012-2018. Collection of this information requires sophisticated software that is currently not available to the ACT Health Directorate or the Canberra Health Service.

As previously noted, the Centre for Health and Medical Research is using grant funding to custom build a sophisticated clinical trials management system.

*(A copy of the attachment is available at the Chamber Support Office).*

## **Homelessness—overnight shelters (Question No 2148)**

**Ms Le Couteur** asked the Minister for Housing and Suburban Development, upon notice, on 15 February 2019:

- (1) What are the conditions in service funding agreements about opening hours for One Link and for the Early Morning Centre, with particular regard to Christmas shutdown.
- (2) How many bed nights were provided by the Christmas Domestic Violence initiative this year and have all people supported through that initiative been able to find an exit point from the refuges or hotel accommodation.

- (3) Does the Minister have any plans to assist Safe Shelter to be open all year around as opposed to only during the colder months.

**Ms Berry:** The answer to the member's question is as follows:

- (1) There are no specific conditions regarding opening hours, including the Christmas shutdown period, in Uniting Care Canberra City's Deed of Grant for the provision of the Early Morning Centre (EMC). The EMC extended their opening hours in October 2017, through the 2017-18 Strengthening Homelessness Services Budget Initiative. The current hours are Monday to Friday: 7:30am-8:30am for breakfast and 9:00am to 2.00pm for a drop-in centre and support services. In 2018-19, the ACT Government funds Uniting Care \$313,817 to provide this service.

In relation to OneLink, the Service Funding Agreement (SFA) has a stipulation that OneLink is required to open on business days. A business day is defined as "any day other than a Saturday, Sunday or public holiday in the Territory". Therefore, OneLink is not required to provide services on public holidays. A recent variation of the SFA as a result of the 2018-19 More Support for Frontline Homelessness Services budget funding initiative has enabled OneLink to begin providing services on Saturdays and Sundays from March 2019. \$586,000 will be provided over four years for OneLink to extend its operating hours and access brokerage funds, so that appropriate crisis support can be provided at the time it's needed.

Generally, the ACT Specialist Homelessness Sector advise clients of closures (including public holidays such as Christmas) and provide information to them regarding general support, such as the police, LifeLine, Domestic Violence Crisis Service and where to find free food, that they can access over these periods should they find themselves in a crisis situation.

- (2) The Christmas Domestic Violence Christmas Program (DVCP) report 540 total bed nights were provided during the 2018-19 program. All clients supported during this time have now transitioned to other supports and accommodation. Some clients have entered the programs of the agency that supported them during the DVCP - including transitional accommodation and support. Some clients returned home when safe to do so and others who are clients of Housing ACT have been assisted to transfer to alternative properties.
- (3) Safe Shelter has not approached the ACT Government for assistance. There are no plans at this time to assist Safe Shelter. The ACT Government continues to have reservations in creating overnight shelters which do not provide clear pathways to long-term accommodation. Australian and international evidence shows that placing large concentrations of people facing disadvantage in temporary accommodation does not provide good social outcomes and can exacerbate trauma and cyclic homelessness. People experiencing or at risk of homelessness may access the ACT's Integrated Human Services Gateway, OneLink who provide information regarding accommodation and connects them to human services and programs that meet their needs.

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### **Disability services—funding (Question No 2159)**

**Ms Lee** asked the Minister for Disability, upon notice, on 15 February 2019:

- (1) Did the ACT Government make a submission to the Productivity Commission Review into the National Disability Agreement (NDA).
- (2) What is the ACT Government's response to the Commission's findings in respect of the lack of clarity around responsibility for ongoing funding for disability advocacy organisations.
- (3) Is the response a public document; if so, can the Minister provide a copy.
- (4) If the ACT has not yet responded, when will a response be provided and when will that response be made public.
- (5) When are negotiations for a new NDA likely to commence.

**Ms Stephen-Smith:** The answer to the member's question is as follows:

- (1) The ACT Government did not make a formal written submission to the Productivity Commission, but participated in consultations during the review of the National Disability Agreement. Table A.2 on page 186 of the report notes that the ACT Government participated in consultations, while Table A.3 on pages 188-89 notes that the ACT Office for Disability participated in two Roundtables held by the Productivity Commission in Canberra during September 2018.
- (2) The finding of the Productivity Commission review of the National Disability Agreement (NDA) in relation to disability advocacy funding is unsurprising and reflects the current arrangements, under which individual advocacy is funded by both the Commonwealth and the states and territories.

The ACT Government has recognised that, while the NDIS has provided greater support for many Canberrans with disability, it has also increased the need for independent individual advocacy as Canberrans learn to negotiate the new service system.

The ACT Government's recognition of the importance of advocacy was demonstrated by the investment of \$400,000 over two years in the 2018-19 Budget. This is shared between two local organisations: ACT Disability Aged & Carer Advocacy Service (ADACAS); and Advocacy for Inclusion.

- (3) The ACT Government's response to the specific issue identified in question 2 is outlined above. In relation to responding to the report as a whole, it is not usual practice for states or territories to individually respond to Productivity Commission reports. In this case, it is expected that the Productivity Commission's findings and recommendations will be discussed by the Disability Reform Council in the context of work currently underway on a refresh or replacement of the National Disability Strategy (see below). This reflects a necessary change in focus of any new NDA, given that the current NDA is largely centred on disability services that have transitioned or are transitioning to the NDIS.
- (4) See above.

- (5) The Disability Reform Council has agreed to start work on the development of a national disability framework to replace the National Disability Strategy which expires in 2020. The Council has agreed to an approach, milestones and timeframes for developing a new national disability framework and supporting action plan for beyond-2020. Further announcements will be made by agreement of Council members.
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**Education Directorate—workplace culture  
(Question No 2280)**

**Mr Coe** asked the Minister for Education and Early Childhood Development, upon notice, on 15 February 2019:

- (1) Have any incidents of self-harm or suicide reported by staff in the Education Directorate been linked or related to bullying or cultural problems within the directorate during each of the last five financial years; if so, what was the (a) general type of incident, (b) general category of employee, (c) financial year it occurred, (d) directorate it occurred in, (e) actions undertaken by the Minister in response to the report and (f) actions undertaken by the relevant directorate in response to the report.
- (2) Have any incidents of self-harm or suicide reported by students or about students in each area for which the Minister is responsible been linked or related to bullying or cultural problems within the directorate during each of the last five financial years; if so, what was the (a) general type of incident, (b) financial year it occurred, (c) directorate it occurred in, (d) actions undertaken by the Minister in response to the report and (e) actions undertaken by the relevant directorate in response to the report.

**Ms Berry:** The answer to the member's question is as follows:

- (1) The Education Directorate is not aware of any incidents of staff self-harm or suicide linked to or related to bullying or cultural problems over the past five years.
  - (2) Given the complexity of presentation associated with bullying and self-harm or suicide, causation data is not captured.
    - a. Information collected by school psychologists are Health Care records which are governed by privacy legislation and not recorded centrally. Student counselling records are held in secure files at the school level.
    - b. Refer to the answer above.
    - c. Refer to the answer above.
    - d. Refer to the answer above.
    - e. Refer to the answer above.
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**Government—staff wellbeing  
(Question No 2281)**

**Mr Coe** asked the Minister for Mental Health, upon notice, on 15 February 2019:

- (1) Have any incidents of self-harm or suicide reported by staff in each area for which the Minister is responsible been linked or related to bullying or cultural problems within

the directorate during each of the last five financial years; if so, what was the, (a) general type of incident, (b) general category of employee, (c) financial year it occurred, (d) directorate it occurred in, (e) actions undertaken by the Minister in response to the report and (f) actions undertaken by the relevant directorate in response to the report.

- (2) Have any incidents of self-harm or suicide reported by patients or individuals in custody, or about patients or individuals in custody, in each area for which the Minister is responsible been linked or related to bullying or cultural problems within the directorate during each of the last five financial years; if so, what was the (a) general type of incident, (b) financial year it occurred, (c) directorate it occurred in, (d) actions undertaken by the Minister in response to the report and (e) actions undertaken by the relevant directorate in response to the report.

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

- (1) There have been no reported staff incidents of self-harm or suicide that have been linked to bullying or cultural issues within ACT Health, Canberra Health Services or Calvary Public Hospital Bruce within the last five financial years.
- (2) There have been no reported incidents of self-harm or suicide by, or about, patients or individuals in custody that have been linked to bullying or cultural issues within ACT Health, Canberra Health Services or Calvary Public Hospital Bruce within the last five financial years.

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**Government—staff wellbeing  
(Question No 2282)**

**Mr Coe** asked the Minister for Health and Wellbeing, upon notice, on 15 February 2019:

- (1) Have any incidents of self-harm or suicide reported by staff in each area for which the Minister is responsible been linked or related to bullying or cultural problems within the directorate during each of the last five financial years; if so, what was the, (a) general type of incident, (b) general category of employee, (c) financial year it occurred, (d) directorate it occurred in, (e) actions undertaken by the Minister in response to the report and (f) actions undertaken by the relevant directorate in response to the report.
- (2) Have any incidents of self-harm or suicide reported by patients or individuals in custody, or about patients or individuals in custody, in each area for which the Minister is responsible been linked or related to bullying or cultural problems within the directorate during each of the last five financial years; if so, what was the (a) general type of incident, (b) financial year it occurred, (c) directorate it occurred in, (d) actions undertaken by the Minister in response to the report and (e) actions undertaken by the relevant directorate in response to the report.

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1) There have been no reported staff incidents of self-harm or suicide that have been linked to bullying or cultural issues within ACT Health, Canberra Health Services or Calvary Public Hospital Bruce within the last five financial years.

- (2) There have been no reported incidents of self-harm or suicide by, or about, patients or individuals in custody that have been linked to bullying or cultural issues within ACT Health, Canberra Health Services or Calvary Public Hospital Bruce within the last five financial years.

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**Government—staff wellbeing  
(Question No 2283)**

**Mr Coe** asked the Minister for Corrections and Justice Health, upon notice, on 15 February 2019:

- (1) Have any incidents of self-harm or suicide reported by staff in each area for which the Minister is responsible been linked or related to bullying or cultural problems within the directorate during each of the last five financial years; if so, what was the, (a) general type of incident, (b) general category of employee, (c) financial year it occurred, (d) directorate it occurred in, (e) actions undertaken by the Minister in response to the report and (f) actions undertaken by the relevant directorate in response to the report.
- (2) Have any incidents of self-harm or suicide reported by patients or individuals in custody, or about patients or individuals in custody, in each area for which the Minister is responsible been linked or related to bullying or cultural problems within the directorate during each of the last five financial years; if so, what was the (a) general type of incident, (b) financial year it occurred, (c) directorate it occurred in, (d) actions undertaken by the Minister in response to the report and (e) actions undertaken by the relevant directorate in response to the report.

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

1. The Justice and Community Safety Directorate do not have any incidents of self-harm or suicide being reported within the directorate over the past five (5) financial years.

There have been no reported staff incidents of self-harm or suicide that have been linked to bullying or cultural issues within Justice Health (Canberra Health Services) within the last five financial years.

2. There have been no reported incidents of self-harm or suicide by, or about, patients or individuals in custody that have been linked to bullying or cultural issues within Justice Health (Canberra Health Services) within the last five financial years.

ACT Corrective Services do not collate the specifically requested data. Providing the information would substantially, and unreasonably divert the resources of the agency from its primary operations.

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**Access Canberra—working with vulnerable people applications  
(Question No 2293)**

**Miss C Burch** asked the Minister for Business and Regulatory Services, upon notice, on 22 February 2019:

- (1) How many people who had previously completed criminal history checks applied for Working With Vulnerable People (WWVP) Cards in (a) 2017-18 and (b) 2018-19.
- (2) How many WWVP cards were not approved of those who applied with an existing criminal history check.
- (3) What was the average time taken to complete a WWVP application for individuals who had already completed criminal history checks.
- (4) What was the total revenue generated by WWVP applications in 2017-18.

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

- (1) Previous criminal history checks are not relevant to the Working With Vulnerable People scheme as personally acquired criminal history checks show a lower level of information than the ones undertaken by the Government as part of the WWVP process. Therefore this data is not recorded.  
 (a) See above.  
 (b) See above.
- (2) Please refer to the response to Question 1.
- (3) Please refer to the response to Question 1.
- (4) \$1,551,381.85

**ACTION bus service—network  
(Question No 2297)**

**Miss C Burch** asked the Minister for Transport, upon notice, on 22 February 2019:

- (1) Can the Minister provide a list of all bus stops to be (a) decommissioned, (b) moved or (c) constructed in relation to the rollout of Network 19.
- (2) Can the Minister provide the cost per (a) decommissioning, (b) relocation or (c) construction of bus stops in relation to the rollout of Network 19.
- (3) What, if any, notification of the (a) decommissioning, (b) relocation of, or (c) construction of bus stops has or will be given to affected residents and how much notice will be given before the commencement of these works.
- (4) What is the expected completion time for works on each bus stop to be completed.

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1) A list of all bus stops being decommissioned, moved or constructed in relation to the rollout of the integrated public transport network is at Attachment A. Of these, 174 stops are currently inactive.
- (2) The estimated cost for removing signage at each bus stop is approximately \$35 per stop. Any infrastructure removal costs will be subject to stop-specific factors.

- (3) Bus stop poles at decommissioned stops will remain post the launch of the new network and display temporary signage advising customers of the bus stop closure and the location of the nearest bus stop on the new network. The poles and temporary signage will be removed at a later date post new network launch. Notification will be provided a minimum of two weeks prior to any decommissioning, and one week prior to the relocation of, or construction of, bus stops.
- (4) The initial decommissioning of stops will involve the removal of the bus stop blade and pole. All bus stop blades for the existing network will be removed prior to 29 April 2019.

*(A copy of the attachment is available at the Chamber Support Office)*

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### **Access Canberra—block inspections (Question No 2298)**

**Mrs Jones** asked the Minister for Business and Regulatory Services, upon notice, on 22 February 2019:

- (1) What assessment has been made of the vacant block in Bentham Street, Yarralumla to ensure it is safe and well kept.
- (2) How many times has the block been inspected between 2012 and 2019 and on what dates have these inspections taken place.
- (3) Have these inspections found (a) sufficient drainage of the site, (b) sufficient fencing of the site and (c) waste or rubbish which may attract vermin.
- (4) What engagement has Access Canberra had with the owners of the site to determine when the development of the site will occur (a) before September 2018 and (b) after September 2018.
- (5) Have the abandoned construction works on the site caused undermining or subsidence of neighbouring blocks; if so, what recourse is available for the neighbouring residents.
- (6) What action can the Government take to compel the owner to develop or forfeit the land.

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

- (1) The most recent assessment occurred on 13 September 2018. The site was assessed to determine whether it met the threshold to be considered an unclean leasehold under the *Planning and Development Act 2007*. The site does not currently meet the threshold to be considered an unclean leasehold.
- (2) 11 inspections have been undertaken by Access Canberra, and its predecessors, since 2012:-
  - 3, 10, 11, 13, 19 April 2012
  - 2 May 2012

- 27 September 2012
  - 11 October 2016
  - 30 January 2017
  - 16 April 2018
  - 13 September 2018
- (3) In the most recent inspection 13 September 2018:-
- (a) Yes
  - (b) Yes
  - (c) No – The site did not meet the threshold to be considered an unclean leasehold.
- (4) Access Canberra has had ongoing engagement with the owners.
- (a) These engagements relate to maintenance and progressing a development on the land.
  - (b) The matter is subject to a current investigation. Details of the engagement post September 2018 cannot be disclosed at this time.
- (5) Access Canberra has no evidence to suggest the vacant block on Bentham St, Yarralumla or works on the site have caused undermining or subsidence of neighbouring blocks. Any damaged caused would be a civil matter between the relevant parties.
- (6) The enforcement powers are articulated in chapters 11 and 12 of the *Planning and Development Act 2007*. I cannot specify which particular power the regulator may use, given the ongoing nature of the current investigation.

**Alexander Maconochie Centre—disciplinary action  
(Question No 2299)**

**Mrs Jones** asked the Minister for Corrections and Justice Health, upon notice, on 22 February 2019:

- (1) What penalties, punishment and/or disciplinary actions are available to corrections staff when dealing with inmates and how is it broken down from lowest to highest level of severity.
- (2) How are the actions referred to in part (1) taken and what level are staff members that make these decisions.
- (3) When directions are given regarding disciplinary action, are they made in writing or verbally.
- (4) What is the recording process once these actions have been taken.
- (5) On how many occasions since 1 January 2018 have inmates been held in the management unit for disciplinary reasons and how many of these occasions were for
  - (a) at least one consecutive week and (b) over at least two consecutive weeks.

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

1. Section 183 of the *Corrections Management Act 2007* (the Act) outlines the disciplinary actions that may be imposed for a disciplinary breach. In order of severity, one or more of the following disciplinary actions may be imposed against a detainee:

- A warning;
- A reprimand;
- An administrative penalty, or a combination of administrative penalties (including loss of privileges); or
- A direction for a detainee to make reparation for loss to an injured person.

Under section 184 of the Act, an administrative penalty is a financial penalty not exceeding \$500, withdrawal of privileges for no longer than 180 days, a requirement to perform extra work, or separate confinement for a period of 3, 7, or 28 days. For the purposes of reparation, section 185 of the Act provides that a direction may be made for a detainee to pay an amount not exceeding \$100 to an injured person.

Loss of privileges may include:

- Removal of paid employment;
- Removal of participation in programs (not including those addressing criminogenic needs as part of a case plan unless approved by the General Manager);
- No contact visits;
- No calls and e-mail contact;
- Removal of access to recreation equipment and structured recreational activities;
- Removal of access to hobby and leisure activities;
- No use of electronic devices including television and music players;
- Removal of buy-ups;
- No private cash deposits to a detainee account to supplement institutional earnings; and/or
- As a general principle privileges relating to employment or visits should only be suspended for discipline breaches directly relevant to those areas or for security or safety reasons.

When use is made of disciplinary actions, ACT Corrective Services (ACTCS) must ensure that any disciplinary action against a detainee is proportionate to the breach, consistent with other disciplinary actions imposed for similar breaches, and is the minimum possible action required to correct behaviour.

2. A corrections officer of any rank who becomes aware of a disciplinary breach, may deal with less serious or isolated incidents by warning or reprimanding a detainee. A corrections officer may also elect to case note the incident or report an alleged breach of discipline to the Area Supervisor with a view to it being dealt with under sections 184 and 185 of the Act.

For more serious or repeated misbehaviour, a corrections officer will submit an alleged breach of discipline report to the Area Supervisor. The Area Supervisor will evaluate the report and refer the matter to an Area Manager for investigation and determination. If the breach of discipline is proven, the Area Manager will impose a sanction.

3. A corrections officer may give a detainee a verbal or written warning. Disciplinary actions that fall outside of a warning must be recorded in writing. Written notice of the breach of discipline and any sanction imposed must then be given to the detainee.
4. Once a disciplinary action has been determined, the Area Manager verbally informs the detainee of the outcome and must provide the detainee with written notice of the decision.

Electronic versions of the written notice of the breach of discipline, associated reports or subsequent actions, are stored on ACTCS' custodial information system. A case note containing a brief statement of the conduct and any sanction imposed is also entered on the custodial information system. Hard copies of all documents are then retained and stored in accordance with the *Territory Records Act 2002*.

5. Between 1 January 2018 and 31 January 2019, there were 240 instances where 152 detainees were held in the Management Unit. This number includes detainees who were placed in the Management Unit under investigative segregation, for the safety and security of the Alexander Maconochie Centre or a detainee, and for medical or disciplinary reasons. Of those 240 instances:
  - a) 121 were for less than one week and 72 for over one week, but less than two weeks; and
  - b) 47 were for two consecutive weeks or more.

ACTCS does not disaggregate data on the specific reasons detainees are placed in the Management Unit. The data is available, however it would be unreasonable to divert the resources of the Directorate to compile and quality assure.

### **Alexander Maconochie Centre—detainee numbers (Question No 2301)**

**Mrs Jones** asked the Minister for Corrections and Justice Health, upon notice, on 22 February 2019:

- (1) Has the total number of cohorts of inmates in the Alexander Maconochie Centre changed since the answer to question on notice No 654; if so, can the Minister outline these changes.
- (2) How many people are currently in each of these cohorts.

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

1. The number of cohorts of inmates has changed since the answer to question on notice (QON) No. 654. At the time of QON No. 654 there were 23 cohorts of detainees. Currently there are 24 cohorts of detainees. Changes include:
  - The addition of three cohorts
    - unknown (Aboriginal and/or Torres Strait Islander identification);
    - unplaced pending; and
    - unplaced mainstream.
  - The exclusion of two cohorts
    - Minimum 1 E2; and
    - Admin strict protection.

## 2. Detainee cohorts are determined by:

- a) Sentence status – detainees are either unconvicted or under sentence.
- b) Aboriginal or Torres Strait Islander identification – there is scope for detainees to elect not to disclose whether they are Aboriginal and/or Torres Strait Islander or not.
- c) Sex – while detainees commonly identify as male or female, there is also scope for detainees to choose not to identify as either sex or as a transgender person.
- d) Security classifications – detainees can be classified minimum, medium or maximum classification. There are also levels within classifications.

Detainee cohorts are also determined by non-association issues which can be self-identified or intelligence-based.

Detainees can belong to more than one cohort. For instance, a female detainee could be sentenced and identify as Aboriginal or Torres Strait Islander.

The following table represents the number of detainees in each cohort as of 27 February 2019 broken down by gender.

Male	437		
Female	37		
<b>Total</b>	<b>474</b>		
Unconvicted waiting court hearing	170	F: 19	M: 151
Under sentence	304	F: 18	M: 286
<b>Total</b>	<b>474</b>		
Aboriginal and or Torres Strait Islander	115	F: 14	M: 101
Non-Aboriginal or Torres Strait Islander	349	F: 21	M: 328
Unknown	10	F: 2	M: 8
<b>Total</b>	<b>474</b>		
Minimum 1	64	F: 8	M: 56
Minimum 2	3	F: 0	M: 3
Minimum 3	11	F: 1	M: 10
Medium	379	F: 27	M: 352
Medium E2	4	F: 1	M: 3
Maximum	12	F: 0	M: 12
Maximum E1	1	F: 0	M: 1
Escapee	0	F: 0	M: 0
<b>Total</b>	<b>474</b>	<b>37</b>	<b>437</b>
Mainstream – pending	9	F: 0	M: 9
Protection – pending	1	F: 0	M: 1
Strict protection pending	4	F: 0	M: 4
Unplaced – pending	1	F: 0	M: 1
Mainstream	225	F: 34	M: 191
Protection	78	F: 2	M: 76
Strict protection	151	F: 0	M: 151
Unplaced - Strict protection	2	F: 1	M: 1
Unplaced – Mainstream	3	F: 0	M: 3
<b>Total</b>	<b>474</b>	<b>37</b>	<b>437</b>

The *Corrections Management (AMC Detainee Classification) Policy* 2012 sets out the definitions for each security classification.

### **E classification**

E classification refers to a detainee with a history of escaping from lawful custody and will have an additional classification of E denoting 'escapee'.

There are three grades of an E classification – E1, E2 and E3 which denote the level of risk. The lower the number, the higher the risk.

- E1 denotes either an assessed significant level of risk of escape or a need for further assessment to take place before considering reducing the classification. A detainee classified E1 may not progress below Medium security rating.
- E2 denotes a reduced level of risk and will allow a Minimum 1 security rating.
- E3 denotes a low level of risk commensurate with being suitable for Minimum Security 2 or 3.

### **Security Classification**

ACT Corrective Services classifies detainees according to the nature and severity of the charges, severity of sentence, offending history, escape history, breaches of court orders, institutional disciplinary record and stability, internal or external intelligence and motivation to address offending behaviour. Security classifications are determined at the lowest level judged appropriate in effectively managing a detainee's risk and are reviewed by the Sentence Planning Group at intervals appropriate to the sentence length and detainee case plan.

It should be noted that the Alexander Maconochie Centre (AMC) was built to accommodate all detainees, regardless of the level of their security classification and accommodation type, including maximum security detainees.

### ***Maximum Security***

The highest level of security requiring placement that provides for a secure cell within a secure accommodation building and confinement within a secure perimeter. Detainees assessed at this level may be subject to special individually determined management plans designed to manage the nature and level of risks involved. Special arrangements may be required if it is necessary to escort the detainee from the centre. The security classification Maximum security is reserved for those detainees assessed as posing an especially high level of risk. In addition, a detainee convicted of or facing a charge of murder, or with a sentence with a non-parole period of ten years or greater, will normally be placed in maximum security until a determination is made by the Sentence Planning Group to reduce the detainee's security classification.

### ***Medium Security***

This next level of security mandates a physical environment similar to that of maximum security; that is a secure cell within a secure accommodation building and confinement within a secure perimeter. However, the General Manager, following recommendation from an Area Manager, may approve the provisional placement of a medium security male detainee in cottage accommodation for a period of up to 28 days in order to relieve medium/maximum bed shortages. A medium security detainee will not usually require an individual special management plan, as is the case for a maximum security detainee. Medium security will be the normal classification

determined for new receptions to custody, in the absence of especially high levels of risk being identified, and will also be available as progression for maximum security detainees demonstrating a reduced level of risk.

***Minimum Security (1, 2 and 3):***

There are three levels of minimum security classification denoting different levels of risk. The first, Minimum 1, indicates a lower level of risk than that posed in medium security and is characterised by placement in a more domestic like accommodation building offering unrestricted access to common areas without the necessity for direct staff supervision. The accommodation building, currently cottage style, provides a reasonable level of physical security and is protected by the secure perimeter. Detainees classified to Minimum security 1 are subject to a less restrictive regime than that of medium security detainees but require continuing immediate staff supervision on any occasion when required to be external to the secure perimeter. Minimum 1 detainees are not eligible to participate in external programs such as Work Release.

There are three levels of minimum security classification denoting different levels of risk.

- Minimum 1 indicates a lower level risk than medium security.
- Minimum 2 denotes a lower level of risk than assessed for Minimum 1. Minimum 2 detainees are accommodated within the secure perimeter however may be permitted to be external to the perimeter for work or program reasons with hourly supervision from staff.
- Minimum 3 is the lowest level of security classification and is the classification that must be achieved in order to be accommodated external to the secure perimeter or allowed to participate in any form of external leave or conditional release program.

***Cohorts Definition***

For the Members information, ACTCS is currently reviewing operational service deliveries to ensure better outcomes for detainees. This work will consider a clearer definition for detainee “cohorts”. The definition will be different to the above.

ACTCS when referencing “cohorts” will specifically be referencing: “a population of detainees that require separate management from another population of detainees”. The need for separation is typically based on non-association, but may also be based on the location of a detainee’s accommodation. These may include Male, Female, Protection, Mainstream, Transitional Release Centre and Induction. Some detainees will belong to more than one cohort.

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**Alexander Maconochie Centre—assaults  
(Question No 2303)**

**Mrs Jones** asked the Minister for Corrections and Justice Health, upon notice, on 22 February 2019:

- (1) How many detainee on detainee (a) assaults and (b) serious assaults have occurred in the Alexander Maconochie Centre (AMC) since 1 January 2018.
- (2) How many of the instances in part (1) involved a “shiv” or other cutting or stabbing instrument.

- (3) How many detainee on officer (a) assaults and (b) serious assaults have occurred in the AMC since 1 January 2018.
- (4) How many of the instances in part (3) involved a “shiv” or other cutting or stabbing instrument.
- (5) On how many occasions have corrections staff received medical attention following an assault, serious assault or other altercation with a detainee since 1 January 2018.

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

1. Detainee on detainee assaults from 1 January 2018 to 31 January 2019
  - a. Assaults - 62
  - b. Serious assaults – 10

These figures comply with the Report on Government Services counting methodology. It should be noted that 2018-2019 figures will be quality assured at the end of the financial year, which may result in some variation to these figures.

2. ACTCS does not disaggregate data on instances where weapons have been used in an assault. Individual incident reports would need to be individually reviewed which would unreasonably divert the resources of the Directorate to compile and quality assure.
3. Detainee on officer assaults from 1 January 2018 to 31 January 2019
  - a. Assaults - 4
  - b. Serious assaults - 0

These figures comply with the Report on Government Services counting methodology. It should be noted that 2018-2019 figures will be quality assured at the end of the financial year, which may result in some variation to these figures.

4. ACTCS does not disaggregate data on instances where weapons have been used in an assault. Individual incident reports would need to be individually reviewed which would unreasonably divert the resources of the Directorate to compile and quality assure.
5. In the event that staff members are injured during the course of their work, whether by assault or other, they are provided with a medical assessment and treatment options in every instance in accordance with occupational health and safety obligations.

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### **ACT Policing—response levels (Question No 2304)**

**Mrs Jones** asked the Minister for Police and Emergency Services, upon notice, on 22 February 2019:

- (1) What are the different levels of response classifications for ACT Policing.

- (2) Who determines how each job is classified at which response level and what is the decision making process.

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

1. In accordance with the *Purchase Agreement* and the prioritised response model, ACT Policing utilises a 3 tier incident response prioritisation framework:
- Priority One incidents are defined as life threatening or time critical situations;
  - Priority Two incidents are defined a situations where the information provided indicates that time is important, but not critical; and
  - Priority Three incidents are defined as incidents where there is no immediate danger to safety or property.

To facilitate the management of Priority Three incidents and for the purpose of coordinating timely dispatch of policing resources, ACT Policing differentiate Priority Three incidents on complainant availability. Where a complainant is available within 48 hours, the incident is recorded as a Priority Three incident. In circumstances where a complainant is not available to see Police within 48 hours, the incident is nominally assigned a 'Priority Four' classification.

This administrative reclassification is an internal data recording mechanism, used to facilitate the management of policing resources and to ensure Police resources are directed in an efficient and timely manner. It is not utilised for reporting purposes, nor does it affect ACT Policing's commitment to meeting response times for Priority Three incidents as set out in the *Purchase Agreement*.

Further information about ACT Policing's incident classification and response performance can be found in the *ACT Policing Annual Report 2017-18*, at pages 52-53.

2. ACT Policing Operations coordinates the policing response to all calls for assistance in the ACT. The Computer Aided Dispatch system is employed by ACT Policing Operations to ensure the consistent allocation of incident types and priority classifications in accordance with the Prioritised Response Model.

While these default allocations guide the prioritisation of incidents, ultimate determination of an incident priority is determined by the communications operator in consultation with the ACT Policing Operations Sergeant or Duty Operations Manager. Information provided by the caller, the level of risk to person or property, and the individual circumstances of each incident are considered when determining the priority of an incident.

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### **ACT Policing—staffing (Question No 2305)**

**Mrs Jones** asked the Minister for Police and Emergency Services, upon notice, on 22 February 2019:

- (1) How many police officers are required for each "city beat" shift.
- (2) How is this broken down by (a) officer ranking and (b) day and time of shift.

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

ACT Policing delivers an agile policing service to the ACT. The ACT community can be confident ACT Policing is well resourced to deliver a quality service through the flexible deployment of its capabilities in response to changing demands.

1. ACT Policing's Regional Targeting Team (commonly referred to as "Beats") provide flexible coverage to ACTs entertainment precincts on Thursday, Friday and Saturday nights. This team provides a minimum resourcing of 7 police officers on a Thursday night, and 9 police officers on a Friday and Saturday night.
2. I can advise that standard resourcing and coverage of this team is as follows:
  - Thursday nights – Operational coverage from 9.00pm to 7.00am, provided by 1 Sergeant and 6 Constables.
  - Friday nights- Operational coverage from 7.00pm to 7.00am, provided by 1 Sergeant and 8 Constables.
  - Saturday nights- Operational coverage from 9.00pm to 7.00am, provided by 1 Sergeant and 8 Constables.

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### **ACT Policing—staffing (Question No 2306)**

**Mrs Jones** asked the Minister for Police and Emergency Services, upon notice, on 22 February 2019:

How many ACT Policing staff are rostered for each shift at the watch-house, and how is this broken down by (a) officer ranking and (b) shift type.

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

ACT Policing delivers an agile policing service to the ACT. The ACT community can be confident ACT Policing is well resourced to deliver a quality service through the flexible deployment of our capabilities in response to changing demands.

1. Staffing at the watch house is continually assessed, with surge capacity staffing provided as required. Rostered staffing generally consists of:
  - a. Daily: 1 Sergeant, 2 Constables.  
Friday and Saturday nights during the summer period: 1 Sergeant, 3 Constables
  - b. Shifts: ACT Policing members deployed to the watch house are rostered to 10 hour shifts, providing 24 hour coverage 365 days per year.

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### **ACT Policing—CCTV (Question No 2307)**

**Mrs Jones** asked the Minister for Police and Emergency Services, upon notice, on 22 February 2019:

- (1) How many cameras/units are funded, managed and/or maintained under the ACT Public Safety Closed Circuit Television (CCTV) Network.

- (2) What are the locations of the cameras/units referred to in part (1).
- (3) What was the (a) total cost and (b) individual cost of the 12 solar powered CCTV units installed across the ACT since June 2017.
- (4) What is the (a) estimated yearly maintenance and running costs and (b) location of these units, of the units referred to in part (3).
- (5) How is the footage stored by the cameras in the ACT Public Safety Closed Circuit Television (CCTV) Network.
- (6) How long is storage kept and what is the total cost of storage of the footage referred to in part (5).

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

1. The ACT's Public Safety Closed Circuit Television (CCTV) Network is comprised of:
  - a. 75 CCTV cameras on the ACT Government ICT network and,
  - b. 12 CCTV solar powered camera operating on the 3G/4G network.
2. The locations of the cameras mentioned in part (1) is:

ACT Government ICT Network Cameras	Solar Powered Network Cameras
• Civic, including one at Haig Park	• Legislative Assembly Car Park
• Kingston Shopping Precinct	• Griffith Shop Carpark
• Manuka Shopping Precinct	• National Arboretum Canberra
• Manuka Oval	• Glebe Park (Bunda St)
• EPIC	• Jerrabomberra Wetlands
• GIO Stadium	• Belconnen Owl artwork
• Jolimont Centre	• Enlighten
• Tuggeranong CBD, Greenway	

3. (a) The total cost of the 12 solar powered CCTV units is approximately \$60,000. This includes purchase and installation.
- (b) The individual cost of the units is approximately \$4,000.
4. (a) The estimated yearly maintenance and running cost per unit is approximately \$1,000. This includes data storage, vendor support, broadband fees and cleaning.
- (b) The location of the solar powered CCTV units is addressed in Question 2.
5. CCTV footage is stored in two different ways:
  - a. Footage from the ACT Government ICT network cameras is stored on Networked Video Recorders (NVRs) located across Canberra.
  - b. Footage from the solar powered network cameras is located on a third-party server that is maintained by the provider.

6. Footage from all cameras is kept for 30 days in accordance with the Territory Records Act 2002 and then deleted unless required for a purpose.

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**Alexander Maconochie Centre—catering costs  
(Question No 2309)**

**Mrs Jones** asked the Minister for Corrections and Justice Health, upon notice, on 22 February 2019:

- (1) What is the total catering cost for detainees at the Alexander Maconochie Centre (AMC) broken down by each of the past five financial years, including the current financial year.
- (2) Are catering costs for detainees recorded separately per detainee; if so, what are these costs.
- (3) What is the average catering cost per detainee (a) per day and/or (b) per month for food at the AMC throughout 2018 and 2019 to date.
- (4) What is the average catering cost per detainee per day for meals at the AMC throughout (a) 2018 and (b) 2019 to date, broken down by major dietary requirement/category, including (i) high fibre diets, (ii) vegetarian, (iii) vegan and (iv) gluten free.
- (5) How many kitchen staff are employed at the AMC in the financial years 2009-2010 and 2017-2018.
- (6) How many detainees on average work in the kitchen during each kitchen shift.

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

1. ACT Corrective Services (ACTCS) is unable to provide catering costs for detainee meals at the Alexander Maconochie Centre (AMC) as the current accounting process is conducted under one account through the whole of government chart of account. Under this system, catering costs for detainee meals, the detainee self-catering program and the staff meal program are combined and accounted for in the category of 'meals' under the chart of accounts.

The combined total cost of detainee meals, the detainee self-catering program and staff meal program for the past five financial years, including the current financial year as at 31 January 2019, is as follows:

Financial Year	Total Cost of Meals
2014-15	\$1,181,362.00
2015-16	\$1,433,666.00
2016-17	\$1,575,472.00
2017-18	\$1,851,292.00
2018 -19 (as at 31 January 2019)	\$1,082,413.00

2. As outlined in response to question one (1), catering costs for individual detainees are not recorded separately. Detainees accommodated in cottages are, however, able to access the detainee self-catering program. This program is an online ordering system that allows individual detainees to purchase \$50.00 of additional food per week.
  3. Refer to response provided for Question 1.
  4. Refer to response provided for Question 1.
  5. During 2009-10, five full-time and one part-time kitchen staff were employed in the AMC kitchen. In the 2017-18 financial year, nine full-time staff were employed in the AMC kitchen.
  6. On average, 13 detainees work in the AMC kitchen during each shift.
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### **ACT Fire & Rescue—equipment (Question No 2310)**

**Mrs Jones** asked the Minister for Police and Emergency Services, upon notice, on 22 February 2019:

- (1) What is the contract value/cost for the two specialist helicopters stationed at the ACT Rural Fire Service Helibase during the bushfire season.
- (2) Are the contracts different for the specialist intelligence gathering light helicopter and the medium helicopter used for aerial fire fighting services; if so, what are the values/cost of each contract.
- (3) How does the value/cost of the contract change if there is (a) a bushfire event and (b) no bushfire event.

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

- (1) The contracts for one light and one medium type helicopter that provide dedicated aerial firefighting services to the ACT are negotiated through the National Aerial Firefighting Centre (NAFC). The contracts provide for an 84 day service period each year with the ability to extend should conditions necessitate.  
  
NAFC convene a panel and coordinate the contract evaluation, options are then provided for ACT to choose a provider for each contract. These contracts are strictly commercial-in-confidence, and the ACT Government is not able to release any of the details on the value/cost of each contract.
  - (2) The light helicopter is contracted to the ACT Emergency Services Agency (ESA) only. The medium helicopter is contracted on a shared basis with the NSW Rural Fire Service (NSWRFS), whereby the ESA and the NSWRFS is responsible for the aircraft for 42 of the 84 day service periods.
  - (3) There is a daily standing charge for each helicopter, then a cost per operating hour.
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### Alexander Maconochie Centre—detainee classifications (Question No 2311)

**Mrs Jones** asked the Minister for Corrections and Justice Health, upon notice, on 22 February 2019:

Have any prisoners convicted of murder related offences at any time in their incarceration been classified as any of the minimum security cohort classifications; if so, (a) how many inmates and (b) for what period of time.

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

1. Detainees receive a security classification based on the risks posed to the security and good order of the Alexander Maconochie Centre (AMC), and the safety of the detainee, staff, other detainees and the public. All detainees, including those convicted of murder related offences, are subject to the same system of security classification. It must also be noted that currently all detainees who have been convicted of murder, regardless of the level of their security classification and their accommodation type, are held at the Alexander Maconochie Centre (AMC) which is a maximum security facility.
  - a. Of the 16 detainees convicted of murder related offences currently in custody at the Alexander Maconochie Centre, eight have been placed at a minimum security classification level at some stage of their incarceration.
  - b. The total days and percentage of time each of the eight detainees has served at the minimum, medium and maximum security classification levels is outlined below.

\* Total days in custody calculated from the date received at the AMC to 27 February 2019 and does not include time served in an interstate correctional centre prior to transfer to the AMC.

Offender No.	Days at Minimum Security classification	Days in Custody (Total) *	Time at Minimum Security classification (%)	Time at Medium Security classification (%)	Time at Maximum Security classification (%)
1	1648	3140	52%	6%	42%
2	2066	2857	72%	28%	0%
3	180	3820	5%	51%	44%
4	3578	3578	100%	0%	0%
5	3579	3579	100%	0%	0%
6	292	2759	11%	35%	54%
7	1470	2410	61%	3%	36%
8	1114	1176	95%	5%	0%

### ACT Health—northside project (Question No 2313)

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 22 February 2019:

- (1) What is the Northside project cited in ACT Health planning documents.
- (2) What is the scope of the Northside project.

- (3) Where will the Northside project be located.
- (4) Is this project being planned as part of an urban renewal program; if not, what is the basis for this plan.
- (5) Is this project being planned in association or partnership with any other private or public organisation; if so, which organisation or organisations.
- (6) What is the (a) anticipated timeline and (b) projected or indicative cost, for the Northside project.

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1) The Northside Hospital Scoping Study is considering the hospital infrastructure requirements in Canberra's North. The project outline is available online on the ACT Health website. (<https://www.health.act.gov.au/about-our-health-system/planning-future/northside-hospital-services-scoping-study>).
- (2) The scope of the project will be subject to further development through the scoping study.
- (3) While a final site has not been selected, the Calvary Public Hospital Bruce site continues to be the preferred location for hospital services in Canberra's North.
- (4) The project is being considered in the context of growing health services demand and changes in demographics across the Territory and the most effective use of public health system capacity in existing or proposed new infrastructure.
- (5) The Northside Hospital Scoping Study is being developed with reference to health service delivery partners Canberra Health Services and Calvary Healthcare (Calvary Public Hospital Bruce).
- (6) An anticipated timeline and indicative costs are not yet known and subject to further deliberations.

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### **ACT Health—uniforms (Question No 2314)**

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 22 February 2019:

- (1) What is the uniform policy for staff working in ACT public health services.
- (2) Who pays for uniforms; if staff pay for uniforms (a) why, (b) what is the typical annual cost per staff member and (c) what is the profit margin for Canberra Health Services.
- (3) Has the introduction of so-called "happy scrubs" as a uniform option been added to the uniform policy; if not (a) why and (b) when will it be.

- (4) Who pays for the “happy scrubs”; if staff pay for “happy scrubs” (a) why, (b) what is the typical annual cost per staff member, (c) what is the profit margin for Canberra Health Services and (d) do staff receive a uniform allowance in their salary packages; if so, what is the allowance currently.
- (5) Are staff, who elect to wear “happy scrubs”, required also to have “standard” uniforms available; if so, in what circumstances are staff required to wear “standard” uniforms.

**Ms Fitzharris:** The answer to the member’s question is as follows:

- (1) ACT public health staff adhere to the Workplace Attire Guidelines for ACT Health and Canberra Health Services (CHS), developed and managed by CHS’ People and Culture. In addition to these guidelines, there are several workplace specific uniform policies that are more prescriptive in nature and tailored to the respective clinical and / or service areas, such as:
  - Biomedical Engineering;
  - Pharmacy;
  - Radiation Therapy;
  - Supply Services; and
  - Sterilising Services.

The Calvary uniform is supplied in accordance with the employment contract, enterprise agreement, award or local service policy. If an employee is required to wear a uniform, it must be worn at all times. The uniform may only be varied for cultural or religious reasons following consultation with the manager.

Employees who do not have uniforms as part of their condition of employment may choose to purchase uniforms from the Administration/Corporate range. Employees who are not required to wear a uniform must ensure that their clothing complies with the requirements of Work Health and Safety and Infection Control standards and this policy.

- (2) If a workplace specific uniform is required, staff are provided with several uniforms upon their commencement. Replacements are also provided, as required, on an annual basis. Staff can purchase additional uniforms at their own expense.
- (3) There are currently no plans to add “happy scrubs” as a specific option on the uniform policy. Currently, non-standard uniforms are allowed in certain areas, at the discretion of staff and management, as long as the clothing adheres to the standards stipulated in the Workplace Attire Guidelines.
- (4) Staff purchase non-standard uniforms at their own discretion.
  - a. There are provisions to staff for standard uniforms; the choice to purchase a non-standard uniform is that of the staff member.
  - b. This cannot be measured, as the choice to purchase non-standard uniforms is at the discretion of the staff member.
  - c. There is no profit margin for CHS provided uniforms.
  - d. No, CHS staff do not receive a uniform allowance.

- (5) Staff who choose to wear “happy scrubs” also have standard uniforms available to them. In the general sense, the need for standard work attire or protective clothing is determined in circumstances where there is a safety, identification and/or other associated benefit to either staff members or Canberra Health Services consumers.

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**Canberra Hospital—intensive care unit  
(Question No 2315)**

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 22 February 2019:

- (1) What contingency plans are being made for when the ICU at the Canberra Hospital (TCH) reaches a situation where it is at full capacity with no storage space on some days.
- (2) When is the ICU at TCH projected to reach that point.
- (3) Is Canberra Health Services planning to expand the ICU at its current location.
- (4) When is the ICU as part of the Surgical Procedures, Interventional Radiology and Emergency (SPIRE) due to commence operation.
- (5) Is the Government considering adding an additional floor to the current emergency department for an ICU as a stopgap measure; if so (a) how long would it take to complete this project, (b) what disruption would it cause to existing services in the ED and (c) what is the indicative cost of this project.
- (6) What plans does the Government have to expand the (a) Coronary Care Unit and (b) Cardiac Catheter Suites, areas.
- (7) When will the Coronary Care Unit and Cardiac Catheter Suites become operational as part of SPIRE.
- (8) How much additional space will be required for both the Coronary Care Unit and Cardiac Catheter Suites in the SPIRE project.
- (9) What plans does Canberra Health Services have for the space used for the current Coronary Care Unit and Cardiac Catheter Suites.
- (10) Does Canberra Health Services have plans to relocate Cardiac Care outpatient services; if so, where will these services be relocated.

**Ms Fitzharris:** The answer to the member’s question is as follows:

- (1) Contingency plans for when the ICU at Canberra Hospital reaches full capacity include:
  - Accommodating post anaesthesia patients bound for the ICU in Post Anaesthesia Care Unit (PACU) beds, with appropriate equipment, supplies and ICU staff deployed to the PACU;
  - Taking a territory wide view by considering options for appropriate patient transfer between ICUs at Canberra’s hospitals;

- (2) Based current ICU footprint and data projections, Canberra Hospital will reach an average monthly occupancy rate of greater than or equal to 90% occupancy during the 2022-23 financial year. This projection does not take into account measures to be put in place before 2022-23 to address ICU pressures, which include operational and infrastructure options.
  - (3) ACT Health is working with Canberra Health Services to develop operational and infrastructure-based options to address ICU pressures between now and the delivery of SPIRE.
  - (4) The new ICU, being delivered as part of the SPIRE project, will be operational in 2024.
  - (5) Given the early stage of options development, ACT Health cannot provide detail of time, cost and potential impacts of the project.
  - (6) The Coronary Care Unit and Cardiac Catheter Suite will be part of the SPIRE development, and the total area requirements and inclusions are part of the current early design process.
  - (7) The new Acute Coronary Care Unit and Cardiac Catheterisation Suites, being delivered as part of the SPIRE project, will be operational in 2024.
  - (8) Please see answer to question 6.
  - (9) Space vacated through the delivery of SPIRE will be considered as part of ongoing campus planning and through the SPIRE early design development process.
  - (10) There are no current plans for the relocation of Coronary Care Outpatient services, however the issue will be considered as part of ongoing campus planning.
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**Minister for Health and Wellbeing—briefings  
(Question No 2318)**

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 22 February 2019:

- (1) How many briefings has the Minister taken each year since appointed as Assistant Minister for Health and then following appointment as the Minister for Health and Wellbeing, about bullying and cultural problems in (a) ACT Health and (b) Canberra Health Services.
- (2) What form did the briefings at part (1) take and what has been the nature of the information and advice given to the Minister in those briefings.
- (3) What action did the Minister take in response to the information and advice provided.
- (4) Did the Minister's incoming minister's brief as Assistant Minister for Health contain briefing material on bullying and cultural problems in ACT Health; if so, (a) what information was provided and (b) how did the Minister respond to that information.

- (5) Did the Minister's incoming minister's brief as Minister for Health and Wellbeing contain briefing material on bullying and cultural problems in ACT Health; if so, (a) what information was provided and (b) how did the Minister respond to that information.
- (6) If no information about bullying and cultural problems was forthcoming in the processes outlined in parts (1), (2), (4) and (5) then (a) when did the Minister first become aware of bullying and cultural problems in the ACT's public health system, (b) did the Minister seek a briefing, (c) when was the briefing given, (d) what form did the briefing take, (e) what information and advice was provided and (f) what was the Minister's response.

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1) (a) and (b)

The Minister is regularly briefed on workforce issues both verbally and in writing. A search of the ACT Health Electronic Records Management system shows that since February 2016, the Minister for Health and Wellbeing was briefed on matters relating to bullying and organisational culture on seven occasions.

Further to this, the Minister for Health and Wellbeing has been provided with briefs on matters relating to bullying and organisational culture for Question Time and to appear at Committee Hearings including the Select Committee on Estimates and Annual Report Hearings.

- (2) Verbal and written briefings on a range of matters including the workplace culture survey, governance matters, constituent matters and the independent review into workplace culture within ACT public health services.
- (3) The briefs made various recommendations depending on the purpose of the briefing and the issues discussed. Minister's actions were based on these recommendations.
- (4) No. The specific portfolio responsibility for the then Assistant Minister for Health included population health and community health matters.
- (5) No.
- (6) Not applicable – refer to responses to questions 1, 2, 4, and 5.

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### **ACT Health—community consultation (Question No 2319)**

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 22 February 2019:

- (1) Which community-based organisations were represented in relation to an ACT Health-hosted community consultation session on Access All Areas, facilitated by Rebus Theatre, on 16 February 2019.
- (2) How many individuals attended.

- (3) What patient groups were represented, such as, but not limited to, patients with disabilities, patients suffering debilitating illnesses, patients with mental health disorders, paediatric patient groups, geriatric patient groups.
- (4) How and by whom were patient groups represented.
- (5) If a person was invited to attend, and wanted to attend but was unable to attend in person for any reason, what other opportunities were they offered to enable them to participate; if none, why.
- (6) How were attendees selected.
- (7) What was the agenda.
- (8) Where was the session held.
- (9) How much did the session cost.
- (10) Can the Minister provide detail for elements of the session that cost more than \$500.
- (11) What were the top five (a) outcomes and (b) recommendations from the session.
- (12) What were ACT Health's responses to those outcomes and recommendations.

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1) 'Access All Areas – Health' is a Rebus Theatre project, funded by the National Disability Insurance Agency's Information Linkages and Capacity Building (ILC) program. ACT Health and Canberra Health Services did not host a community consultation session on 16 February 2019.
  - (2) Not applicable.
  - (3) Not applicable.
  - (4) Not applicable.
  - (5) Not applicable.
  - (6) Not applicable.
  - (7) Not applicable.
  - (8) Not applicable.
  - (9) Not applicable.
  - (10) Not applicable.
  - (11) Not applicable.
  - (12) Not applicable.
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**ACT Health—committees  
(Question No 2320)**

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 22 February 2019:

- (1) What internal committees in ACT Health currently consider issues related to staff culture and bullying issues.
- (2) What (a) dates did each committee in part (1) meet in the period since 1 January 2018 and (b) was the agenda for each meeting.
- (3) Will the Minister attach to the answer to this question minutes of each meeting as referred to in part (2); if no, why.
- (4) What internal committees in Canberra Health Services currently consider issues related to staff culture and bullying issues.
- (5) What (a) dates did each committee in part (4) meet in the period since 1 January 2018 and (b) was the agenda for each meeting.
- (6) Will the Minister attach to the answer to this question minutes of each meeting as referred to in part (5); if no, why.
- (7) Has or will (a) ACT Health and (b) Canberra Health Services, establish new internal committees in 2019, including a joint-agency committee, to consider issues related to staff culture and bullying issues; if yes, what is the current or proposed membership of these committees.
- (8) What are the terms of reference for each committee as referred to in part (7), including, but not limited to, frequency of meetings.
- (9) Which ACT unions or professional associations have raised concerns about bullying and/or staff culture in (a) ACT Health and (b) Canberra Health Services, in the period since 1 January 2018.
- (10) What specific issues have the organisations at part (9) raise and when did they raise them.
- (11) What responses did ACT Health and/or Canberra Health Services give to the organisations about the specific issues and associated recommendations they raised.

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1) The ACT Health Directorate has settled its new committee governance structure following the transition to two organisations on 1 October 2018. As part of this, a People and Culture Committee is to be established that will consider issues related to workplace culture and bullying. It is anticipated that this new committee will be established in the coming months.

Staff culture and bullying issues are currently considered through existing HR and workforce arrangements.

- (2) Not applicable.
- (3) Not applicable.
- (4) Canberra Health Services is currently reviewing its governance needs in light of the Independent Review and the recent finalisation of its organisational restructure. It is anticipated an appropriate governance structure will be established in the coming months.
- (5) Not applicable.
- (6) Not applicable.
- (7) (a) and (b) Yes. The proposed membership of the committees are currently being determined.
- (8) See response to questions (1) and (4).
- (9) (a) The Community and Public Sector Union (CPSU) and the Australian Medical Association (AMA) have recently written to the ACT Health Directorate about matters relating to workplace culture.
- (b) The CPSU; Health Services Union (HSU); Australian Salaried Medical Officers (ASMOF); AMA; Professionals Australia, and the Australian Nursing and Midwifery Federation (ANMF) have raised both specific cases, and more generalised complaints of bullying and/or staff culture.
- (10) (a) The correspondence received in February 2019 and March 2019 related to the release of, and recommendations contained within, both the Interim Report and the Final Report from the Independent Review into workplace culture within ACT public health services.
- (b) Canberra Health Services cannot provide details of such cases that may compromise our obligations under the *Privacy Act 1988*.
- (11) (a) ACT Health Directorate are currently considering the matters raised by the unions as part of establishing the process for implementing the Review recommendations.
- (b) Canberra Health Services have responded to all relevant unions directly in relation to each individual matter raised. This has involved discussing the outcomes of processes, such as Preliminary Assessments pertaining directly to the members they represent.

In addition, AMA, ANMF, ASMOF, CPSU and VMOA are represented on CROG.

### **Planning—Coombs and Wright (Question No 2324)**

**Ms Le Couteur** asked the Minister for Urban Renewal, upon notice, on 22 February 2019:

- (1) How many demonstration housing projects remain within the process and how many (a) have been offered sites and of these how many have accepted their offers (b) are

having Territory Plan Variations prepared for them and (c) have lodged development applications.

- (2) Are there any other forms of assistance being offered for those projects that remain within the process and for those projects that will be offered sites but have not yet received an offer, how long can they expect to wait for an offer.
- (3) How many projects have left the process and of these, how many have lodged DAs.

**Ms Stephen-Smith:** The answer to the member's question is as follows:

- (1) The Demonstration Housing Project has two streams- projects that already had their own sites, and projects that require sites. In the first stage of the process, the call for Expressions of Interest, fourteen projects with sites and six projects without sites were successful.

Stage 2 Requests for Proposals for Projects with sites closed in late January 2019. Ten Proposals were received and are currently being evaluated. Once these have been evaluated, work can commence on Draft Territory Plan Variations for successful Stage 2 RFP Proponents.

- a) EPSDD is currently working through the process of site selection for successful stage 1 Proponents without sites. None have yet been offered sites.
  - b) No Proponents are at the stage of draft Territory Plan Variations being prepared.
  - c) No Proponents are at the stage of lodging Development Applications.
- (2) EPSDD have offered assistance with community consultation. For successful stage 1 Proponents that require sites, significant work has been undertaken to locate suitable sites for their Proposals. EPSDD has been in contact with Proponents without sites in relation to the suitability of a range of sites.
  - (3) Three successful Proponents from the Stage 1 EOI have withdrawn from the process. One successful Proponent from Stage 1 has switched streams from with a site to without a site. No DAs have been lodged on the blocks identified in the proposals that are no longer part of the process.

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### **ACT Fire & Rescue—equipment (Question No 2327)**

**Mrs Jones** asked the Minister for Police and Emergency Services, upon notice, on 22 February 2019:

- (1) On how many days was the Bronto (a) delayed available, (b) unavailable and (c) on which dates did this occur, since 1 July 2017.
- (2) How many days did ACT Fire & Rescue have a replacement Bronto available for immediate response since 1 July 2017.

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

- (1) The answers below have been provided in approximate hours, rather than days, given that faults can take from five minutes to several days to repair.
- a) From 1 July 2017 to 28 February 2019, the ACT Fire & Rescue (ACTF&R) Bronto was delayed available for approximately 79 hours.
  - b) From 1 July 2017 to 28 February 2019, the ACTF&R Bronto was unavailable for approximately 2,354 hours.
  - c) This occurred on the following dates (for varying periods on each day):
    - 2017 – 3 July; 10-11 July; 6-8 August; 4 September; 7-8 September; 11-13 September; 3 5 October; 11 October; 6 November; 11 November; 30 December.
    - 2018 – 5 January; 8 January; 11 January; 22 February; 27 February to 3 March; 5-7 March; 14 16 March; 31 March; 25 April; 30 April; 4-5 May; 5 June; 8 June; 13-22 June; 5-6 July; 25 July; 30 July to 3 August; 6-7 August; 15 August; 27 August; 11-25 September; 9 October to 6 November; 21 November; 2-3 December; 5 December; 7-13 December; 20 December.
    - 2019 – 4 January to 28 February.
- (2) From 1 July 2017 to 28 February 2019, ACTF&R has had a replacement aerial appliance available for immediate response for approximately 925 hours.

### **Education—international students (Question No 2328)**

**Mr Coe** asked the Minister for Education and Early Childhood Development, upon notice, on 22 February 2019:

- (1) How many international students attended (a) ACT Government schools and (b) non-Government schools during each school year since 2008 to date broken down by school grade.
- (2) In relation to part (1), what is the breakdown of international students for each year broken down by students that were (a) boarding, (b) living with homestay families or on exchange, (c) on temporary visas and (d) any other category or classification.
- (3) What type of visa grants or entitles families free schooling in ACT Government schools.
- (4) How many international students were charged fees to attend (a) ACT Government schools and (b) non-Government schools during each school year since 2008 broken down by school grade.
- (5) In relation to part (4), what was the total amount paid by international students in fees during each year since 2008 to date broken down by school grade.

- (6) How many international students had school fees or charges waived for (a) ACT Government schools and (b) non-Government schools during each school year since 2008 broken down by school grade.
- (7) In relation to part (6), what was the total amount of fees or charges waived for international students during each year since 2008 to date broken down by school grade.

**Ms Berry:** The answer to the member's question is as follows:

- 1(a) The Directorate stores information on fee paying international students based on school sector (primary, high school and college) rather than individual year levels\*.

Year	Number of Primary School Students	Number of High School Students	Number of College Students	Total number of international students
2018	149	198	303	650
2017	126	221	388	735
2016	107	235	337	679
2015	78	159	307	544
2014	83	144	297	524
2013	109	124	268	501
2012	113	91	268	472
2011	115	95	277	487

\*Due to changes in data collection methodology and reporting style, figures for the period 2008 to 2010 are not available in a format that would provide valid longitudinal trend analysis.

- 1(b) The Directorate does not have access to data in relation to international students enrolled in non-government schools.

- 2(a) The Directorate does not offer a boarding arrangement for international students.

- 2(b) International students in ACT Public Schools:

- live in homestay;
- stay with family or friends as part of the Family Friends and Relatives Program (FFaRP);
- reside with a Department of Home Affairs approved guardian (including parents);
- live independently.

International students living with a Department of Home Affairs approved guardian (including a parent) or independently are also holders of a subclass 500 (school sector) visa.

Year	Live in Homestay or FFaRP	Department of Home Affairs approved guardian (inc parents) or independent
2019	250	290
2018	239	411
2017	323	412
2016	321	358
2015	311	233

Year	Live in Homestay or FFaRP	Department of Home Affairs approved guardian (inc parents) or independent
2014	212	312
2013	170	331
2012	156	316
2011	158	329

\*Due to changes in data collection methodology and reporting style, figures for the period 2008 to 2010 are not available in a format that would provide valid longitudinal trend analysis.

2(c) All international students are holders of temporary visas.

2(d) All categories and classifications are identified in the above response.

3 A full list of visa subclasses and their fee payment status is listed on the Directorate's website at the following URL:

[https://www.education.act.gov.au/public-school-life/international\\_students/temporary\\_residents\\_and\\_dependants](https://www.education.act.gov.au/public-school-life/international_students/temporary_residents_and_dependants)

4(a) The Directorate stores information on fee paying international students based on school sector (primary, high school and college) rather than individual year levels.

Year	Number of Primary School Students	Number of High School Students	Number of College Students	Total number of international students
2018	149	198	303	650
2017	126	221	388	735
2016	107	235	337	679
2015	78	159	307	544
2014	83	144	297	524
2013	109	124	268	501
2012	113	91	268	472
2011	115	95	277	487

\*Due to changes in data collection methodology and reporting style, figures for the period 2008 to 2010 are not available in a format that would provide valid longitudinal trend analysis.

4(b) The Directorate does not have access to data on international students enrolled in non-government schools.

5 The data is available in the financial statements in the Directorate Annual Reports 2010-2011 through to 2017-2018, recorded as Note 5 User Charges. Variance year to year relates to enrolment fluctuations and/or tuition fee increase. The data is not reported by school year level.

Year	International Private Students Fees
2017 – 18	\$10,462,000
2016 – 17	\$9,995,000
2015 – 16	\$9,002,000
2014 – 15	\$8,146,000

Year	International Private Students Fees
2013 – 14	\$6,760,000
2012 – 13	\$6,051,000
2011 – 12	\$5,659,000
2010 – 11	\$5,805,000
2009 – 10	\$6,053,000
2008 – 09	\$6,416,000

6(a) During the period 2008-2017 there have been limited applications for waivers.

In 2018, the Directorate granted fee waivers to three students.

In 2019 (to 6 March) the Directorate granted six fee waivers.

6(b) The Directorate does not have access to data on students enrolled in non-government schools.

7 The value of fees waived in 2018 was \$36,700.

The value of fees currently waived in 2019 equals \$69,550.

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### **Energy—feed-in tariff scheme (Question No 2333)**

**Mr Coe** asked the Minister for Climate Change and Sustainability, upon notice, on 22 February 2019:

- (1) When did the Minister or the Directorate first become aware of potential misreporting of Feed-In Tariff (FIT) Scheme data by Evoenergy.
- (2) Who, or what entity, alerted the Minister or the Directorate of the potential inaccuracy of reported data.
- (3) Will the results of the audit be made publically available; if not, why not.
- (4) Will Evoenergy face any consequences should the audit determine that there has been inaccurate reporting of Feed-In Tariff data; if so, what consequences or penalties will be imposed; if not, why not.
- (5) Is there a potential for costs imposed on households as a result of the scheme to be higher than previously projected due to the misreporting of FIT data by Evoenergy.

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

- (1) The Environment, Planning and Sustainable Development Directorate (then the Environment and Planning Directorate) ('the Directorate') became aware of potential inaccuracies in data reported by Evoenergy (then ActewAGL Distribution) under the *Electricity Feed-in (Renewable Energy Premium) Act 2008* ('the Act'), in September 2015.

- (2) The Directorate advised the then Minister of its concerns in regard to data inaccuracies in December 2015. Since this time, the Directorate has been working with Evoenergy to improve data reporting as required by the Act.
  - (3) There is no requirement in the Act to make the results of the audit publicly available; however, it is the intention to release the audit findings.
  - (4) The Act does not prescribe any penalties for inaccurate data reporting. As a product of the Directorate working closely with Evoenergy, Evoenergy has implemented a new data management system for reporting required by the Act. The audit will assess the effectiveness of this system and provide an opportunity for any audit findings to be considered as part of the concurrent review of the Act.
  - (5) It is likely that adjustments will be made as a result of the improved data quality.
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### **Crime—Gungahlin (Question No 2337)**

**Mr Milligan** asked the Minister for Police and Emergency Services, upon notice, on 22 February 2019:

- (1) What measures is the Government taking to support local police and ensure the safety of residents and their property in relation to the recent spike in car thefts and car fires in the Gungahlin District.
- (2) Does the ACT have the lowest police-to-resident ratio in Australia as detailed by Part C of the Productivity Commission's latest report into government services dated 24 January 2019; if so, what measures is the Government taking to increase police presence in the Gungahlin District.

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

1. I am advised that the Gungahlin patrol zone has the lowest proportion of these incidents across Canberra, excluding regional areas. The ACT Government is committed to keeping the community safe both ACT Policing and ACT Emergency Services are well resourced to keep our community safe. This includes to respond to crime, including car thefts and arsons. Crime rates fluctuate, with some crime rates increasing while others decrease and the Chief Police Officer has advised me that motor vehicle theft and motor vehicle arsons are currently a priority for its Criminal Investigations team. Motor vehicle theft is a key issue identified in the Government's Property Crime Prevention Strategy 2016-2020 with a target for the ACT to be at or below the national rate motor vehicle theft rate by 2020. Actions under the Strategy include ACT Policing continuing to develop and implement strategies to target recidivist property crime offenders; promoting reporting of crime or suspicious behaviour and educating the community about what they can do to safeguard their property.
  - a) ACT has the lowest number of operational police staff per capita, however, our small geographical footprint means that we have significantly more police officers per 1000km<sup>2</sup> than all other jurisdictions. In addition the ACT also benefits from the arrangements in place with the AFP to provide policing services, including the ability to call upon specialist and surge capacity resources of the broader AFP.

Evidence of ACT Policing being sufficiently resourced to respond to crime is its history of achieving good results against the performance measures in the Purchase Agreement and when compared to other jurisdictions. Canberrans also report high satisfaction levels with ACT Policing and feel safe in the community.

- b) The ACT is growing and changing, and the Government and community's expectations of ACT Policing continue to evolve. That is why in 2017-18 the Government invested \$2.1 million to support ACT Policing's Futures Program to review ACT Policing's operating model and infrastructure. Insights gained through the review are informing the development of an enhanced service delivery model and how ACT Government can best support ACT Policing into the future, including enhancing technology and the mobility of our police officers.

In 2018-19, the ACT Government invested \$2.6 million to recruit four, new specialist positions to expand ACT Policing's strategic analysis capability, helping to identify and target emerging crime trends and \$5.6 million to provide new smartphone equipment to all police officers to improve the secure capture, transmission and sharing of data and radio communications. These devices allow police officers to be more mobile so they can spend more time in the community.

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### **Children and young people—care and protection (Question No 2338)**

**Mrs Kikkert** asked the Minister for Children, Youth and Families, upon notice, on 22 February 2019:

- (1) Did the Minister state in question time on 20 February 2019 that “We already have a number of Aboriginal and Torres Strait Islander children in out-of-home care in stable placements, sixty per cent of them living with extended family and kin. We are not about to disrupt those placements”; if so, (a) what are the reasons that inform this commitment to maintaining a stable placement including known benefits of maintaining a stable placement for a child or young person who is in out-of-home care and known risks of disrupting a stable placement for a child or young person who is in out-of-home care.
- (2) Does the length of time that a stable placement has been in effect impact on either benefits or risks; if so, in what way/s.
- (3) Does any attachment that the child has formed with carers impact either benefits or risks; if so, in what way/s.
- (4) In relation to answers to parts (1)(a) to (3), are there any circumstances in which the ACT Government would choose to disrupt a stable placement; if so, what circumstances would warrant such a decision.
- (5) What principles or guidelines would determine that it is in the best interest of a child to disrupt a stable placement.
- (6) How would the attachment of the child to her or his carers be taken into consideration in the case of a decision to disrupt a stable placement.

- (7) What weight is given to the wishes of the child, and how are these wishes assessed in the case of a decision to disrupt a stable placement.
- (8) Has the ACT Government made the decision to disrupt any stable out-of-home care placements in the past twelve months; if yes, how many and why.

**Ms Stephen-Smith:** The answer to the member's question is as follows:

- (1) Yes.
  - (a) A stable attachment to an adult caregiver is important for the healthy development of all children. A stable placement is needed to provide a sense of safety and security. Without this, children can live in fear which can have negative outcomes for their physiological, cognitive, social, emotional and relational development.
- (2) There is research indicating that children who do not receive stability in the first five years of life while the brain is undergoing its most rapid development can have poorer outcomes than those who might experience instability later in life. The longer a child has been in a stable placement, the more grief and loss they are likely to experience if that placement is disrupted.
- (3) The presence of a secure attachment early in life can mitigate or buffer some of the effects of adverse experiences. However, children who have experienced early adversity and trauma are particularly vulnerable to experiencing severe consequences if they have formed a stable relationship with a caregiver that is then disrupted, particularly if they experience multiple placements. These attachment disruptions can lead to disorganised ways of responding in future relationships, which often include aggressive, controlling and manipulative interactions.
- (4) Decisions regarding the most appropriate placement for a child in out of home care are complex and must consider the short and long-term impact on the child. All decisions are made with careful consideration of a number of factors, including the best interest principles and placement priorities outlined in the Children and Young People Act 2008, the views and wishes of the child where this is possible, and the views of other interested adults involved with the child.

From time to time circumstances change and individual placements are reviewed to ensure the best interests of a child or young person. Circumstances that might warrant the need to consider a placement change could include a serious event within a carer household, identification and location of appropriate kin, a decision of the Court, or the wishes of the child or young person.

- (5) As stated in (4) above, a child's best interest is dependent on the individual needs of the child and each decision is made through an assessment of their circumstances and impacting factors. Decision makers within Child and Youth Protection Services are guided by the *Children and Young People Act 2008*:
  - Section 349, What is in the best interest of child or young person;
  - Section 350, Care and protection principles; and
  - Section 513, Priorities for placement with out of home carer – Aboriginal and Torres Strait Islander child or young person.

Decision makers also consider all aspects of the child's life including current circumstances balanced with the best interests both in the short and long-term.

- (6) All decisions are made with the best interests of the child at the centre. Attachment is one consideration weighed up when decisions are made regarding the placement of children. Other considerations include stability, cultural connection and identity, and the individual needs of the child.
- (7) CYPS gathers a child's wishes about their care and contact arrangements via a number of sources, depending on the child's age and stage of development, including:
- talking to a child about their wishes;
  - Viewpoint, an online questionnaire that is offered to children in care that allows them to comment on their past and current experiences in care and their wishes for the future;
  - talking to the child's carers and other significant people in their lives;
  - observations of the child;
  - information and advice from other professionals in the child's life; and
  - expert reports/assessments, including any assessments that may have been obtained during legal proceedings.

A child's wishes should always be considered in making decisions regarding their placement, however, it is important to note that the best interest of the child is the primary consideration in decision making and the final decision may not always reflect the child's expressed wishes at a point in time.

- (8) Decisions around where children reside must be reviewed when individual circumstances change. All decisions are made with careful consideration of several factors, including the best interest principles and placement priorities outlined in the *Children and Young People Act 2008*, the views and wishes of the child where this is possible, and the views of other interested adults involved with the child. In considering these factors a decision may be reached that changes the child's placement. However this is not a matter of making a decision to disrupt a stable placement.

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## **Roads—resurfacing** **(Question No 2339)**

**Mrs Kikkert** asked the Minister for City Services, upon notice, on 22 February 2019 (*redirected to the Minister for Roads*):

- (1) What types of interim repairs are made as part of road safety/repair/maintenance measures.
- (2) What is the average cost of each kind of interim repair.
- (3) What is the average amount of time before an interim repair is replaced with a permanent repair.
- (4) What is the purpose of an interim repair, and why are upfront permanent repairs not a viable option.

- (5) How many interim road repairs are currently in place in the Ginninderra electorate, where are they located and when are they expected to be permanently repaired.

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

1. Repairs to road pavements typically involve asphalt patching. Shorter timeframe repairs, such as to isolated potholes can be made using cold mix asphalt. More durable repairs to substantial pavement failures can be made using asphalt applied hot. These treatments are more complex and require planning of designs, materials, specialist equipment and other resourcing.
2. The cost of each pothole repair is approximately \$60. The cost of hot asphalt patching varies significantly depending on the specific application, location and the size of the patch, typically ranging from \$40-\$100 per square metre.
3. In each set of circumstances officers seek to apply the treatment that is most appropriate in terms of timeframe, cost and durability. In some cases, a short timeframe response may be replaced by a more substantial treatment. The need for a subsequent treatment and its timing will vary depending on circumstances, including the performance of the initial treatment.
4. See answers 1. and 3. above.
5. The attached map shows the distribution of 59 sites in the Ginninderra electorate identified for inclusion in heavy patching (using asphalt applied hot) programs and not yet recorded as completed in TCCS's Integrated Asset Management System. The timeframe for permanent treatments varies based on the required treatment and priority within the asset management system.

*(A copy of the attachment is available at the Chamber support Office).*

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### **National Multicultural Festival—data (Question No 2340)**

**Mrs Kikkert** asked the Minister for Multicultural Affairs, upon notice, on 22 February 2019:

- (1) When will government survey results from the 2019 National Multicultural Festival be finalised.
- (2) How is the survey conducted, and who is invited to participate.
- (3) Can a copy of the survey be provided as an attachment.
- (4) Will the ACT Government consider placing additional umbrellas or other shading in the Civic Square area of the Festival, where there is a lack of tree shading compared to other areas of the Festival footprint.
- (5) How many MCs who participated in the Festival came from (a) interstate and (b) overseas.

- (6) Were any interstate/overseas MCs funded by the ACT Government; if so, (a) how many and (b) for each MC, what was the total amount of expenditures (including travel, accommodation, payment etc.) given.
- (7) How many performers at the Festival were invited by the ACT Government to participate came from (a) interstate and (b) overseas
- (8) Were any interstate/overseas performers funded by the ACT Government; if so, (a) how many and (b) for each performer, what was the total amount of expenditures (including travel, accommodation, payment etc.) given.
- (9) Will the ACT Government consider publishing vehicle parking guidelines for stallholders and visitors.
- (10) What parking areas are available for stallholders and visitors.
- (11) What parking areas are available for larger vehicles operated by stallholders, such as small trucks.
- (12) Who determines, and by what criteria are stall locations determined.
- (13) Will the Government consider rotating stall locations for stallholders so that Festival hotspots can be shared.
- (14) Will the Government consider managing stall locations so that on days where there are empty stalls at prime locations, these stalls can be used by stallholders who have otherwise been allocated a location further away.
- (15) Will the ACT Government consider collecting more detailed data on the Festival, such as (a) Festival hotspots and peak visitor traffic days/times and (b) number of visitors; if not, why not.
- (16) Will the ACT Government consider placing navigation sign posts throughout the Festival footprint to better direct visitors to various areas such as cultural villages, food, information, community organisation stalls; if not, why not.
- (17) Will the ACT Government consider placing performance schedule posts at each stage at the Festival to improve navigation; if not, why not.
- (18) Will the ACT Government consider making available 3x9 size stalls; if not, why not.
- (19) What is the reason for taking away 3x9 stalls at this year's festival.
- (20) Were there any stallholders who operated a 3x9 stall at the Festival; if so, who.
- (21) Will the ACT Government consider relocating the National Multicultural Festival to Commonwealth Park in the future; if not, why not.
- (22) Will the ACT Government consult with the community about the possibility of hosting the Festival at Commonwealth Park; if so, when will consultation occur and in what manner.

- (23) How many support staff were available to assist stallholders on the following days (a) 15 February 2019, (b) 16 February 2019 and (c) 17 February 2019 and what were their (i) working hours and (ii) where were they located.
- (24) How many staff were responsible for responding to emergency and first aid calls.
- (25) Are stallholders able to receive a refund if power plugs that were applied and paid for were not provided; if yes, whom should stallholders contact for refunds; if not, why not.
- (26) How long does it take for the festival footprint to be cleaned after the Festival, including cleaning of the pavement.
- (27) What measures will the ACT Government take to improve efficiency and timeliness in the cleaning of the festival footprint.

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

- (1) The results of the annual NMF survey is expected to be available to the Directorate in April 2019.
- (2) Surveys are conducted by external research organisations contracted by the Community Services Directorate (CSD). A range of stakeholders which include Canberra households, stallholders, Festival visitors, performers and volunteers are surveyed using a range of methods which include telephone, face to face and email questionnaires.
- (3) Copies of the various questionnaires are at Attachment A.
- (4) Since 2017, the Festival has provided additional temporary shading in Civic Square. In 2018, this included a large, custom-built shaded structure in front of the stage. This development was very favourably received by community members and visitors. In 2019, we again provided this structure as well as additional umbrellas in Civic Square.
- (5) a) Three.  
b) One.
- (6) No MCs were paid by the ACT Government in 2019.
- (7) All three 2019 headliner performers were invited to perform and were from interstate.
- (8) a) 20 (3 international and 17 interstate)  
b) See Table below.

Performance Name	Location	Total amount of expenditure
Afro Cuban	Interstate	\$500.00
Aire Folclor Colombiano	Interstate	\$2,000.00
Amira Medunjanin	International	\$10,000.00
Carla Troiano and the Mayfields	Interstate	\$10,889.45
Christine Anu	Interstate	\$25,319.81
Cosima De Vito and De Bellis Band	Interstate	\$7,700.00
Elena B Williams & Strings	Interstate	\$4,500.00

Performance Name	Location	Total amount of expenditure
Gang of Brothers	Interstate	\$8,000.00
Inka Marka	Interstate	\$2,500.00
Isaiah Firebrace	Interstate	\$16,960.00
Karen Lee Andrews	Interstate	\$8,250.00
Mark Olive	Interstate	\$7,472.11
Mi Hermano Y Yo Vallenato Y Folclore	Interstate	\$1,800.00
Michael Zaib	International	\$6,500.00
Sol Nation	Interstate	\$5,000.00
Tamasa Creole	Interstate	\$3,000.00
Tausala Dance Group	Interstate	\$1,000.00
The Faumuis	Interstate	\$1,000.00
The Two Amigos	Interstate	\$6,000.00
Z Star Delta	International	\$6,600.00

- (9) Stallholders are provided with temporary access vehicle permits for bump-in and bump-out and guidelines for their use. There is no permanent parking for vehicles within the Festival footprint during the Festival.

Businesses and residents in the Canberra CBD are sent letters in the lead-up to the Festival that included detailed information about road closures.

Visitors were able to access information about road closures on the Transport Canberra website.

- (10) See the answer to question 9.
- (11) Outside of bump-in and bump-out periods, stallholders make their own arrangements for parking their vehicles outside of the footprint.
- (12) The Festival stallholder terms and conditions identify a priority order for stall applications. Once a stallholder applicant is successful, allocation is based upon the following factors:
- a) the stallholder's stated location preference;
  - b) the number of days they are participating;
  - c) whether they are part of or associated with a community showcase;
  - d) whether they are a diplomatic mission and where other, associated missions may be located;
  - e) if they are a Festival sponsor;
  - f) if they are a commercial operation (which pays commercial rates); and
  - g) for food and beverage stalls, avoiding co-location with very similar products (including existing CBD businesses).

Allocation is impacted by the physical constraints of the footprint, by late applications and late cancellations.

- (13) The allocation factors identified in the answer to question 12 will be the primary drivers of specific stall allocation. These factors do include regard for the preference of individual stall holders and these preferences are accommodated where possible.

- (14) This is done as a matter of course subject to certain constraints. One such constraint is power, as stalls can have different power requirements and these cannot be adjusted once power lines have been laid during footprint set-up.

Where possible, the Festival Organising Team does allow movement by stall holders between stall locations where it is practical to do so.

- (15) The adoption of such data collection would be subjective given the current footprint and free un-ticketed access, which make more sophisticated analysis of numbers very difficult.
- (16) In 2019, the Festival Organising Team provided a detailed Festival map which included clear information on stage locations, showcases, parade route, information stalls and facilities. There was also improved signage across the footprint.
- (17) Festival organisers have identified the potential benefits of performance schedules at stages. This will be considered for future Festivals.

The Festival program is available on-line and can be readily accessed on the footprint utilising mobile technology.

- (18) 3x9 stalls/spaces have created pressure within the Festival footprint in terms of space and access and potentially limit the number of community groups that can be accommodated. Some stall holders may access larger stalls/spaces in certain circumstances, but this is by exception.
- (19) See the answer to Question 18
- (20) See the table below.

<b>Registration Category</b>	<b>Organisation</b>
Diplomatic	EU Delegation
Diplomatic	State of Kuwait Embassy
Diplomatic	Embassy of The United Arab Emirates (UAE)
Information	Ahmadiyya Muslim Association Australia
Commercial (Food)	Limogela (this was a truck equivalent to a 3x9 stall)
Commercial (Food)	Asian Inspirations Pop-Up Store

- (21) The Government is satisfied that the CBD is a suitable location for the Festival at this time.
- (22) See the answer to question 21.
- (23) There were four different groups of staff and volunteers (excluding third party contractors) assisting stallholders across the weekend:

- i) Area Wardens who managed specific areas of the footprint. Area Wardens undertook 4-5 hour shifts but some wardens covered multiple areas in quiet times or did extended shifts if available to do so. There were:
    - a) 26 on Friday 15 February;
    - b) 27 on Saturday 16 February; and
    - c) 16 on Sunday 17 February.
  - ii) General Volunteers were available to assist with bump-in and bump-out and then to support Area Wardens across the weekend. Volunteers undertook 4 hour shifts. There were:
    - a) 29 on Friday 15 February;
    - b) 46 on Saturday 16 February; and
    - c) 37 on Sunday 17 February.
  - iii) Emergency Services Agency volunteers were rostered into the Event Control Centre across the weekend to provide support to Area Wardens, much of which related to assisting Area Wardens with Stallholder inquiries. They worked variable length shifts. There were:
    - a) six on Friday 15 February;
    - b) eight on Saturday 16 February; and
    - c) four on Sunday 17 February.
  - iv) In addition, Festival Organising Team staff were available across the weekend to assist with more complex stallholder inquiries.
- (24) There were 32 staff from the ACT Ambulance Service and from St Johns Ambulance rostered on the footprint over the three days of the Festival.
- (25) If stallholders did not receive the power services they applied and were approved for, they should approach the Festival Organising Team and seek a refund.
- (26) Festival Organisers work with other government services to have the footprint clean as soon as possible after bump-out. This is undertaken within five working days.
- (27) This is one of a range of issues that is considered as part of the annual Festival review. Any identified improvements will be considered for future Festivals.

*(Copies of the attachments are available at the Chamber Support Office).*

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### **Community services—community groups (Question No 2343)**

**Mrs Kikkert** asked the Minister for Community Services and Facilities, upon notice, on 22 February 2019:

What is the total number of (a) community services and (b) community groups/organisations, known to the ACT Government, and what are their names.

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

The information you need can be found at the below ACT Government website:

- [https://vc-act.mycommunitydirectory.com.au/Australian\\_Capital\\_Territory/Canberra](https://vc-act.mycommunitydirectory.com.au/Australian_Capital_Territory/Canberra)

Please refer to this for community services related community groups/organisations.

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### **National Multicultural Festival—data (Question No 2345)**

**Mrs Kikkert** asked the Minister for Multicultural Affairs, upon notice, on 22 February 2019:

- (1) In relation to the (a) 2016, (b) 2017, (c) 2018 and (d) 2019 National Multicultural Festivals, how many applications were received to take part in the Festival and how many of these applications were (i) stallholders and (ii) entertainment, applications.
- (2) How many applications referred to in part (1) were (a) successful, and (b) unsuccessful.
- (3) How many unsuccessful applications referred to in part (2) were (a) stallholder and (b) entertainment, applications and what were the reasons for the decision of each of these applications.
- (4) In relation to each of the Festival years (a) 2016, (b) 2017, (c) 2018 and (d) 2019, how many of the following were from the ACT, interstate, overseas, or unknown (i) applicants to take part in the Festival, (ii) successful applicants, (iii) unsuccessful applicants, (iv) successful stall holder applicants, (v) unsuccessful stallholder applicants, (vi) successful entertainment applicants and (vii) unsuccessful entertainment applicants.
- (5) How many requests for waiver of charges were received from community groups in each of the years (a) 2016, (b) 2017, (c) 2018 and (d) 2019 and how many requests were (i) granted and (ii) rejected, and what was the reason for each decision.
- (6) How many former stallholders have outstanding fees from previous festivals (and are therefore excluded from participating in this year's Festival) for each year (a) 2016, (b) 2017, (c) 2018 and (d) 2019.
- (7) In the event of an unsuccessful application, are applicants given a reason for decision; if not, why not.
- (8) Are there any avenues for appeal or review of a decision; if so, can the Minister detail; if not, why not.
- (9) What was the total number of stallholders at the Festival in each year (a) 2016, (b) 2017, (c) 2018 and (d) 2019.
- (10) How many stallholders operated stalls on (a) Friday only, (b) Saturday only, (c) Sunday only, (d) Friday and Saturday only, (e) Friday and Sunday only, (f) Saturday and Sunday only, (g) Friday, Saturday and Sunday, for each year (i) 2016, (ii) 2017, (iii) 2018 and (iv) 2019.

- (11) How many of the following stallholders were present for each day of the Festival (a) local commercial groups, (b) local community groups (including cultural), (c) cultural groups only (not including diplomatic missions), (d) diplomatic missions, (e) information stallholders, (f) community clubs, (g) interstate community groups, (h) interstate commercial groups and (i) other (specify), for each year (i) 2016, (ii) 2017, (iii) 2018 and (iv) 2019.
- (12) What was the total number of performers at the Festival for each of the years (a) 2016, (b) 2017, (c) 2018 and (d) 2019.
- (13) How many of each sized stall (3x3 and 3x6) were set up at the Festival for each of the years (a) 2016, (b) 2017, (c) 2018 and (d) 2019.
- (14) How many of each sized stall (3x3 and 3x6) were empty on the following days (a) Friday, (b) Saturday and (c) Sunday, for each of the years (i) 2016, (ii) 2017, (iii) 2018 and (iv) 2019.
- (15) What was the total Government budget and complete breakdown of costs for the Festival in each of the years (a) 2016, (b) 2017, (c) 2018 and (d) 2019.
- (16) How many sponsorships were received for the Festival and what was the total amount of funds received as donations in each of the years (a) 2016, (b) 2017, (c) 2018 and (d) 2019.
- (17) What costs are borne by festival participants and what is the cost of a stallholder application in each of the years (a) 2016, (b) 2017, (c) 2018 and (d) 2019.
- (18) How much funding was available for the round of Multicultural Participation Grants primarily intended for the Festival and how (a) many applications were received, (b) many applications received the full amount of funding requested, and who were the applicants, (c) many applications received a partial amount of funding, and who were the applicants, (d) many applications were unsuccessful, what was the reason for each unsuccessful application, and who were the applicants, (e) much funding was given to various community groups for the purpose of supporting participation at the Festival and (f) many applications for funding to support participation at the Festival were unsuccessful, what was the reason for each unsuccessful application, who were the applicants, and were reasons for the decision given to each applicant, for each of the years (i) 2016, (ii) 2017, (iii) 2018 and (iv) 2019.
- (19) How many (a) staff (b) volunteers were employed for the Festival and what were their roles and responsibilities for each of the years (i) 2016, (ii) 2017, (iii) 2018 and (iv) 2019.
- (20) How many electricians were present to support Festival participants for the following days, and what were their working hours for (a) Friday, (b) Saturday, (c) Sunday and (d) other dates (specify), for each of the years (i) 2016, (ii) 2017, (iii) 2018 and (iv) 2019.
- (21) How many visitors were present at the Festival for each of the years (a) 2016, (b) 2017, (c) 2018 and (d) 2019.
- (22) Which (a) Festival locations were most popular, (b) stage locations saw the most visitors, (c) stage performances were most popular, (d) stage locations saw the least

visitors, (e) stage performances were least popular, (f) day/s and times saw the most visitors at the Festival and (g) day/s and times saw the least number of visitors at the Festival, for each of the years (i) 2016, (ii) 2017, (iii) 2018 and (iv) 2019.

- (23) Will an external review of the Festival be conducted for the years (a) 2016, (b) 2017, (c) 2018 and (d) 2019; if yes, who will be conducting the review and when will the review be published; if not, why not.

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

- (1) In regard to stallholder applications and entertainment applications, for:
- a) 2016, reliable data is not available;
  - b) 2017, for stallholder applications, I refer to the answer to the Annual and Financial Report Hearings of the Standing Committee on Health, Ageing and Community Services at QTON 26. Reliable data for entertainment applications for 2017 is not available;
  - c) 2018, reliable data is not available;
  - d) 2019, there were 339 stallholder applications and 170 entertainment applications
- (2) The Community Services Directorate is not able to determine the numbers of unsuccessful applications (and therefore, provide an associated number for 'successful' applications). This is because stallholder and entertainment applicants are not typically refused a stall or involvement by the Festival Organising Team. Where the Organising Team raises issues with an applicant about compliance with requirements or availability (of stall size or location preference), the applicant often chooses not to proceed and withdraws the application. However, there are other reasons why applicants withdraw an application and these reasons are often not provided to the Organising Team.
- (3) Please refer to the answer to Question 2.
- (4) For the 2019 Festival:
- a) of the 339 stallholder applications
    - i) 272 were local
    - ii) 67 were from interstate
    - iii) 0 were international;
  - b) of the 170 entertainment applications
    - i) 75 were local
    - ii) 48 were from interstate
    - iii) 13 were international
    - iv) 34 were unspecified.

In regard to previous years, the Directorate does not have reliable data available to respond to this question.

For the reasons provided in Question 2, the Directorate is unable to provide information on the numbers of successful and unsuccessful applicants.

- (5) In 2019, only one waiver was requested and this was granted to a community group involved in managing one of the showcases.

The Community Services Directorate has not systemically retained information regarding fee waivers for previous years. It is therefore unable to provide the data for past years.

- (6) The Community Services Directorate is pursuing outstanding fees from past Festivals with a small number of organisations. The number for 2016, 2017 and 2018 are listed in the table below.

YEAR	No#
2016	Nil
2017	1
2018	3

One organisation has been excluded and that organisation has not sought a waiver for outstanding fees. The Directorate has recently corresponded with this organisation to offer a waiver in order to facilitate future involvement.

In regard to the 2019 Festival, stallholders still have time to pay any outstanding fees.

- (7) As noted in question 2, the Festival Organising Team will raise with applicants concerns about application compliance issues or availability.
- (8) Applicants can seek a review either with the National Multicultural Festival Director or with the Executive Group Manager, Inclusion and Participation.
- (9) The number of stallholders per year were
- 2016 – reliable data not available;
  - 2017 – I refer to the answer to the Annual and Financial Report Hearings of the Standing Committee on Health, Ageing and Community Services at QTON 26;
  - 2018 – I refer to the answer at QON 1021;
  - 2019 – 278.

It is important to note when reflecting on information provided in past years, that a stallholder can apply for more than one stall space and that total stall numbers are higher than the number of stallholders.

- (10) The Community Services Directorate is unable to provide the data for 2016 and 2017 as the data is difficult to locate, unreliable and /or would require an unreasonable diversion of staff resources.

For 2018, I refer to the answer at QON 1021.

For 2019, see the table below:

Day Configuration	Number
Friday Only	1
Saturday Only	93
Sunday Only	89
Fri and Sat Only	14
Fri and Sun Only	0
Sat and Sun Only	4
Fri, Sat and Sun	77

- (11) The Community Services Directorate is unable to provide the data for past years such as 2016 and 2017 as the data is difficult to locate, unreliable and/or would require an unreasonable diversion of staff resources.

For 2018, I refer to the answer at QON 1021.

For 2019, see the table below:

<b>Stallholder Category</b>	<b>Friday</b>	<b>Saturday</b>	<b>Sunday</b>
Local Commercial Group	21	21	21
Local Community Groups	42	69	34
Diplomatic	1	55	15
Information	10	11	74
Community Clubs	5	5	4
Interstate Community Groups	9	12	7
Interstate Commercial Groups	24	24	24

- (12) The Community Services Directorate is unable to provide the data for past years as the data is difficult to locate, unreliable and/or would require an unreasonable diversion of staff resources.

In 2019 there were 212 performing acts (which includes individuals and groups).

- (13) The Community Services Directorate is not able to provide reliable data for the 2016 and 2017 Festivals.

For details from the 2018 Festival, please refer to the answer at QON 1021.

A total of 317 3x3 structures were built for use over the three days of the 2019 Festival. A number of these were reconfigured prior to and across the weekend to provide 3x6 and a small number of 3x9 structures.

- (14) The Community Services Directorate is not able to provide reliable data for the 2016 and 2017 Festivals.

For details of the 2018 Festival, please refer to the answer to question 4 of QON 1021.

The number of empty stalls on each day of the 2019 Festival were:

- a) 164 on Friday;
- b) 4 on Saturday; and
- c) 30 on Sunday.

The reasons for the presence of empty stalls at the 2019 Festival are the same as for the 2018 Festival as explained in the answer to question 4 of QON 1021.

- (15) In regard to the budgets for each year of the Festival, I refer the member to answers given to QON 1021 and Estimates QON E18-605 which I have included in the table below:

	<b>2016 \$000</b>	<b>2017 \$000</b>	<b>2018 \$000</b>	<b>2019 \$000</b>
<b>Government budget</b>	475	475	730	810
<b>Total Costs</b>	1,190	1,121	1,285	N/A

As the invoices for services of the 2019 Festival are still being submitted and processed, the final figure spent for the 2019 Festival cannot be provided at this time.

For the breakdown of final costs for the Festival, the data for 2016 and 2017 would require considerable manual handling and a major diversion of resources to prepare and is therefore unavailable.

For the 2018-19 financial year, this process has been systemised.

The breakdown for the 2018 Festival was manually prepared to inform budget preparations for the 2019 Festival and is provided in the table below:

	<b>2018 \$000</b>
INFRASTRUCTURE - 3 DAYS	752
PRE-EVENT PLANNING	19
PERMITS, APPROVALS & INSURANCES	11
STAFFING & CONTRACTORS	51
VOLUNTEER EXPENSES	26
COMMUNICATIONS, MEDIA	39
ENTERTAINMENT	167
PRE-EVENT PLANNING	10
OTHER (INCLUDING STAFFING)	210
<b>Total</b>	<b>1,285</b>

(16) In regard to sponsorship, see the table below:

	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>Sponsorships</b>	14	17	13	11
<b>Sponsorship \$000</b>	159	121	138	167

(17) The National Multicultural Festival is a free public event, therefore, there are no costs to participants.

Stallholder application costs cover the construction of the stall, standard tables and chairs and power. Stallholders are responsible for all other costs associated with the operation of their stall.

Current stallholder application fees are available on the National Multicultural Festival website – [www.multiculturalfestival.com.au](http://www.multiculturalfestival.com.au) - under Stalls, 2019 Stallholders Terms and Conditions.

A table covering fees for the 2016, 2017 and 2018 Festivals is at [Attachment A](#).

- (18) A total of \$85,000.00 (GST exclusive) was available in the 2018-19 funding round for the 2019 National Multicultural Festival Grant Program. Organisations could apply for a grant up to the value of \$8,000.00 (GST exclusive).
- a) 102 applications were received under the 2019 National Multicultural Festival Grant Program. Of these, 2 applications did not have a funding request attached to them and 1 organisation submitted 3 applications.
  - b) 2 applicants received the full amount of funding requested. These were:
    - i) Celebrations of African Australians ACT Inc received funding of \$8,000.00 (GST exclusive); and
    - ii) Canberra India Council received funding of \$8,000.00 (GST exclusive).
  - c) A total of 79 applicants received partial funding for their project. Please refer to Attachment B.
  - d) A total of 17 applications were unsuccessful. Please refer to the answer to f)(iv) below.
  - e) A total of \$85,400 (GST exclusive) was allocated through the 2019 National Multicultural Festival Grants Program.
  - f) The 2019 National Multicultural Festival Grant Program was the first year in which Festival grants were provided as a discreet program separate from the Multicultural (Participation) Grants Program. To provide data regarding unsuccessful Festival applications from past grants programs would require considerable manual handling and may not be reliable, as the grants program was not specific to the Festival. On that basis, we do not have a breakdown of data for 2016, 2017 and 2018.

In 2018-19, 17 applications were unsuccessful. Correspondence sent to these applicants included reasons why their application was unsuccessful. Below is a summary of reasons for applications that were not recommended for funding:

- 5 applications sought funds for activities which were referred for the entertainment component of the program;
  - 4 applications were not eligible as the applicants had outstanding acquittals from previous grants rounds;
  - 4 applicants sought funds for projects that fall outside the criteria set for the Participation (Multicultural) Grants Program;
  - 2 applicants withdrew;
  - 1 application was incomplete and the applicant was advised to submit a new application;
  - 1 applicant was found to have inconsistencies in their financial arrangements.
- (19) For past years including 2015-16 and 2016-17, determining staffing numbers working on the Festival has not been possible as no staff were specifically allocated to the Festival. Instead, Community Services Directorate staff were made available to work on Festival function on an as-needs basis and any staffing costings referenced in the past have been estimates.

In 2017-18, the Festival Director (SOG A) was exclusively dedicated to the Festival to perform all necessary functions.

In 2018-19, the Festival Director (SOG A) – for the full financial year - and 1 x ASO 6 staff member – for much of the financial year - were exclusively dedicated to the Festival to perform all necessary functions.

Volunteers are not employees. For further information about volunteers, please refer to the answer to Question 23 of QON 2340.

- (20) The Community Services Directorate is unable to provide the specific number of electricians present on the Festival site at any one time. The provision of electrical services is governed by a contract which requires the contractor to provide adequate services to meet the needs of the Festival and Festival stall holders.

The Directorate found the electrical contractor, Affinity, met requests within required timeframes.

- (21) The number of visitors for the 2019 Festival has yet to be finally determined. For past years, please refer to the answer to question 5 of QON 1021.

- (22) I refer the member to the answer to question 15 of QON 2340.

- (23) External reviews were not conducted in 2016 and 2017. An external review was undertaken by Spring Green Consulting in 2018. The recommendations of the 2018 external review are relevant and are still being implemented. No external review is proposed for 2019.

*(Copies of the attachments are available at the Chamber Support Office).*

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## Questions without notice taken on notice

### Education Directorate—alleged bullying

**Ms Berry** *(in reply to a supplementary question by Miss C Burch on Tuesday, 12 February 2019):*

The Education Directorate does not survey staff about bullying.

### Education—data collection

**Ms Berry** *(in reply to a question and a supplementary question by Ms Lee on Wednesday, 13 February 2019):*

Schools are responsible for managing the reporting of student incidents. If parents feel an incident has not been responded to or recorded appropriately they are encouraged to contact the school or Directorate.

The rollout of Sentral, the School Administration System (SAS), continues to improve data collection at each ACT public school. In addition, the Directorate provides ongoing support and training to schools to support accurate and timely reporting of incidents. Currently to view data at a system level, data must be manually extracted from each school. The full implementation of Sentral is expected towards the end of this year and will unlike MAZE, allow users in the Directorate visibility of data at ACT public schools.

### **Schools—bullying**

**Ms Berry** (*in reply to a supplementary question by Ms Lee on Wednesday, 13 February 2019*):

Bullying is a serious issue and it is recognised that continued or severe bullying can contribute to long-term problem as well as immediate unhappiness. However, research also demonstrates that supportive and inclusive schools can make a significant and positive difference. At a universal tier Education Directorate has a safe and supportive school policy that provides guidance for Canberra public schools on promoting, safe, and respectful and supportive school environment.

All schools implement a Social and Emotional Learning (SEL) program to directly address bullying, including cyber bullying. The Education Directorate also works with community organisations such as Sexual Health and Family Planning ACT to provide support to schools build their capacity in ensuring an inclusive school environment for all students.

At a more targeted level, schools have access to a model of counselling and welfare services. This service includes a range of professionals working together to support students, with psychologists in schools forming a key aspect of support. The Network Student Engagement Teams (NSETs) multidisciplinary teams also work with schools, to identify students with complex needs and challenging behaviours and to address their learning and support needs through a holistic and inclusive model. Collectively, this service provision aims at prevention and early intervention for students who are needing assistance.

Given the multitude of avenues that exist for students in schools, collection of data that would accurately capture the service provision imposes challenges. Information that is collected on individual cases as part of the school psychology intervention is not held centrally as it is governed by health records and privacy legislation.

The Directorate does collect de-identified data on the primary reason a student may be referred or self-refers to their school psychologist on an annual basis. In 2018, data was received from 82 schools. This information captured that 245 students or 0.83% of the total referrals received by school psychologists across these schools were in relation to bullying.

### **Education—teacher exit surveys**

**Ms Berry** (*in reply to a supplementary question by Ms Lawder on Wednesday, 13 February 2019*):

The reason for an EDU staff member resigning from the Education Directorate is not recorded systematically.

The overall rate of staff separation is 6.5% from the 2016/2017 financial year and 5.5% for the 2017/2018 financial year.

The rate of teacher separation is 7.1% from the 2016/2017 financial year and 4.8% for the 2017/2018 financial year.

### **Schools—bullying**

**Ms Berry** (*in reply to a supplementary question by Ms Lee on Thursday, 14 February 2019*):

All ACT public schools experience regular changes in enrolment numbers, with families moving for a variety of reasons such as moving house, moving interstate, accepting a place at a non-government school, accessing specialist programs at another government school, and more.

Families who want to transfer their child to another government school within the ACT are only required to submit a new Application to Enrol in an ACT Public School form for their preferred school. Each application is then considered against enrolment criteria.

Children leaving the preschool are not included because preschool is not a compulsory stage of schooling and about 20 per cent of ACT preschool students leave at the end of preschool. Children leaving year 6 are not included because most of this year group leave to start high school.

### **Schools—violence**

**Ms Berry** (*in reply to a question by Mr Milligan on Thursday, 21 February 2019*):

Lockdowns occur infrequently in ACT public schools. Lock downs that are part of a critical incident are reported to the Directorate. Schools may use lockdowns for short periods of time to respond to individual short term (non-critical events) such as a response to a student who is having difficulty regulating – these lock downs are not expected to be reported to the Directorate.

The number of lockdown incidents reported by schools to the Directorate is relatively low, with 12 lockdowns reported in 11 schools (of 88 in total), over 23 school weeks between 1 July 2018 and 14 February 2019. This number does not include emergency drills.

In a school context, lockdowns are precautionary measures that are applied in response to an immediate risk, either perceived or real, and involve the sealing of one or more areas in a school to contain the risk.

The decision to lock down a school is made by the principal or their delegate and is based on a range of factors including the nature of the risk, the location of the risk and the likely impact on the school. The principal may decide to lock down the school as a precaution, and if the risk does not eventuate, they will cease the lock down and return to normal operation.

Principals are responsible for ensuring the immediate safety of all people on site. The Work Health and Safety Regulation 2011 requires schools to regularly test emergency procedures and ACT public schools undertake emergency drills including at least one lock down drill each year.

### **Schools—violence**

**Ms Berry** (*in reply to a question and a supplementary question by Miss C Burch on Thursday, 21 February 2019*):

All ACT public schools experience regular changes in enrolment numbers, with families moving for a variety of reasons such as moving house, moving interstate, accepting a place at a non-government school, accessing specialist programs at another government school, and more.

Families who want to transfer their child to another government school within the ACT are only required to submit a new Application to Enrol in an ACT Public School form for their preferred school. Each application is then considered against enrolment criteria.

Children leaving the preschool are not included because preschool is not a compulsory stage of schooling and about 20 per cent of ACT preschool students leave at the end of preschool. Children leaving year 6 are not included because most of this year group leave to start high school.

### **ACT Emergency Services Agency—consultation**

**Mr Gentleman** (*in reply to a question and a supplementary question by Mrs Jones on Wednesday, 20 March 2019*):

The Emergency Services Operational Review Group (ESORG) is a forum for the review of operational arrangements between ACT Fire & Rescue, ACT Rural Fire Service and ACT State Emergency Service. This review is scheduled for the end of bushfire season to benefit from operational outcomes of the season. The ESORG meeting scheduled for March was cancelled due to the bushfire period being extended.

The meeting was cancelled on Thursday, 7 March 2019, and the ESA has a record of this occurring. However, when it became apparent that there was a technical difficulty in cancelling the meeting (it was still appearing in some member's diaries), an email was sent out to confirm the cancellation on Wednesday 13 March 2019.

In relation to the extension of the bushfire season, the ESA Commissioner sought advice from the ACT Bushfire Council in February 2019. This was considered at the ACT Bushfire Council meeting on 6 March 2019. Consultation with the ACT Bushfire Council prior to changing the duration of the bushfire season is a requirement of the Emergencies Act 2004.

Based on the information available, the ESA Commissioner has extended the 2018-19 ACT bushfire season until the end of April 2019.