



# Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

**NINTH ASSEMBLY**

**16 MAY 2019**

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

## Thursday, 16 May 2019

Petition: Students with learning difficulties—petition 13-19 .....	1777
Motion to take note of petition.....	1778
Education, Employment and Youth Affairs—Standing Committee.....	1778
Paper (Out-of-order petition) .....	1780
Education, Employment and Youth Affairs—Standing Committee.....	1780
Nomination of Assistant Speaker (Statement by Speaker) .....	1780
Administration and Procedure—Standing Committee .....	1780
Maternity services at the Centenary Hospital for Women and Children (Ministerial statement) .....	1781
Leave of absence .....	1788
Independent review of ACT Health workplace culture—government response (Ministerial statement) .....	1788
Integrity Commission Amendment Bill 2019.....	1792
Planning and Development (Design Review Panel) Amendment Bill 2019 .....	1793
Planning and Environment Legislation Amendment Bill 2019 .....	1795
Fisheries Legislation Amendment Bill 2019 .....	1798
Crimes Legislation Amendment Bill 2019 .....	1801
Climate Change and Greenhouse Gas Reduction (Renewable Electricity Target) Amendment Bill 2019.....	1803
Animal Welfare Legislation Amendment Bill 2019.....	1805
Environment and Transport and City Services—Standing Committee .....	1810
Fuel Pricing—Select Committee .....	1810
Administration and Procedure—Standing Committee .....	1811
Health, Ageing and Community Services—Standing Committee.....	1812
Questions without notice:	
ACTION bus service—school services .....	1816
Public housing—Ainslie Village .....	1816
ACTION bus service—new network .....	1817
Schools—vandalism .....	1818
Visitors.....	1818
Questions without notice:	
Public housing—renewal program .....	1819
Sport—indoor facilities .....	1820
Health—flu season .....	1821
Canberra Hospital—radiology department.....	1822
Municipal services—cycle and footpath upgrades .....	1822
ACT Health—SPIRE project.....	1824
ACT Health—SPIRE project.....	1825
Justice—wrongful incarceration.....	1825
Clubs—government support.....	1826
Justice—wrongful incarceration.....	1828
Aboriginals and Torres Strait Islanders—Reconciliation Day preparations	1830
Papers.....	1832
Blueprint for youth justice taskforce—final report and progress highlights .....	1832
Unfantastic plastic—government response.....	1836
Multicultural framework 2015-2020—second action plan 2019-2020 .....	1838
Matter of public importance (Statement by Assistant Speaker) .....	1841

Health, Ageing and Community Services—Standing Committee.....	1842
Environment and Transport and City Services—Standing Committee .....	1854
Crossbench executive members' business .....	1854
Environment—climate change.....	1854
Executive business—precedence .....	1868
Motor Accident Injuries Bill 2019 .....	1868
Working With Vulnerable People (Background Checking) Amendment Bill 2019	1877
Minister for Education and Early Childhood Development (Motion of censure) ...	1886
Working With Vulnerable People (Background Checking) Amendment Bill 2019	1893
Gaming Legislation Amendment Bill 2019 .....	1894
Adjournment:	
Work experience .....	1898
Sporting facilities.....	1899
Schedules of amendments:	
Schedule 1: Motor Accident Injuries Bill 2019 .....	1901
Schedule 2: Motor Accident Injuries Bill 2019 .....	1902
Schedule 3: Working With Vulnerable People (Background Checking) Amendment Bill 2019 .....	1908
Answers to questions:	
Answers to questions on notice—timeliness (Question No 2122) .....	1911
Canberra Hospital—electrical systems (Question No 2125).....	1911
ACT Health—infrastructure upgrade (Question No 2128) .....	1913
ACT Health—committees (Question No 2139) .....	1914
Crime—infringement notices (Question No 2329) .....	1916
Children and young people—community groups (Question No 2342).....	1917
Environment—carbon emissions (Question No 2346).....	1930
Hospitals—patient data (Question No 2347).....	1933
Mental health—office for mental health and wellbeing (Question No 2348) .....	1934
Canberra Hospital—electrical systems (Question No 2350).....	1936
ACT Health—service funding agreements (Question No 2351).....	1937
ACT Health—invoices (Question No 2353) .....	1938
Government—invoices (Question No 2354) .....	1940
Employment—portable long service leave scheme (Question No 2355).....	1941
Schools—heating and cooling (Question No 2357) .....	1942
Government—university funding (Question No 2358).....	1944
Government—university funding (Question No 2359).....	1944
Government—university funding (Question No 2360).....	1945
Government—university funding (Question No 2361).....	1945
Government—university funding (Question No 2362).....	1946
Government—university funding (Question No 2363).....	1946
Government—university funding (Question No 2364).....	1947
Business—secure local jobs code (Question No 2365).....	1947
Motor vehicles—inspections (Question No 2366) .....	1949
Schools—safe and supportive schools advisory committee (Question No 2367) .....	1951
Hospitals—mental health services (Question No 2368).....	1952
Calvary Hospital—construction works (Question No 2369) .....	1953
Canberra Hospital—accommodation (Question No 2370) .....	1954

ACT Health—audits (Question No 2374) .....	1955
Health—prescription monitoring service (Question No 2375) .....	1956
Municipal services—petrol-powered devices (Question No 2376) .....	1957
Environment—fireworks (Question No 2377) .....	1958
Municipal services—trees (Question No 2378) .....	1958
Fyshwick markets—community facilities (Question No 2379) .....	1958
Homelessness—trauma informed practice (Question No 2380) .....	1959
ACT Health—medicinal cannabis scheme (Question No 2381) .....	1960
Health—insanitary conditions (Question No 2383) .....	1962
Health—insanitary conditions (Question No 2384) .....	1962
Health—insanitary conditions (Question No 2385) .....	1963
Health—insanitary conditions (Question No 2386) .....	1965
Planning—controlled activities (Question No 2387) .....	1969
Planning—controlled activities (Question No 2388) .....	1969
Planning—controlled activities (Question No 2389) .....	1970
Planning—controlled activities (Question No 2390) .....	1971
Animals—penalties and fines (Question No 2392) .....	1973
Sport—Boomanulla Oval (Question No 2394) .....	1974
Parking—Palmerston shops (Question No 2395) .....	1974
Roads—William Slim Drive (Question No 2396) .....	1975
Roads—traffic management (Question No 2398) .....	1976
Bimberi Youth Justice Centre—staff training (Question No 2400) .....	1976
Schools—positive behaviour program (Question No 2401) .....	1977
Environment—eastern bettong program (Question No 2402) .....	1978
Schools—positive behaviour program (Question No 2403) .....	1980
Planning—Molonglo Valley (Question No 2406) .....	1981
Planning—Kippax (Question No 2407) .....	1982
Planning—strategy (Question No 2408) .....	1985
Building—aluminium cladding (Question No 2409) .....	1986
Housing—debt (Question No 2410) .....	1988
Housing—rental bonds (Question No 2413) .....	1989
Public housing—redevelopment (Question No 2414) .....	1990
Sport—ovals (Question No 2415) .....	1992
Land—tax (Question No 2416) .....	1993
ACT Health—events (Question No 2418) .....	1993
Budget—Canberra Health Services (Question No 2420) .....	1994
ACT Health and Canberra Health Services—staffing (Question No 2421) .....	1994
ACT Health and Canberra Health Services—complaints (Question No 2425) .....	1995
Government—taxes and charges (Question No 2426) .....	1997
Taxation—rates (Question No 2428) .....	1997
Alexander Maconochie Centre—protest (Question No 2430) .....	1998
Emergency services—urgent calls (Question No 2431) .....	1999
Emergency services—urgent calls (Question No 2432) .....	1999
Questions without notice taken on notice:	
Crime—shooting .....	2000
ACT Emergency Services Agency—personnel .....	2001
Light rail—emergency preparedness .....	2001
Municipal services—waste collection .....	2002

ACT Health—workplace culture .....	2002
ACT Health—workplace culture .....	2003
Canberra Health Services—examination procedures .....	2003
Canberra Health Services—consent for procedures .....	2003
Canberra Health Services—media statement .....	2004
ACT Health—NGO funding .....	2004
Schools—student insurance .....	2004

**Thursday, 16 May 2019**

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

## **Petition**

*The following petition was lodged for presentation:*

### **Students with learning difficulties—petition 13-19**

*By Ms Lee, from 1 resident:*

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

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

- on the 21st of August 2012, Petition No 138 with 625 signatures was tabled at the ACT Legislative Assembly.
- A subsequent Taskforce on Students with Learning Difficulties produced a report and forwarded to the then Education Minister Ms Joy Burch MLA
- All recommendations were agreed and implementation of the recommendations commenced but were **short lived**.
- In 2019 appropriate evidence based literacy instruction, identification and interventions are still greatly lacking for students with difficulties in learning to read, including dyslexia (a specific learning difficulty) in many ACT schools.

Your petitioners therefore, request the Assembly to:

bring to the attention of the ACT Minister for Education, **Ms Yvette Berry MLA** and Shadow ACT Minister for Education and Early Childhood Development, **Ms Elizabeth Lee MLA**, the need to recognise that students with difficulties learning to read, including those with dyslexia, are still disadvantaged in ACT Schools and that changes are needed to address the disadvantage and discrimination these students face.

Such changes to include:

1. Implementation of evidence-based literacy instruction in all ACT schools;
2. Explicit, systematic synthetic phonics instruction as part of the Five Keys to reading (Phonemic Awareness, Phonics, Fluency, Vocabulary & Comprehension) which has been proven to be the most effective learning system.

3. The provision of decodable readers which are a valuable and often necessary tool and a beneficial resource for teachers using explicit systematic synthetic phonics instruction in the classroom.
4. Early identification of students with reading difficulties through the National Year 1 Literacy & Numeracy Check in all ACT Schools.
5. Access for every ACT school to educational psychologists and literacy specialists qualified in evidence based literacy instruction.
6. Individual Learning Plans (ILP) for all students identified as having ongoing difficulties with learning to read, including those with dyslexia. The ILP must provide the student with appropriate support structures and include assistive technology, use of a reader, scribe and extra time during examinations.
7. Provision of qualified professionals such as speech pathologists and literacy specialists for students requiring such support during school hours.
8. Liaison with local tertiary institutions to provide appropriate *evidence-based* preservice Teacher training courses and professional development opportunities for qualified primary and literacy teachers currently employed in ACT schools.

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

### **Motion to take note of petition**

**MADAM SPEAKER:** Pursuant to standing order 98A, I propose the question:

That the petition so lodged be noted.

**MS LEE (Kurrajong) (10.02):** I will speak to the petition in more detail later, but I commend the petition to the Assembly.

Question resolved in the affirmative.

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

### **Proposed reference**

**MS LEE (Kurrajong) (10.02):** Pursuant to standing order 99, I move:

That the petition, relating to support for students with learning difficulties, be referred to the Standing Committee on Education, Employment and Youth Affairs.

The issue of dyslexia is of longstanding concern to parents, to educators and to researchers. The Australian Dyslexia Association suggests that dyslexia is estimated to affect some 10 per cent of the Australian population and that this may even be a conservative estimate, as there are many people who are probably left unidentified. Seventy to 80 per cent of people with poor reading skills are likely dyslexic. One in

five students, or 15 to 20 per cent of the population, has a language-based learning disability. Dyslexia, defined as a specific learning difference that is neurological in origin, is characterised by a persistent difficulty with reading, word recognition and spelling, and is regarded as the cause of most reading, writing and spelling difficulties.

In turning to the petition presented to the Assembly here today, although it bears only one signature it does not reflect the deeply held Canberra-wide concern about this issue. I will be seeking leave to table an out-of-order petition in similar terms to this one, which has received 588 signatures online through the change.org website. The one tabled here today is a truncated version of the online change.org petition but the essential concerns outlined in both remain the same.

Both petitions highlight the valuable early work that was done by a Legislative Assembly task force. The task force delivered a number of recommendations to the then education minister, Ms J Burch, and were all agreed to, but the reforms were short-lived.

The petition here today is calling on the ACT education system and the ACT government more broadly to recognise that students with difficulties in learning to read are still disadvantaged in ACT schools and that more work needs to be done in early diagnosis, early intervention and appropriate evidence-based literacy instruction for students. The petition also calls on the government to ensure that decodable readers, which are a valuable and often necessary tool and a beneficial resource for teachers, are available in the classroom.

Early diagnosis and intervention are so important in the life of a young person, as is a thorough literacy and numeracy check in year 1 of schooling, together with access for every ACT school to educational psychologists and literacy specialists qualified in evidence-based literacy instruction. I note that the federal coalition has agreed to a phonics check for all year 1 students, and I congratulate and thank them for their commitment to ensuring that our future generation will be given the best opportunity from the beginning of their schooling.

Having said that, teacher training courses in Australia dedicate less than five per cent of their four-year curriculum to teaching reading. More work needs to be done in developing better training units for the dedicated teachers who want to work in this space or who work generally in early education so that they can recognise when a child is struggling with literacy issues. Our teachers need to be better supported so that they, in turn, can better support children who need it.

In closing, both petitions demonstrate the community concern about this issue and the need for action. I also thank Jen Cross for her years of passionate campaigning for dyslexia to be better understood, for dyslexia to be more widely recognised and for the appropriate diagnostic and intervention services to be readily available. It is through the efforts of such committed people that change can occur and young Australians can have the best educational start in life. I commend the petition to the Assembly.

Question resolved in the affirmative.



**Paper**  
**Out-of-order petition**

Ms Lee, by leave, presented the following paper:

Petition which does not conform with the standing orders—Literacy instruction in ACT schools—Ms Lee (588 signatures).

**Education, Employment and Youth Affairs—Standing Committee**  
**Proposed reference**

Motion (by Ms Lee, by leave) agreed to:

That the out-of-order petition, relating to support for students with learning difficulties, be referred to the Standing Committee on Education, Employment and Youth Affairs.

**Nomination of Assistant Speaker**  
**Statement by Speaker**

**MADAM SPEAKER:** Pursuant to the provisions of standing order 8, I have nominated Mr Parton to act as an Assistant Speaker. I present the following warrant of nomination:

Pursuant to the provisions of standing order 8, I nominate Mr Parton to act as an Assistant Speaker.

Given under my hand on 16 May 2019.

Joy Burch MLA

Speaker

16 May 2019

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

**MS CHEYNE** (Ginninderra) (10.09), by leave: I move:

That the resolution of the Assembly of 14 February 2019, which referred whether the protocols in place around the permissions for MLAs to visit or attend school events constitute an impediment to Members performing their function as MLAs in complying with the Code of Conduct for All Members of the Legislative Assembly to the Standing Committee on Administration and Procedure, be amended by omitting the words “last sitting day in May 2019” and substituting “last sitting day in June 2019”.

I will speak briefly. Madam Speaker, as you well know, we need a few more days to consider this as a committee, due to the late receipt of some submissions.

Question resolved in the affirmative.

## **Maternity services at the Centenary Hospital for Women and Children**

### **Ministerial statement**

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Higher Education, Minister for Medical and Health Research, Minister for Transport and Minister for Vocational Education and Skills) (10.10): I rise today to provide an update to the Assembly on maternity services at the Centenary Hospital for Women and Children, as foreshadowed in the last sitting. During the last sitting period, I indicated that I would provide a statement to the Assembly and provide some facts on matters of recent interest, specifically regarding matters that have been raised in some anonymous feedback, reports by the media, and questions raised by staff and those opposite relating to allegations of patient examinations being undertaken without seeking consent appropriately.

I want to make it clear that informed consent is something that Canberra Health Services takes seriously—very seriously. I think it is important to note that there are actually a range of different views within maternity services between obstetricians and midwives here in Canberra, across Australia and across the world when it comes to pregnancy, birth and maternity practices. This is a complex field of clinical care, with a spectrum of models of care and a range of views about what is best for mother and baby. Sometimes this can cause a difference of opinion in the birth suite. However, CHS and the Centenary hospital staff place great importance on patient consent and ensure that all women are well informed regarding their care as best they can.

I want to be clear. Overall, our maternity services are highly valued and there is a high satisfaction rate with our public maternity units in Canberra. Our staff are experienced, they work hard and they have the best interests of their patients at heart. As members are aware, the Standing Committee on Health, Ageing and Community Services is currently undertaking an inquiry into maternity services in the ACT. The committee is accepting submissions up until June 2019, and I welcome this important work being undertaken by the committee.

The inquiry has extensive terms of reference and will look at, among other things, models of care for all maternity services and patient satisfaction. Subsequently, there have been submissions from a variety of stakeholders that contain feedback on their experiences with ACT maternity services, and this is great to see.

A claim that a woman received an examination without her consent is a significant claim. I think it is fair to expect that staff have a duty of care and adherence to their professional obligations to raise such matters, if they are concerned such a thing has occurred, as soon as practicable. Following the publishing of this submission, these claims, which were unsubstantiated at the time, were reported in the media on 11 March.

This was of concern to me. It was also of concern to the CEO of Canberra Health Services and Centenary hospital staff. We were concerned that these unsubstantiated claims were being presented as, or could have been interpreted as, facts in the media.

As members are aware, this led to a public response by CHS, as the CEO felt it important to reassure Canberra families and staff that these claims were unsubstantiated but also that such allegations must be investigated.

The CEO assured staff that they would be supported and encouraged to raise such matters so that they could be adequately investigated and addressed. CHS have a range of ways staff can raise such issues, and while I accept that the maternity inquiry is one way to raise these matters, these are extremely sensitive issues involving real women, doctors and midwives who work together every day, and they deserve to be handled sensitively.

After this matter was raised in the media on 11 March, the CEO held a meeting with maternity staff on 12 March to discuss their reaction to the reports and the issue of consent more broadly. At this meeting the CEO sought to reassure staff to feel confident and supported in the workplace; reiterate the processes around consent and the need to work constructively together; ensure staff are aware of their obligations to report any concerns they have if they think such a thing has occurred; and advise staff on how they can make a report, whether it is through Riskman, anonymously, through CHS, through the Health Services Commissioner or via other means.

The CEO has said very clearly to all staff that all feedback is followed up respectfully, that any consumer complaints or staff reports will be investigated and that staff can have confidence in these processes. Of course, when claims are made anonymously, by either a staff member or a consumer, they can be difficult to follow up. I am sure those opposite would be the last to expect that we would conduct a witch-hunt into who has made an anonymous submission; so I hope we can agree that it is often inappropriate to try to track down someone who wishes to remain anonymous and to provide feedback anonymously. We must respect their rights. In saying that, all matters are followed up as best they can be, and staff are always given an opportunity to view feedback as it might relate to them.

This leads me to the issue of an anonymous email that was sent to the CHS feedback portal in February this year. When this issue arose in the last sitting period, I should have said that initial advice to me was that there was no substantiated consumer feedback regarding examinations without consent that had been received but that an audit review of consumer feedback was being undertaken.

I always come into the Assembly and answer questions to the best of my knowledge and on the advice provided to me at the time. If new advice comes to light, I correct the record. Further advice to me is that there is currently no substantiated evidence that examinations without consent in maternity services have occurred.

I acknowledge again that this is a serious matter and one that both I and CHS take very seriously. Every effort has been made, and will continuously be made, to ensure that this is the case. Following an audit review of consumer feedback, I was advised that a total of five pieces of feedback were received on this issue. Three pieces were received last year and two this year.

The CEO has informed me that feedback received last year was all followed up and investigated at the time, with no substantiated evidence that consent was not given. There was the issue of the anonymous feedback provided by email in February this year. While that was unable to be investigated because it was anonymous, CHS took the opportunity to proactively send a message to maternity staff reminding them of the appropriate processes for examination and consent.

I understand that the fifth piece of consumer feedback was received verbally and CHS are continuing to follow up with the woman concerned. In addition to the audit review, a review of Riskman was undertaken to see if any staff feedback required further investigation. While some staff have raised general concerns regarding consent, a review of Riskman reports identified no incidents of this nature that have been reported in the last year.

Following the meeting on 12 March 2019, a number of strategies have been developed by CHS to further address staff concerns and distress, including commissioning a business consultant with extensive health service experience to work with our maternity services team. The aim of this project in maternity services is to support team members to identify the strengths, challenges and opportunities that exist to build a sustainable culture of safety and respect, focused on delivering a variety of options for women during pregnancy, birth and postnatally.

In respect of reviewing the informed consent process, CHS is engaging an external senior and respected midwife and obstetrician, supported by legal advice, to work with medical and midwifery staff to develop a joint understanding of informed consent. The employee assistance program is also available when conducting one-on-one and group debriefings for all staff.

I turn to holding a workshop with the birth suite midwifery team leaders and obstetric registrars. Through engaging in positive and open discussions at this workshop in early April, staff had the opportunity to work together to identify solutions to issues raised and to build incremental steps toward achieving the workplace environment that genuinely supports a multidisciplinary service.

Finally, there are regular meetings of the women, youth and children leadership group. The group continues to meet regularly to ensure positive workplace initiatives continue to support the delivery of safe and quality care. This highlights the importance with which the government and CHS take this issue and also the care and support we have for staff who work in maternity services, who do a wonderful job bringing new life into the world and supporting women and their families during the birth of their child.

The staff who work in our hospitals are people. They are our friends and family members. They are highly skilled and committed. They deserve our respect and support and I would urge those opposite to reflect on that. If they are accused of what are essentially crimes, they should be afforded an opportunity to have those matters investigated and resolved, as should the patients involved in what are very personal issues, rather than have such unsubstantiated claims made public, least of all for political pointscoring.

Some of the people who work in maternity services were, they believe, identified through these reports, and this has caused a lot of distress. While this in no way disregards the harm that such a matter could cause to a woman who has been subjected to such an incident, I think we owe it to our health staff and our patients, and indeed the broader Canberra community, to allow for due process and to treat these matters with sensitivity. We should also allow the maternity inquiry to take its course. This is something that those opposite have called for; so I think it is pertinent to allow people to make submissions and for the committee to follow them up and call for people to appear before the committee as appropriate.

I want to make it clear that if any women in our community feel they have not been provided with adequate care or feel they did not give consent during their hospital stay, they should feel comfortable to come forward and discuss their concerns with the hospital and/or the Health Services Commissioner, or indeed make a submission to the inquiry. They can also call my office for a chat. All complaints and feedback are taken seriously and followed up. It is only through such feedback that we can address these issues.

I want to touch on some other issues relevant to maternity services in Canberra. Maternity services have attracted a lot of attention recently. I want to reassure our community that we are making investments and reviewing our policies to make sure public maternity services in the ACT are the best they can be. After all, we are seeing a reduction in women choosing to give birth in the private system and more women than ever before choosing to give birth at Centenary hospital or Calvary Public Hospital.

In order to manage the continued demand on public maternity services, the ACT government has funded a refurbishment of Calvary's maternity ward and developed a new ACT public maternity access strategy to reflect the single ACT public maternity system. Our new maternity access strategy has been out for public comment. I understand that there has been resounding support from the community for a single intake and referral line and a midwife appointment to help make it easier for women to choose the model of care and the hospital that is right for them. The objective of this new strategy is to ensure that demand is more evenly spread across the territory's maternity services, resulting in better outcomes for women and their babies.

As well as the \$2.6 million upgrade of the Calvary maternity ward, we are investing \$68 million in an extension of the Centenary hospital. The expansion will provide additional capacity and support for maternity and paediatric services, including an increase in special care nursery beds, a new adolescent gynaecology area, an increase in inpatient beds for women's and children's services, and improvements to clinical areas such as the high care ward.

When it comes to maternity services, the ACT government knows that care does not end when you leave the hospital with your baby. That is why we are continuing to ensure that midwives visit new mums at home during those first critical days and weeks post-birth and providing things like free flu vaccinations to children aged from six months to under five years.

We are also really looking forward to the opportunities if a federal Labor government is elected this weekend, because it would mean a very welcome investment in our QE2 family centre. We are moving ahead with our search for a new service provider for QE2, following the decision of the Canberra Mothercraft Society to pursue new opportunities. I would again like to put on the record our incredible gratitude for everything they have done for our community and for Canberra families.

I know that we will be able to continue to offer a great service to many more families at QE2 through our new provider and through the commitment from federal Labor for a \$4 million upgrade of the centre in Curtin so that it can continue to provide inpatient support to women experiencing postnatal difficulties such as breastfeeding or sleep problems if they have a baby with special needs.

Madam Speaker, we have a community that is growing, with more babies being born every year. This is a wonderful thing. Our maternity services are excellent, our facilities are modern, and our staff are highly experienced and caring. We have a clear plan, a plan we are implementing to help expand our services so that more women can get access to the best care at a location appropriate to their needs and so that our staff can go on to work in an environment that is supportive, rewarding and values their skills. I look forward to making further updates on the maternity access strategy in the coming weeks. I present the following paper:

Centenary Hospital for Women and Children—Update on maternity services—  
May 2019—Ministerial statement, 16 May 2019.

I move:

That the Assembly take note of the paper.

**MRS DUNNE** (Ginninderra) (10.23): I thank the minister for the update, which was promised a while ago. Madam Speaker, this update was made available to your office at about 9 o'clock yesterday but it only became available to members of the Assembly this morning. It is a little perplexing. It is a busy day and sometimes it would be better to have a little more opportunity to absorb what is in these documents. Having said that, I am concerned that some of the issues touched on in the minister's statement are the subject of the Select Committee on Privileges inquiry, so I will try my utmost to avoid that in my comments.

I note that again the minister has made the claim that the submission to the Standing Committee on Health, Ageing and Community Services was an anonymous submission. It was not an anonymous submission. The health committee, like all committees in this place, is not in the business of publishing anonymous submissions. It was an anonymised submission, and I have made that point on a number of occasions. The minister needs to take that into account.

Yes, the anonymised submission referred to an anonymous claim—I am being absolutely open here—but the submission made to the committee was made by a person who asked to have their name and contact details redacted. As it has transpired,

it is pretty obvious why they would ask for that because there has been something of a witch-hunt about the source of that claim. But it was not an anonymous submission to the Assembly committee.

Much of what the minister said tried to downplay the fact that the information she gave the Assembly was wrong. The minister had many opportunities through the April sitting to admit she had got it wrong. An email exchange she received on the last Saturday in March—that is my recollection—pointed out to her that the information she gave was wrong. There were a number of opportunities as a result of questions on notice for the minister to say that she had got it wrong.

She has, here today, admitted she got it wrong and has gone so far as to say, “I really can’t comment. There are no substantiated cases.” However, the minister has revealed that in the last two years there have been at least five claims in this area, none of which so far have been substantiated. But the fact that there are claims of examinations without consent is a concern. The minister also made it perfectly clear in her statement that staff are concerned about this, which is why they acted in the way they did.

I make the point that back in February, when this anonymous complaint was made, the staff at the Canberra Hospital acted absolutely and completely appropriately and in an extraordinarily timely fashion. If you look at the email trail sent to me and the minister, less than an hour transpired from when the complaint was made to when a senior nurse in the birthing centre sent a reminder to staff about these issues.

I compliment staff at the hospital for their very quick action in this. They acted in exactly the right way and they did it promptly. I think the minister has done them a great disservice by trying to play this down and claiming in this place that no such event took place. She could have been of assistance to her staff by saying, “Yes, we received this complaint and the staff acted in an exemplary way”. They did; on the basis of the information available to them the staff acted in an exemplary way.

Three or four quick emails were sent. One was referred to somebody who referred it to somebody else and within an hour a general message had gone out to maternity staff saying, “This has come to our attention. This is an issue. These are the things you need to remember.” Congratulations to the staff for doing that; they did a great job. The minister did them a disservice by saying, “There’s nothing to see here”.

When it was brought to her attention that she may have been badly briefed, she persisted in saying, “There’s nothing to see here,” and she politicised it by saying this was a base and grubby attack by the Canberra Liberals. This was not a base and grubby attack by the Canberra Liberals; it was bringing to the attention of the Assembly and the community a serious concern raised by a member of the public.

The minister has got herself into the situation where, today, she has had to come in here and make a statement like this for whatever reason—perhaps she thought she could tough it out and then discovered she could not or perhaps she was just badly advised and has not learnt from the fact that she is very frequently badly advised—trying to make the best of it by attacking the Canberra Liberals, by attacking the

people who made the complaints and by attacking the *Canberra Times* for reporting the complaint.

She should have been saying, “Maybe we have problem here, but the people on the ground on the day, when that complaint became known in February, did exactly the right thing and we’re on top of it.” But she went around and said, “No, no, no, it didn’t happen.” Now she is saying it was not substantiated, instead of saying, “Maybe we have a problem. Maybe we should have some more education. Maybe we should have more discussion. Maybe we should be dealing with the culture issues.”

Ten years ago Katy Gallagher talked about a 10-year war in obstetrics. It seems to me, from what we are hearing and with consultants going to the Centenary hospital, that we are now into a 20-year war in obstetrics. And that is not good for anybody. It is not good for the mothers and their babies who are born in this town. It causes people to make decisions, and all the rhetoric from the minister about respectful pathways and taking things very seriously—I do not know how many times she used the word “serious” in her statement—does not wash if you do not address the issues.

Respectful pathways is what they talked about with bullying and harassment. They said, “There’s nothing to see here. We have respectful pathways. We don’t tolerate it. We take this very seriously. We have zero tolerance.” But that is not what Mr Reid and his investigators found when they finally got into the hospital system.

The minister needs to be a little more forthright in the way she deals with things. The minister needs to not treat everyone who criticises the system as personally reflecting on her; she needs to take it less personally. The minister needs to discern from the advice she receives how good that advice is. The minister should look back on her experiences, at how many times she has been advised that X, Y or Z is not a problem and then she has had to back-pedal. The score card is growing. I thank the minister for the statement today but I encourage her in the future to be more forthright and less defensive.

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Higher Education, Minister for Medical and Health Research, Minister for Transport and Minister for Vocational Education and Skills) (11.32), in reply: Mrs Dunne indicated in her opening what was in the statement that was circulated. On a final proofread it was corrected in my comments and in the submission I circulated. The submission to the inquiry was not anonymous. I corrected that in both my statement and the statement tabled in the chamber and circulated.

**Mrs Dunne:** The version I got did not say that.

**MS FITZHARRIS:** Yes, that would be right. After a final proofread the statement was corrected and the version circulated this morning agreed it was anonymised. I also corrected that in my comments.

Question resolved in the affirmative.



## **Leave of absence**

Motion (by **Mrs Jones**) agreed to:

That leave of absence be granted to Mr Wall for today due to illness.

## **Independent review of ACT Health workplace culture— government response Ministerial statement**

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Higher Education, Minister for Medical and Health Research, Minister for Transport and Minister for Vocational Education and Skills) (10.33): I am pleased to table the government's response to the final report of the independent review of workplace culture in ACT public health services. I present a copy of the statements:

Workplace Culture within ACT Public Health Services—Independent Review—  
Final Report—

Government response—Ministerial statement, 16 May 2019.

Government response, dated 16 May 2019.

I move:

That the Assembly take note of the papers.

Members will recall that I tabled the final report of the review on 19 March 2019. As foreshadowed, upon the release of the final report the government agreed to all 20 recommendations put forward by the panel and to the broad implementation time line included in the report. This response is the government's formal endorsement of the recommendations in the final report. It is the next step in cementing the government's commitment to improving the workplace culture within our public health system and, through that, enhancing the level of service to the Canberra community.

Members will recall that I established the independent review on 10 September 2018 and that the terms of reference for the review and details of the independent panel were released by me on 21 September 2018. I remind members that the terms of reference for the review tasked the independent panel to examine and report on the workplace culture of public healthcare services in the ACT and provide advice on any systemic and institutional issues.

This examination was to consider any examples of best practice workplace culture and professional conduct in the delivery of public health care in the ACT nationally and internationally; examine claims made in relation to inappropriate conduct and behaviours; examine and report on the existing workforce policies and complaints management practices to ensure their relevance and appropriateness; and provide recommendations for further improving workplace culture across the ACT public health system and any additional support systems required for staff and management.

The panel delivered its interim report to me on 30 January 2019. It was subsequently released publicly on 1 February 2019. The final report was released publicly on 7 March 2019 and, as I said earlier, tabled here on 19 March 2019.

The key themes highlighted in the report indicate that staff members within the public health system have been subjected to inappropriate behaviours, including bullying and harassment, in the workplace; there are inefficient processes to manage complaints-handling; additional training is required to support management in dealing with inappropriate workplace practices; there is an inability to make timely decisions; some human resource practices are inefficient and inappropriate; historically there has been a lack of effective leadership and management throughout the ACT public health system; and there is a need for greater clinical engagement to ensure that the system can benefit from expert knowledge and input of individuals.

The review panel recognised in the report that, over the last 12 months, work has already begun to improve workplace culture. The panel also acknowledged the positive effect that this has had within the workplace.

This government response marks the formal endorsement of and commitment to implement the recommendations made by the independent panel. This implementation phase will officially take place over the next three years, but the ongoing work in ensuring that the ACT public health system is an excellent workplace will be enduring.

The government recognises the importance of working closely with staff and stakeholders to ensure that the recommendations are implemented in a way that drives the enduring change we need to see. Work towards establishing the implementation has already begun. The government has already established a strong governance framework to ensure that implementation of the recommendations made by the review panel is effective, efficient and accountable. The ACT Health Directorate, as system steward, will lead the response to ensure that a consistent, territory-wide approach is taken.

The government has ensured that there will be governance oversight at the highest level. The culture review oversight group will provide leadership and scrutiny of the implementation process. The inaugural meeting of the culture review oversight group was held on 28 March 2019, chaired by me, with the Minister for Mental Health as the deputy chair. It included key senior stakeholders and the senior executive leadership team of the public health system, in line with recommendation 18 of the final report of the independent review.

At this first meeting of the culture review oversight group, we spent time ensuring that the structures for the group would enable it to operate effectively. This included expanding the membership to include the deans of the faculties of health from the Australian National University and the University of Canberra, and also the presidents of the ACT chapters of ASMOF and the VMOA.

The membership of the oversight group as of today is Professor Russell Gruen, Dean, College of Health and Medicine ANU; Professor Michelle Lincoln, Executive Dean, Faculty of Health, University of Canberra; Mr Matthew Daniel, Branch Secretary,

ANMF ACT; Dr Antonio Di Dio, President, AMA ACT; Ms Madeline Northam, Regional Secretary, CPSU; Ms Darlene Cox, Executive Director, Health Care Consumers Association ACT; Dr Richard Singer, President, ASMOF ACT; Dr Peter Hughes, President, VMOA ACT; Mr Michael De'Ath, Director-General, Health Directorate; Ms Bernadette McDonald, Chief Executive Officer, Canberra Health Services; and Ms Barbara Reid, Regional Chief Executive Officer, Calvary ACT. I am the chair of this group and Minister Rattenbury is the deputy chair.

The meeting considered the draft terms of reference for the oversight group, in line with the recommendations of the independent review, which will be finalised following the next meeting of the oversight group. Members committed to overseeing the implementation of the independent review's recommendations in a timely manner. The culture review oversight group will meet every three months.

The oversight group will be supported in its work by the culture review implementation steering group, which is made up of senior executive leaders from across the ACT public health system. The steering group met on 13 May 2019 and began the mapping of the work towards implementation of the recommendations. The senior executive leadership team has established a dedicated culture review implementation team within the directorate to support, coordinate and facilitate implementation across the public health system.

The executive structures within the ACT Health Directorate, Canberra Health Services and Calvary Public Hospital Bruce have been, or are in the process of being, reformed to ensure that we have the right people in place to lead a contemporary health service across the ACT. There has been rigorous focus on stabilising and refining organisational structures and working closely with all staff. The government was pleased to read in the final report that cautious optimism was expressed by many within the service regarding the new leadership.

Recognising the territory-wide focus, re-engagement with staff will occur across each of the three arms of the ACT public health system. In line with recommendation 1 of the final report, CHS and ACT Health are embarking on projects to review their vision, values, roles and behaviour. These projects will seek to ensure that, with the recent transition of ACT Health to two organisations, the visions and values of the new organisations are contemporary and clearly understood. This work will be completed by September 2019. There will be significant staff engagement as these projects are rolled out, with a view to embedding the vision and values from November 2017. As members are aware, Calvary public hospital's values and vision are in line with those of the Little Company of Mary. As a key partner in the delivery of territory-wide services, Calvary will undergo re-engagement with staff to ensure that the vision and values are understood and embedded.

The independent review panel fundamentally addressed and understood the core of the culture issues in the ACT public health system. It has allowed staff and stakeholders to be heard, to share their experiences and their stories, and to contribute in a positive way to real change. The final report has provided a clear way forward for the government. The government again acknowledges and thanks the independent panel members, the chair, Mr Mick Reid, and Ms Fiona Brew and Professor

David Watters, for their expertise, leadership and compassionate approach in their conduct of this review.

I reiterate that the government has agreed to all the recommendations and the broad implementation time frame. Many of the initiatives will be ongoing and are aimed at embedding best practice and continuous improvement throughout the ACT public health system. I take this opportunity to assure staff, stakeholders and the community that the government will implement the recommendations of the independent panel and will do so in the same spirit of sincerity with which it embarked on the review.

In line with the recommendation 17 of the final report and the tabling of the government response today, I, the Minister for Mental Health, the Director-General of ACT Health, the Chief Executive Officer of Canberra Health Services, and the regional CEO of Calvary ACT will today make a public commitment to collectively implement the review's recommendations to ensure ongoing cultural improvement across the ACT public health system.

The government is committed to providing members of the Assembly with a biannual update on progress in implementing the recommendations over the next three years. I look forward to sharing with you all the work that is underway to implement the recommendations contained in the final report in the first biannual update later this year. I am confident that there will be further improvement and change in the workplace culture across our health system, which will further improve the good work that is currently underway. The effect of this will be a better public health system for the Canberra community and a healthier staff culture.

**MRS DUNNE** (Ginninderra) (10.43): I thank the minister for her statement. I look forward to reading the government response when it is circulated. This is a very important stepping-off point. Although the Reid report was finalised in March, I note from the minister's statement that the staff implementation committee met, I think, the day before yesterday for the first time. That delay does not say to me that there is a sense of urgency or priority within the system that the minister says that there is. The results of this will only evolve over time. There will not be a particular day when we say it is all done. One of the things we will need to do is to test the results. We as an Assembly need to consider how to do this. We need to be able to discern the extent to which staff satisfaction with their workplace improves.

I and my colleagues in this place—Mr Hanson has done this over the years, and Mr Smyth before him—have consistently asked for the workplace culture surveys to be made available. That has never happened. In going forward, we need to find a mechanism for reporting back to the community and this Assembly about how workplace culture has improved, and we also need to look at what it was like beforehand. Rather than just rely on biannual reports from the minister that say everything is going swimmingly, we need statistical, empirical information that will show us whether we are improving. The Assembly needs to look at mechanisms for doing that. There may be some role for, say, the health committee to look at these issues and perhaps have some oversight or some involvement in that process. I do not have a formulated view on that, but there does need to be some reporting and some mechanism for following up on issues.

I thank the minister for the report that was tabled today. I look forward to substantial progress and I hope this is the beginning of a radical turnaround in staff culture in the Canberra health system.

Question resolved in the affirmative.

## **Integrity Commission Amendment Bill 2019**

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

Title read by Clerk.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (10.46): I move:

That this bill be agreed to in principle.

This is a straightforward amendment bill that provides for a split commencement of the act to facilitate the commencement of the enabling provisions whilst delaying the commencement of complaints until the integrity commissioner is ready to receive them. Enabling provisions such as establishing the commission as an ACT public sector entity and making appointments will continue to commence on 1 July 2019, as planned. All other provisions will commence two months after the commissioner's term of appointment commences.

As members are aware, we have now been able to reach agreement on a commissioner. The fact that that process was delayed shows the need for this bill today. My advice is that Justice Dennis Cowdroy OAM, QC will be able to take up his appointment on 1 August, which would mean an effective start date for the integrity commission of 1 October this year. This will allow the commissioner, once appointed, to participate in the establishment of the integrity commission, expend government funds and engage commission staff prior to the commencement of provisions that allow for complaints to be made and matters to be investigated. These amendments today will ensure that the commissioner has appropriate time to familiarise himself with this important role and be in a strong position to start receiving corruption complaints and commence investigations.

This bill also amends the specific date of review of the act to align with the amendments of the commencement date and make some minor corrections to cross-referencing errors in the act. The outcome of these amendments will result in the robust integrity commission that we have all wanted to serve the people of Canberra and further strengthen the ACT community's confidence in decision-making processes in the territory. I commend the amendment bill to the Assembly.

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

## **Planning and Development (Design Review Panel) 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) (10.49): I move:

That this bill be agreed to in principle.

I am pleased to present the Planning and Development (Design Review Panel) Amendment Bill 2019. The bill seeks to establish a single, independent design review panel process for significant development proposals at the predevelopment application stage. Establishing this process is the result of consistent feedback from our community for the need to achieve the best possible design of our buildings and public spaces across the city.

I am pleased to add that establishing the design review panel was also an action in my 2015 statement of planning intent. Establishing a single design review panel in the ACT will allow for greater potential to attract the best urban planning practitioners and designers from across Australia to contribute to better design outcomes for development proposals in Canberra. Also, where the National Capital Authority has a role, the ACT government has partnered with the NCA to ensure that consistent advice is provided for development proposals and that efficiencies can be achieved through our dual development application processes.

Known as the National Capital Design Review Panel, the NCDRP, the design review panel process has been operating with an interim function since late 2017, and I am pleased to report that many successes have been achieved on major projects in the city centre and around our town centres. The interim design review panel has provided the opportunity for government to test and to refine the design review process to ensure that the NCDRP is beneficial for government, developers and the design industry.

While the interim panel's advice is achieving positive outcomes, there is currently no statutory or regulatory requirement for development proposals to be presented to the panel or that the panel's advice be formally considered through the development application process. This bill will offer a clear and structured process to support industry and the decision-makers to deliver high quality, well-designed developments and public spaces.

To understand how design review panel processes work across Australia, the Environment, Planning and Sustainable Development Directorate, or EPSDD, and the

ACT Government Architect held extensive discussions with state governments, including Victoria, South Australia, New South Wales and Western Australia. The key benefits of these discussions highlighted that, by establishing a design review panel design process in the ACT, both the development sector and government will have access to independent and expert advice. It will also complement and add value to the local design industry and the pre-application advice provided by government.

I now propose to outline some of the key features of the bill. The bill seeks to make amendments to the Planning and Development Act 2007 to establish a design review panel as part of the predevelopment application process for significant development proposals across the city. It also seeks to provide the Minister for Planning and Land Management with the authority to refer projects to the design review panel as required.

The bill outlines three main types of development that may be required either to engage with the design review panel or to voluntarily engage with the design review panel. The first is noted in the bill as a threshold development proposal. The focus of a threshold development proposal is for development proposals five storeys and above that are in the areas of our city experiencing higher levels of development pressure, specifically the town centres, areas along the main avenues and approach routes into Canberra and the City Renewal Authority's urban renewal precinct. These proposals are required to engage with the design review panel.

The second type of development is described as a significant development proposal. For this development type, the bill includes a discretionary clause to give me, as the Minister for Planning and Land Management, the authority to refer to the panel projects that are considered to be of economic, social or environmental significance. This will ensure that the panel can also provide advice for major proposals that are outside the areas identified as a threshold development proposal.

The final development type is described in the bill as a general development proposal, and this will allow for a proponent to self-refer a development proposal to the design review panel. Allowing proponents to self-refer is an important part of the bill that will encourage those proponents who are outside the areas identified as a threshold development proposal but who are seeking advice to test the design outcomes for their specific development proposal. It is important to note that this approach is consistent with other design review panel processes undertaken nationally.

Other types of developments which are not permitted in the bill but which will have access to the design review panel include major government infrastructure projects and development sites that are sold by the territory through a deed of agreement requirement.

The design review panel process is guided by 10 principles for successful design review and these are well-established principles that were developed by the United Kingdom's Design Council and are used nationally and internationally. These principles have been used to inform the design review panel process and the development of this bill to ensure that the panel's advice will be independent and transparent.

To this end, the bill identifies that rules will be made public, to outline how the design review panel will be constituted and the conduct of meetings and processes and procedures. This includes a term of reference that outlines who will preside over the design review panel sessions, how questions are resolved and how conflicts of interest are dealt with. Additionally, the Environment, Planning and Sustainable Development Directorate has developed a set of design principles, in partnership with the NCA. The design principles have been prepared to allow for each development proposal to be consistently addressed by the design review panel.

An additional measure outlined in this bill to maintain transparency and accountability of the panel's advice is that a summarised version of the advice will be made publicly available at the notification stage of a development application. This step will ensure that the sensitivities related to commercial-in-confidence and the like can be appropriately managed at the predevelopment application stage, while also providing the community with exposure to the panel's advice at a stage where everyone is invited to comment on a development proposal.

The advice from state governments around Australia has cautioned that industry may view the design review panel process as additional red tape in the first year or two of establishment and before the true benefits of the process are truly realised and acknowledged. In this regard, it is important to note that the development of this bill does not make the design review panel an additional approval process to those already established. It is therefore important at this time that the design review panel remains advisory in nature.

To summarise, design review panels across the country provide many benefits for industry, government, design teams and, most importantly, the community. These benefits include access to design review as a free service and the reduction in risk, time and potential costs by identifying planning and design issues early.

There are also many benefits for the local design community, including lifting Canberra's design and development industry to promote a higher standard of design. It also provides an opportunity to gain early support for innovative design intentions by design teams. The community will also benefit from the introduction of the design review through an improved development outcome that will better contribute to our city setting and environments.

We want our buildings and places to be resilient for the people to enjoy them and we want the design of our buildings and places to continue to be an attractor for Canberra, to be a showcase for good design. This bill will create the right setting for the government and industry to collaborate and to achieve better design outcomes across the ACT. I commend the bill to the Assembly

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

## **Planning and Environment Legislation 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) (10.59): I move:

That this bill be agreed to in principle.

I am pleased to present the Planning and Environment Legislation Amendment Bill 2019. The bill is part of the government's regular program of omnibus amendment bills that make minor policy and technical amendments to the statute book. Omnibus bills are an effective means of keeping the ACT's legislation up to date and give the government the ability to respond quickly to changing circumstances.

This bill contains minor policy and technical amendments to the following six pieces of legislation administered by the Environment, Planning and Sustainable Development Directorate: the Commissioner for Sustainability and the Environment Act 1993, the Environment Protection Act 1997, the Environment Protection Regulation 2005, the Nature Conservation Act 2014, the Planning and Development Act 2007 and the Stock Act 2005.

I now outline the provisions of the bill. The bill makes a technical amendment to section 21 of the Commissioner for Sustainability and the Environment Act 1993. Under section 21 of that Act, the minister responsible for the act is also responsible for tabling the government response to special reports made by the commissioner.

However, there are circumstances where the content of the special report falls under the responsibility of a different minister. This can create confusion in the Assembly where the Minister for Climate Change and Sustainability, the minister currently responsible for the act, tables the government response as required but then defers all details to the minister responsible for the content.

The bill amends section 21 to place the requirement for tabling the government response with the minister responsible for the content of the special report and removes the Minister for Climate Change and Sustainability from the process in situations where he or she is not the responsible minister. This is a sensible and practicable amendment which vests the responsibility for tabling the government response to commissioner's reports in the hands of the minister responsible for its content.

The bill also makes two minor policy amendments to the Environment Protection Act 1997 in relation to environmental audits of site assessments of contaminated land. In practice, the main purpose of an environmental audit is to determine the suitability of land for a proposed or current use. The bill amends the definition of the environmental audit to include this as a purpose.

The Environment Protection Act specifies what an auditor must have regard to in preparing an audit. However, these considerations are restricted to an environmental audit conducted under division 9.5. There is no similar guidance for an environmental audit conducted under division 9.2. The bill corrects this by amending section 74 to include the matters an environmental audit must consider for the purposes of division 9.2.

The bill also makes three minor editorial amendments to the Environment Protection Act. It is currently an offence under the Environment Protection Regulation 2005 for a person in charge of a development site not to install or maintain a sediment and erosion control measure as approved by a building certifier. This bill amends the Environment Protection Regulation to add that it is also an offence not to install or maintain sediment and erosion control measures when required by a development application condition.

This amendment will ensure that the Environment Protection Authority can take quick enforcement action irrespective of whether the sediment and erosion control requirements originated under the building certifier approval or under the Planning and Development Act 2007.

The bill also amends the Nature Conservation Act 2014. The Parks and Conservation Service uses grazing by livestock in nature reserves as one way to manage fuel loads and biomass for its biodiversity program. This management is undertaken by issuing the owner of the livestock with a section 303 licence under the Planning and Development Act. Section 303 licences are also issued to allow owners of livestock to graze their livestock on public unleased land.

The multipurpose use of the section 303 licence has the benefit of one application process and fee for owners of livestock. The bill amends the Nature Conservation Act to ensure the holder of a section 303 licence has all relevant exemptions under the Nature Conservation Act when acting in accordance with their licence. There are also consequential amendments to section 261 of the Nature Conservation Act to ensure that the exemption provisions are consistent. The bill also makes two minor technical amendments to the Nature Conservation Act.

The bill makes several amendments to the Planning and Development Act 2007 as well. The first two amendments are in relation to the draft plan variations. Under the Planning and Development Act, draft plan variations can take interim effect prior to formal commencement. The legislation provides a defined period for the interim effect, with the default end date for the period of interim effect being one year after notification of the draft plan variation.

Recent amendments to the Planning and Development Act now require draft plan variations to be referred to a committee of the Legislative Assembly. If the committee decides to prepare a report on the draft plan variation, that process may take longer than the current default end date for the period of interim effect. This bill amends the Planning and Development Act to extend the default end date for the period of interim effect to 18 months after the notification of the draft plan variation. The amendments

include appropriate transitional provisions. The bill also makes a technical amendment to section 76 of the Planning and Development Act.

The third amendment to the Planning and Development Act is in relation to the ACT land rent scheme. The ACT land rent scheme permits people on low incomes to rent a land lease from the territory. This allows people on low incomes to become a home owner sooner, as they require a mortgage to purchase only the house and not the land lease. The home owner can later apply to the Planning and Land Authority to purchase the value of the land lease.

Currently, the applicant has unlimited time in which to pay the amount required. As the amount is calculated using the value of the property at the time of the decision, delay in paying the amount required can cause financial loss to the territory. The bill amends the Planning and Development Act to provide that, if the amount required to purchase the land lease has not been paid within 12 months from the date of the decision, the decision by the Planning and Land Authority to vary the lease is revoked. This will require the applicant to reapply for a new decision from the Planning and Land Authority.

The 12-month time limit balances two important aspects of the land rent scheme. The amendment minimises the risk of financial loss to the territory, which comes from the potential increase in the land value of the property. However, allowing the decision to remain valid for 12 months provides the low income home owner a reasonable chance to gather all necessary finances.

A further amendment is to the Planning and Development Act in relation to the de-concessionalisation of leases. This amendment ensures consistency of expiry provisions across lease variation charges and de-concessionalisation payments within the Planning and Development Act. The final amendment in the bill is to correct an inconsistency in the Stock Act 2005. The bill amends section 39 of the Stock Act to bring it into line with section 37 and to clarify that the director-general has the discretion whether or not to dispose of impounded stock if not claimed within 14 days.

In summary, this bill makes several amendments that will clarify and streamline the ACT's planning and environment laws. As I have mentioned, the amendments in the bill are wideranging, from enhancing enforcement capability for the Environment Protection Authority to clarifying and ensuring consistency in exemption provisions for owners of livestock who are operating under section 303 licences. While the amendments in the bill are minor in nature, the changes they make are a necessary and worthwhile improvement to the ACT's statute book. I commend the bill to the Assembly.

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

## **Fisheries Legislation Amendment Bill 2019**

**Mr Gentleman**, pursuant to notice, presented the bill, its explanatory statement, a Human Rights Act compatibility statement and a regulatory impact 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) (11.08): I move:

That this bill be agreed to in principle.

I am pleased to present the Fisheries Legislation Amendment Bill 2019 to the Assembly. The bill makes a number of amendments to the Fisheries Act 2000 and also to the Nature Conservation Act 2014 and the Pest Plants and Animals Act 2005. The purpose of the bill is to update the Fisheries Act to, firstly, include important aspects of fisheries management such as aquaculture and cultural fishing by Aboriginal people; and, secondly, to improve provisions associated with environmental protection, sustainable recreational fishing, compliance and enforcement, and commercial trade.

The bill also proposes complementary changes to the Nature Conservation Act to facilitate cultural resource use by Aboriginal people and makes minor changes to the Pest Plants and Animals Act to improve licensing arrangements. I will now go into more detail about this bill.

The bill amends section 17 of the Fisheries Act regarding the declaration of fishing gear. The amendments make it clear that certain gear is prohibited and not allowed to be used in any waters, public or private, within the ACT. Higher penalties will apply for use of gear that is declared prohibited.

An immediate priority will be to declare enclosed yabby traps, such as opera house traps, to prohibit their use in all ACT waters. Opera house traps are a major threat to native animals such as platypus and water rats—also known as rakali—which drown if caught in the traps. Other jurisdictions are also acting on this issue, with Victoria banning the use of opera house traps on 1 July this year.

Amendments also include a requirement for retailers to provide point-of-sale information when use of fishing gear is prohibited in the ACT. This will deter consumers from buying equipment they cannot lawfully use in the ACT.

I am also exploring options including a yabby trap swap program to raise awareness about the ban and to encourage the community to swap to more environmentally friendly forms of recreational yabby fishing. The swap program would be similar to that recently undertaken in Victoria.

I would like to see the sale of these traps banned in the ACT. However, the nature of our federation means this is not possible, particularly due to the provisions in the Mutual Recognition Act. Notwithstanding, I have written to ministerial colleagues in each state and territory asking that we collectively work towards an outcome that stops these kinds of traps being sold in Australia. I will continue to further this as part of future meetings with ministers in this area.

The bill will improve protection for native fish and their habitat through the declaration of critical habitat. This may include certain areas that we know are important to native fish or habitat structures such as large snags in rivers. A declaration allows for better management and protection of fish habitat by raising community awareness and applying penalties for disturbance, destruction or removal.

Introduced fish species can be a major risk to native fish, and the bill provides a power for the conservator to make a declaration whereby people can be fined if caught returning fish species, such as redfin perch, to an area such as the Cotter catchment. This provision will help to protect fish such as the endangered Macquarie perch from disease carried by the redfin perch.

The bill addresses a gap in legislation by introducing provisions for aquaculture. Conservator of Flora and Fauna guidelines may be developed under the Fisheries Act on how aquaculture is to be undertaken in the territory. Guidelines could specify things such as appropriate species to be farmed and appropriate care and management of fish. A licence will also be required for aquaculture activities with a capacity of over 10,000 litres, which is in line with management in other jurisdictions.

Feedback received during public consultation, including from the ACT recreational fishing community, indicated concern about a lack of compliance and enforcement and that penalties for noncompliance are not strong enough. A number of offences and penalties relating to recreational fishing such as using prohibited gear, not complying with fishing closures and taking fish of a prohibited size, weight and quantity have been increased.

Some new offences relate to habitat protection. There are increased penalties for interference or damage of spawning areas or removing important habitat such as snags and rocks from rivers. These provisions promote sustainable recreational fishing while protecting native wildlife, including threatened fish. There are new offences and penalties relating to acting in contravention of a licence condition or a direction. A range of updated offences and associated penalties relate to commercial fishing. These include the commercial sale of fish without a licence and taking possession or trafficking of priority species—rock lobster and abalone—without a licence.

Cross-border management of fisheries is important for both recreational fishing and trade. Offences and penalties throughout the Fisheries Act are amended to align with other jurisdictions, in particular New South Wales, where appropriate to the ACT's circumstances. Changes also provide for the appointment of fisheries officers under the Fisheries Act, which could allow for officers from other jurisdictions to be appointed to assist with cross-border commercial trade.

The bill introduces important changes to the Nature Conservation Act that will facilitate cultural resource use by Aboriginal people. Provisions will enable the conservator to develop a statutory plan and guidelines, in partnership with the traditional custodians, that will allow for Aboriginal cultural activity, particularly in reserves. The plan can include provisions for access to fishing areas and for the collection of traditional materials such as reeds for basket making. Activities carried out under the plan do not require either a fisheries licence or a nature conservation

licence as certain activities will be authorised under the plan. These changes have been introduced in consultation with the local Aboriginal community, who are very supportive of the need for legislation allowing greater access to cultural resources.

Traditional custodians will be consulted further in the development of plans to enable cultural activities. Importantly, these provisions deliver against the government's ACT Aboriginal and Torres Strait Islander agreement 2019-28 and the commitment to embed traditional custodian aspirations, including access to natural resources, into legislation and policy".

The bill will improve the alignment of licensing provisions under the Fisheries Act, the Nature Conservation Act and the Pest Plant and Animals Act. The prior provisions under the Fisheries Act only allowed a licence to be issued for commercial fishing, scientific purposes, priority species and the import/export of live fish. The new provisions allow licensing for a broader range of activities, including aquaculture. The changes do not alter the intent of current licensing provisions but will improve the administration of both acts by facilitating one process for managing all licences.

The bill also includes minor changes to the Pest Plants and Animals Act to recognise licences under the Fisheries Act. This is intended to allow research institutions to keep or import pest fish for the purposes of research.

In summary, this bill will improve fisheries management in the ACT, offer better protection to native fish and habitat and will, importantly, facilitate access to cultural resources for traditional custodians. I commend the bill to the Assembly.

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

## **Crimes Legislation Amendment Bill 2019**

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

Title read by Clerk.

**MR RAMSAY** (Ginninderra—Attorney-General, Minister for the Arts and Cultural Events, Minister for Building Quality Improvement, Minister for Business and Regulatory Services and Minister for Seniors and Veterans) (11.17): I move:

That this bill be agreed to in principle.

I am pleased to present the Crimes Legislation Amendment Bill 2019 to the Legislative Assembly. This bill will improve the operation and efficiency of the criminal justice system. The amendments in this bill will support our efforts to keep vulnerable people safe, to disrupt organised crime, and to ensure that our criminal justice system functions in line with this community's high expectations.

First I will detail the amendments that enhance protections for vulnerable people. This bill improves the way our police, prosecutors and courts address family violence by

strengthening laws that were introduced in the last term of government around strangulation. In 2015 this Assembly passed laws that specifically recognised strangling or attempting to strangle a person a crime that is disproportionately associated with family violence as an act that endangers the life or health of a person.

In the March 2019 decision of *R v Green* (No 3) the ACT Supreme Court interpreted that legislation as requiring proof that a victim of strangulation stopped breathing. That interpretation is much narrower than intended by the 2015 reforms. The scientific evidence is that any restriction on blood or air through the neck increases the risk of direct health complications and possibly death. Non-fatal strangulation in a family violence setting increases the risk of attempted or completed homicide by at least sixfold. The amendments in this bill clarify the legislation to ensure that this crime can continue to be effectively prosecuted.

The bill also includes important changes to the procedures that police use to help victims seek protection orders. Amendments in this bill will allow senior police officers to take affidavits of service in family or personal violence proceedings. These changes allow for more expeditious service and finalisation of protection order matters. This will reduce delay for vulnerable members of our community. While this change is technical and deals with the requirements of service of process, it will result in tangible benefits for people who turn to the legal system for protection.

This bill also contains a series of extremely practical, effective reforms that will target organised crime. Changes to the Firearms Act 1996 will help police and prosecutors hold accountable people who illegally possess firearms, and this is a very important part of our comprehensive strategy to combat organised crime.

Current laws make it an offence for a person to use or possess a firearm without authorisation. It is straightforward to discover whether a person is authorised by an ACT licence or permit. However, the prosecution must also prove the defendant does not hold a licence or permit anywhere else in the country. This means the prosecution is required to seek evidence from every other jurisdiction and lead this evidence at trial. Even with this information, it is more complex to get it admitted as all the information is second hand and not covered by evidentiary certificates under the Firearms Act 1996.

This bill reorganise the offences in question. The make-up of the offences will not change but now the prosecution will not have to disprove every possible licence or permit; the defendant will be required to prove that they do hold the authorisation. This is a straightforward and reasonable change to prevent firearms crime from being unaddressed due to legal technicalities, ensuring the proper operation of the justice system and effective community protection.

There are also important amendments in the bill to support the ACT's participation in the national cooperative scheme on unexplained wealth. These laws are key in undermining criminal syndicates by depriving criminals of the financial means and motivations for their crimes. The equitable sharing arrangements under the intergovernmental agreement mean that whenever there is a successful unexplained wealth action all contributing jurisdictions share in the proceeds.

Both the firearms and the unexplained wealth amendments in this bill follow on the government's strong program of giving police the resources they need, implementing proven law reforms and aggressively pursuing the financial proceeds of crime. Our intent is clear—we will keep going after what organised crime groups need to operate in the ACT and we will take it away from them.

Finally, this bill contains amendments that improve the administration of our justice system more broadly. There are amendments in this bill regarding police powers to enforce bail conditions. These amendments are in response to the recent ACT Court of Appeal case of *Andrews v Thomson*.

That case involved a highly technical analysis of the drafting of the Bail Act. As a result there has been ongoing litigation about the scope of police powers to enter a house and arrest someone for breaching bail conditions. The current legal position is that police can enter any place at any time to arrest someone who breached a bail condition. These amendments provide legislative criteria that are derived from the existing powers to enter and arrest people for suspected crimes. ACT Policing's advice to government is that they work well in practice.

Police are experienced in applying these kinds of laws, and they provide a fair and reasonable framework to preserve human rights. These amendments will mean that police can enforce bail conditions with certainty and uphold and protect human rights against unreasonable searches.

This bill also gives effect to a government decision about food safety. In 2017 the Australia New Zealand Food Standards Code was varied to allow the sale of low THC hemp seeds as food. This reflects the fact that these seeds contain an insignificant amount of psychoactive THC. These amendments ensure that our drug laws are consistent with that position.

The change comes with a provision to ensure that people cannot defeat drug driving charges by claiming they ate hemp foods. The scientific evidence is clear that consumption of these products cannot result in a positive roadside drug test. A change to the food standards code should not become a creative excuse for people who are caught drug driving.

Taken as a whole, this bill represents another example of the government's ongoing attention to the criminal justice system. We will keep listening to our community, to police and to others to ensure our laws deliver the results we expect. I commend the bill to the Assembly.

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

## **Climate Change and Greenhouse Gas Reduction (Renewable Electricity Target) Amendment Bill 2019**

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

Title read by Clerk.



**MR RATTENBURY** (Kurrajong—Minister for Climate Change and Sustainability, Minister for Corrections and Justice Health, Minister for Justice, Consumer Affairs and Road Safety and Minister for Mental Health) (11.26): I move:

That this bill be agreed to in principle.

I am pleased to present the Climate Change and Greenhouse Gas Reduction (Renewable Electricity Target) Amendment Bill 2019. The ACT government has held four renewable electricity auctions for 640 megawatts of renewable electricity to deliver on the 100 per cent renewable electricity target established under the act for 2020. These auctions have delivered deeds of entitlement with 10 renewable electricity generators, providing the ACT with the renewable electricity certificates produced on 20-year terms. Nine of these generators have commenced delivery of generation to the ACT, with the final generator to commence on 1 October this year.

The renewable electricity delivered under these deeds is critical for the ACT's greenhouse gas emissions reduction target of net zero emissions by 2045, as well as the interim targets for 2020 and onwards. Once the ACT reaches 100 per cent renewable electricity, our future greenhouse gas reduction targets will require a decarbonisation of natural gas and transport fuel consumption.

The ACT government is preparing for the possibility that a significant portion of this decarbonisation effort will take place through change to electric alternatives such as reverse-cycle heaters, electric vehicles and electric or induction cooktops. If this eventuates, this will lead to increases in electricity demand. The ACT's population growth is also driving increased electricity consumption at a faster rate than improved energy efficiency can reduce it.

This bill amends the Climate Change and Greenhouse Gas Reduction Act 2010 to legislate an ongoing 100 per cent renewable electricity target post-2020, ensuring that the ACT will maintain delivery of 100 per cent renewable electricity in perpetuity. This commitment ensures that if the ACT community wishes to move away from fossil fuel technologies such as petrol and natural gas, the ACT government will ensure that sufficient renewable electricity is procured to allow these people to choose a clean alternative to polluting fossil fuels.

The commitment also provides certainty to ACT consumers that their electricity will continue to be renewable after the current renewable electricity deeds expire in the mid to late 2030s. This ongoing commitment is required in order to help the ACT deliver on its emissions reduction targets and meet its fair share of the emissions reduction task needed to minimise the impact of global warming.

The bill further strengthens this commitment by setting it in primary legislation rather than being set in an instrument. This will provide a clearer signal of the importance of the renewable electricity target and help to provide certainty about policy direction to the renewable electricity industry. This change will provide more consistent treatment of the renewable energy and greenhouse gas emissions reduction targets in terms of how the targets are set and reported on.

The bill will help to provide a clearer summary of progress against the renewable energy targets under the act in the minister's annual report, separating them from the reporting requirements around the greenhouse gas emissions reduction targets. The act as it currently stands provides specific reporting requirements. However, these are tailored around the greenhouse gas emissions reduction targets and do not provide appropriate accountability of delivery against the renewable energy target.

The bill will address this by introducing a requirement for the minister to determine a method for measuring progress toward the renewable electricity target. With the passage of this bill I will publish a methodology which will clarify how ACT energy consumption will be measured, what sources of renewable electricity will be included in meeting the target and how these sources are to be measured.

The bill will also introduce a requirement to report on possible reasons for changes in the amount or percentage of renewable energy used in or generated for the ACT from previous years. This is similar to the existing requirement that applies to greenhouse gas emissions reduction targets. This will add an additional level of accountability and provide the ACT community with the information required to observe progress towards the target.

The bill amends the act to use more clear language around the distinction between a renewable energy target and a renewable electricity target. This improves the readability of the act and does not reflect any policy or substantive legislative change. Currently, the act refers, in some cases, to generation in the ACT. The ACT is part of the national electricity market, and the ACT government has taken advantage of this connection to secure renewable electricity generation within the national electricity market for the ACT, although only a fraction of this energy is generated in the ACT.

This has helped to minimise the costs of renewable electricity generation and allows the market to decide on the most appropriate location for new renewable electricity generation. The bill aligns the act with the ACT government policy of sourcing renewable electricity generation for, rather than in, the ACT.

In summary, the bill will establish a target for the ACT to continue to deliver 100 per cent renewable electricity in perpetuity. It will provide additional certainty for industry and consumers by setting this target directly within the act. The bill also will improve reporting and accountability of the target to ensure that ACT consumers are given the information required to observe progress towards the targets under the act. I commend the bill to the Assembly.

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

## **Animal Welfare Legislation 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) (11.33): I move:

That this bill be agreed to in principle.

I am proud to introduce the Animal Welfare Legislation Amendment Bill 2019 to the Assembly today. The ACT community strongly values animals, and this bill reflects their intrinsic value. In an Australian first, this bill recognises animals as sentient beings as well as introducing a broad range of reforms to strengthen animal welfare laws. The bill as a whole provides a strong, contemporary and Australian-leading legislative framework for protecting the welfare of all animals in the ACT. This bill will establish the Animal Welfare Act 1992 as a contemporary piece of legislation that aligns with community expectations and best practice.

I undertook a community consultation process on the draft bill late last year and into early 2019, and this made it very clear just how important this issue is for Canberrans. It is essential that Canberra's animal welfare laws reflect the views and values of the community in how we should manage and care for our domestic animals, livestock and wildlife. This bill will improve the quality of life for animals in the ACT and delivers on a key commitment in the animal welfare and management strategy 2017-22. Over the past two years our government has been working to reform legislation around domestic animals, and this bill represents the completion of legislative reviews for animal management and welfare in the ACT consistent with the strategy.

We also know that animal welfare laws work to support our dangerous dog laws, which are also best practice and the strongest in the country, following amendments made by our government in 2017 and 2018. These new animal welfare laws reflect the link between dogs that are well cared for and responsible owners and a safer community. The bill I am presenting today will protect and promote the welfare of animals, prevent and deter cruelty to animals and respond appropriately to animal welfare abuses. This is not only a step forward for the ACT as a territory; this is of national significance. It will establish the ACT as the first state or territory in Australia to recognise the sentience of animals in law.

This means that we as a community accept that animals are sentient beings with intrinsic value that can feel pain and emotions and are deserving of an acceptable quality of life. This is based on science and recognises that modern animal welfare is about considering how an animal is coping mentally and physically with the conditions in which it lives. The objects of the bill have been updated to reflect this position and recognise that people have a duty to care for animals.

This bill is comprehensive, so I will highlight the key and most important features for the Assembly today. One of the key features of the bill is a proportionate and enforceable regulatory framework with stronger penalties and enforcement powers. Importantly, the bill proposes an escalating enforcement framework that will allow our inspectors and the RSPCA to issue on-the-spot fines for more minor duty of care or cruelty offences, in addition to the existing serious offences in the act. This will

enable our officers to respond swiftly and effectively, with the ability to issue a warning or a fine for more minor offences like kicking a dog or not providing a dog with access to water during the day. This is not an option under the current framework.

The bill also significantly increases the maximum penalties for the most serious animal welfare abuses, with jail terms of up to two years for cruelty and three years for aggravated cruelty offences. This escalating framework will allow us to respond quickly and proportionately to all levels of animal welfare abuses. Permanent animal ownership bans can also be imposed and a person can be prevented from caring for or controlling an animal in a way to prevent further abuse of animals.

The bill amends the governance framework for the Animal Welfare Advisory Committee so that the committee can provide advice to the Animal Welfare Authority on operational and policy matters as well as advise me, as the responsible minister, emphasising the role of this important committee in animal welfare and maintaining best practice.

This bill also sets out a high-level framework for regulating pet businesses, specifically pet shops and boarding kennels, to ensure the welfare of our pets so that we can stamp out illegal breeding and puppy farming, ensuring the responsible sourcing of pets. Pet businesses care for animals and our beloved pets, and our regulatory framework will help to ensure that animals are appropriately sourced and treated. Many other jurisdictions are also moving to regulate pet businesses, and this is considered best practice. This bill will help to support and promote pet shops doing the right thing and give pet owners and the general community confidence about the proper sourcing and treatment of pets. The system will be simple and easy to administer.

In addition to looking after our pets, the bill sets out a regulatory framework for assistance animals that provides for the recognition, regulation and rights of access of assistance or service animals in the territory that is consistent with ACT and commonwealth discrimination law. This will promote the rights of people with a disability who rely on assistance animals such as a guide dog, a hearing dog or an assistance dog.

The new framework provides processes for the accreditation of assistance animals, particularly assistance dogs, and also clarifies and expands the right of access for people with assistance animals. This will be based on an identification system and minimum training standards that promote the rights of people with a disability who rely on an assistance animal.

To support the new accreditation framework there are a range of offence provisions, and an infringement notice can be issued to a person who denies access to an accredited assistance animal. For example, restaurants and cafes and other public premises that deny entry to a person accompanied by an accredited assistance animal will face steep penalties under the new laws.

The assistance animal scheme has been developed with the assistance of key stakeholders, and I thank them for their involvement to date. I note that the pet

business and assistance animal regulatory frameworks will not come into place for six months, to provide time for government to work closely with key stakeholders and affected businesses to implement the new schemes.

Of absolute importance in this bill is a new regulatory framework for the Animal Welfare Authority that allows the authority to impose an interim ownership ban of up to six months where a person is suspected of committing serious animal welfare abuses. This reflects a zero tolerance approach to continuing to allow animal welfare abuses to occur. It also allows the authority to seize, retain, sell or rehome an animal where appropriate, and in the interests of animal welfare, and impound an animal at premises other than the Domestic Animal Services facility; for example, keeping seized puppies with an animal rescue organisation in the interests of animal welfare. This replicates changes made to the Domestic Animals Act last year.

The bill also significantly improves the offence framework surrounding animal welfare. Some of these changes include requiring a person to report the injury of a mammal within two hours, rather than the current 24 hours in the act. For example, where a car collides with a kangaroo or a dog and the animal needs urgent veterinary treatment, this will facilitate quick and efficient treatment. It will also mean action can be taken where an injured animal is a safety risk; for example, in the middle of a busy road.

The escalating enforcement framework in the bill includes new offences when people do not properly care for their animals, such as failing to provide a dog with water or shelter. These duty of care offences will be easily enforced to ensure officers can issue on-the-spot fines to protect the welfare of animals and deter further acts of cruelty happening. However, it is important to note that these offences are also based on reasonableness and do not punish responsible dog or pet owners. For example, under the bill it is an offence to closely confine a dog for 24 hours without providing exercise. This does not apply to someone who keeps their dog in their yard, house or apartment and does not have the opportunity to walk them every day. It would, however, apply in situation where a dog is tied to a pole for days on end or is kept in a cage where it cannot move.

The bill also introduces provisions to expressly ban dog fighting. The bill will make it an offence for a person to take part in animal fighting or other violent activities where an animal is used to torture or kill another animal. Importantly, this change does not affect dog sporting activities or hunting activities in the ACT like gun dog trials, unless an animal is intentionally used to injure or kill another animal.

We know that the consequences of leaving a dog in a hot car are fatal, and this is also an offence under the bill. The legislation will provide protections for a person to enter a vehicle to release an animal only in reasonable and serious circumstances where an animal's life is in danger. People should also make sure that they appropriately restrain their dog or other animal in a moving vehicle. It is common sense that when an animal is being transported in a vehicle they are appropriately restrained to protect the animal, the driver and other road users.

At the highest end of the scale, penalties for serious animal welfare offences in this bill have been tightened and harsher penalties applied for the most serious animal welfare offences. There is also a comprehensive new fine framework in place to enable officers on the ground to take action. This means the legislation will be strong and enforceable to achieve the best outcomes for the welfare of animals, in line with community expectations and best practice.

During the community consultation on the draft bill, 120 individuals and 30 businesses and organisations, including not-for-profit organisations, provided submissions. All these have been considered in finalising the bill and the explanatory statement. I thank the community and RSPCA ACT, who contributed to the large body of work that has been undertaken. There was a high level of support from the community during the consultation to recognise animal sentience and to better protect and promote the welfare of animals.

I note that, following feedback from the community, the bill no longer restricts a person to walking no more than three dogs at a time. We listened to people through the consultation process and will be focusing on effective control, which means that any person in control of any number of dogs, either on or off a lead, must be able to have effective control at all times—a requirement under the Domestic Animals Act. This is critical for the safety of people and other animals in our community.

This bill builds on the significant legislative reform we have seen over the last 18 months in regard to dog management and welfare, which included a ban on greyhound racing in the ACT and stronger preventative measures to reduce the number of dangerous dogs in the community. The animal welfare amendments complement these changes and uphold the principles of responsible pet ownership which are proven to effectively improve animal management and welfare outcomes. They do not unduly punish responsible dog owners but will proactively and effectively target people who mistreat animals.

I note that we are progressing the Canberra dog model in 2019 to improve how we manage dogs in the ACT both in terms of dog management and dog welfare. The Canberra model will present a clear set of on-the-ground actions to build on the new domestic animal laws through a combined approach of education, responsible pet ownership and increased compliance. I look forward to releasing that soon.

The bill will also be supported by targeted compliance teams, with resources, proactively on the ground to support the new animal welfare laws. I look forward to continuing to work closely and collaboratively with the RSPCA and our RSPCA inspectors in ensuring on-the-ground animal welfare outcomes and best practice animal welfare and management.

2019 will see a strategic and consolidated approach to improving how we manage and care for animals in the ACT. We must have robust and comprehensive legislation to support this. With this bill, the ACT will have the highest animal welfare standards and best practice laws for protecting animals. I commend the bill to the Assembly.

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

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

### **Reporting date**

**MS ORR** (Yerrabi) (11.46): I move:

That the resolution of the Assembly of 29 November 2018 relating to the referral of a new Territory Coat of Arms to the Standing Committee on Environment and Transport and City Services be amended by omitting the words “by 6 June 2019” and substituting “by 1 August 2019”.

Briefly, the motion is just requesting an extension of the reporting date from 6 June to 1 August 2019.

Question resolved in the affirmative.

## **Fuel Pricing—Select Committee**

### **Reporting date**

**MS CHEYNE** (Ginninderra) (11.47): I move:

That the resolution of the Assembly of 14 February 2019 relating to the referral of issues related to fuel pricing in the ACT to a select committee be amended by omitting the words “last sitting week in June 2019” and substituting “17 September 2019”.

The committee is seeking the Assembly’s agreement to an extension of time to our inquiry for a number of reasons. Madam Assistant Speaker, as you are aware, the committee has been working extremely hard to uncover exactly why fuel prices are what they are in the ACT and to explore what can be done about it.

The committee has held seven public hearings as well as met with stakeholders in Victoria and WA to better understand their views about the approaches those states have taken. We have received hundreds of submissions, largely via our survey, which has received over 300 contributions. This has been incredibly helpful for us in understanding the impact of fuel prices on everyday Canberrans. I thank the community for their interest, attention and efforts in assisting us.

I also thank the media for their continued attention and reporting on this very important issue. Indeed, there has been some commentary that the existence of this inquiry and the reporting on it has actually brought prices down a little bit. We have been able to put to bed the myths that the ACT government charges a fuel tax—it does not—and that the ACT has a price cycle—we do not. In fact, several times in the course of this inquiry the prices of fuel in metropolitan areas like Sydney have been significantly higher than in the ACT.

One of the particularly tricky things, though, is that the committee has had to test a number of statements and contributions made to it during the inquiry. As is painfully

evident, many witnesses we have heard from have skin in the game. Just because someone tells us something or suggests one approach is best does not mean it necessarily is. The committee has found itself lobbied in probably every direction possible, with everything from no intervention to some intervention to very significant intervention suggested and considered. We have also heard of a number of approaches that could result in greater certainty and transparency for consumers but which might not necessarily reduce fuel prices.

I have been on a lot of inquiries in my time in this Assembly. This is one of the most, if not the most, complex I have been on. We still have a number of organisations and people we wish to speak to, which is one reason for extending the inquiry. There are some fuel retailers that have been particularly difficult to get hold of. I think I can express my frustration on behalf of the Assembly and the Canberra community about that.

We have learned a lot, including about the pros and cons and the issues with each of the approaches suggested. What we want to do, having a very good understanding of the issues and potential consequences with each of the approaches, is to now test them with the Canberra community.

I can today announce that, with the agreement of the Assembly to the extension of the reporting date, we will be producing an interim options report exploring what methods and approaches are available to the Canberra community. The Canberra community's views on the different options will then inform our final report. The final report will make recommendations to government about what to do about this very serious issue.

I look forward to releasing the interim report in the coming weeks and encourage all Canberrans who have a concern about fuel prices to engage with it. I commend my motion to the Assembly.

Question resolved in the affirmative.

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

### **Request for clarification**

**MS ORR** (Yerrabi) (11.51): I move:

That this Assembly calls on the Standing Committee on Administration and Procedure to:

- (1) clarify the scope of current provisions and conventions regarding Members' comments on a matter under Committee consideration; and
- (2) report back to the Assembly on their findings by the end of July 2019.

Speaking briefly, this motion came about as a result of the confusion that we all experienced in the last sitting week as to what the conventions and standing orders cover and what can be said on matters before a committee inquiry. I am simply seeking clarification from the administration and procedure committee as to what the current status is around this issue under the standing orders and the conventions.



**MS LE COUTEUR** (Murrumbidgee) (11.51): I thank Ms Orr for bringing forward this motion. The Greens were contemplating doing something very similar. As Ms Orr alluded to, in the last sitting period—or was it the period before—we had substantial confusion and difference of interpretation about both the standing orders and the conventions and how the work of committees interacts with statements that individual members may make, be they members of the committee or not, and matters that come before the Assembly as a whole. This is clearly an area where we do not have a shared understanding about what the situation should be. The purpose of Ms Orr’s motion is to get that shared understanding. I very much commend her motion to the Assembly.

Question resolved in the affirmative.

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

### **Proposed reference**

**MRS KIKKERT** (Ginninderra) (11.52): I seek leave to amend my motion in the terms that it was circulated.

Leave granted.

**MRS KIKKERT**: I move:

That this Assembly:

(1) notes that:

- (a) the 2004 Vardon report raised concerns from community members that the ACT’s care and protection system lacked “effective external scrutiny” to remedy “unlawful or incorrect administrative actions or decisions”, and also mentioned the need for “transparency and accountability in decision making”;
- (b) the 2016 Glanfield inquiry recommended, as one of four key outcomes, the “improved quality of, and transparency in ... decision making and practices” in the ACT’s care and protection system;
- (c) in its 2016 Response to Family Violence, the ACT Government stated that:
  - (i) “increased transparency and the building of trust is particularly necessary in child protection cases”;
  - (ii) the Territory’s care and protection system “must adopt a culture of transparency”; and
  - (iii) “the ACT Government accepts that proper accountability enhances community confidence in public administration, especially in complex areas such as statutory child protection services”; and
- (d) the ACT Government recently released a discussion paper on options for the review of child protection decisions in the ACT for public consultation;

(2) also notes that:

- (a) a 2018 Court of Appeal decision, reported in *The Canberra Times* on 17 February 2019, set aside previous Children's Court and Supreme Court decisions in relation to the children's need for care and protection; and
  - (b) a number of prominent Canberrans, including legal practitioners, Aboriginal and Torres Strait Islander community leaders, and a former ACT Chief Minister, have publicly called for an inquiry into this matter;
- (3) refers the following matters to the Standing Committee on Health, Ageing and Community Services:
- (a) analysis of the case referred to in (2)(a) to identify potential systemic issues that may need to be addressed, and report to the Assembly no later than March 2020; and
  - (b) inquiry into the ability to share information in the care and protection system in accordance with the *Children and Young People Act 2008*, with a view to providing the maximum transparency and accountability so as to maintain community confidence in the ACT's care and protection system, and report to the Assembly on a date to be determined by the Committee, but no later than July 2020; and
- (4) requests the Committee to observe the following in relation to the inquiries established at (3):
- (a) that the Committee take evidence and hold documents in ways that will not allow for individual people to be identified without their express consent; and
  - (b) to the extent that people providing or hearing evidence related to the inquiries are traumatised, that appropriate supports are referred or provided.

I am grateful for the opportunity to bring this very important motion before the Assembly today. In doing so, I want to acknowledge the contributions of Ms Le Couteur and Minister Stephen-Smith. I thank them for their input and for their willingness to work with me on this very serious matter. As a consequence of our ability to work together, I have circulated an amended motion.

Exactly two years ago I brought a motion before this Assembly raising concerns about the lack of external review for child protection decisions in the ACT. That motion was informed by Cheryl Vardon's 2004 report entitled *The territory as parent: review of the safety of children in care in the ACT and of ACT child protection management*, often called the Vardon report, and Laurie Glanfield's 2016 *Report of the inquiry: review into the system level responses to family violence in the ACT*, frequently referred to as the Glanfield inquiry.

The Vardon report notes the lack of external scrutiny for many decisions made within the territory's care and protection system, including matters such as placement decisions and care plans. It also notes that many submissions from parents, carers and agencies have highlighted the absence of an independent grievance structure.

The consensus, according to the report, was that, “an independent mediator was needed to deal with these disputes”. It then recommended the creation of the office of Children and Young People Commissioner, a figure who was to have the power to convene an independent tribunal.

The office was eventually created, but it was not given the strongly recommended tribunal powers. One of the global concerns behind the Vardon report’s recommendation was the need for greater transparency and accountability in decision-making. Twelve years later this standpoint was repeated by Mr Glanfield in the report arising from his inquiry. In fact, improved quality of and transparency in decision-making and practices is one of the four key outcomes presented in this document.

The Glanfield inquiry also notes the territory’s lack of suitable review of decisions and encourages that this matter be looked into in relation to what happens in this space in other jurisdictions. It has taken three years to get there, but I am relieved that the discussion paper on this topic was released by the minister earlier this month. I strongly encourage people to take advantage of the submission process by making comments.

In response to the Glanfield inquiry and other reports that appeared around the same time, the ACT government acknowledged that increased transparency and the building of trust are particularly necessary in child protection cases, that the territory’s care and protection system must adopt a culture of transparency and that proper accountability enhances community confidence in public administration, especially in complex areas such as statutory child protection services. In short, we have a long history in this territory of nearly everyone agreeing that our child protection system would function better with greater transparency and accountability.

This brings us to the specific case mentioned in this motion. I want to be careful what I say in relation to this case. It is complicated and prone to being oversimplified. I doubt that anyone in this chamber has a full grasp of the details, but the general outline involves five children having been removed from their mother and eventually being placed on 18-year orders by the court. Then, 5½ years later, and after the mother’s contact with her children had been severely limited, this decision was vacated through a series of legal appeals. This is a very serious matter. As one legal professional recently noted, losing one’s children and having only eight hours of contact with them per year is not dissimilar in some ways to serving a prison sentence.

We all know that in some cases people need to serve prison sentences. Likewise, we all know that in some cases children must be separated from their parents when they are at risk of serious harm. But if a person were imprisoned for 5½ years and then released on appeal, the obvious question would be: what went wrong? That is the question that is on the minds of a number of Canberrans in relation to this case. This has been especially troubling to the territory’s Aboriginal and Torres Strait Islander communities, in light of the fact that these children are Indigenous Australians. But this matter appears to have been resolved, so why refer it to a committee? Let me begin by clarifying what are not the reasons for this proposed referral.

First, this is not a request to re-litigate this case. The mother involved in this matter, I have been told, has no interest in that at all. Secondly, and I want this to be very clear, this is not a finger-pointing exercise. In fact, it must not be a finger-pointing exercise, especially in relation to the good women and men who do very difficult jobs every day working in this area. Most people would not wish to shoulder the responsibility of being a front-line caseworker in such a complex area as child protection. I honour those who do and publicly thank them for their service.

So what is the point? As another senior legal practitioner pointed out only a couple of days ago, it is easy to say that a system is working if one only looks at the system. It takes looking at individual cases to see where the system may not be working so well. If, as many have worried, this case is evidence that something in our system went wrong then we need to know what that is so that the system can be fixed. Consequently, in this motion I am recommending an analysis of this case specifically as an exercise to identify any systemic issues that we need to be aware of.

We need to do this for the sake of everyone involved. I understand that the mother at the centre of this case desires this analysis of her experiences specifically for that reason and so that, going forward, others can potentially be spared some of the difficulties that she has been through. We need to do this for the workers as well. They have incredibly difficult jobs in which they are daily faced with incredibly complex decisions. A healthy system will recognise this fact and be designed in such a way as to support and protect the people on the front lines. Any systemic failures hurt everyone involved.

This specific case is unavoidably entangled with the issue of information sharing and transparency specifically because those who feel most deeply that something has gone wrong understand that they cannot raise these matters anywhere without being compelled as a consequence of the privacy provisions in the Children and Young People Act. We need to have rigorous privacy provisions. Children need to be protected; families need to be protected. Those who report possible abuse or neglect need to be protected.

I do not think any member of this Assembly would disagree with any of these points. But concerns have been raised, and specifically in relation to this case, that our privacy provisions go too far, that they have, in essence, become secrecy provisions that make it difficult for reasonable and correct actions to be taken in cases where things may, indeed, be going wrong.

I note here that the minister has assured me she is likewise invested in reviewing the act in relation to providing the maximum transparency and accountability so as to restore and maintain community confidence in the territory's care and protection system. I am grateful to have her support and the support of Ms Le Couteur on this matter.

Madam Assistant Speaker, I am calling upon the Assembly to refer these two related matters to the Standing Committee on Health, Ageing and Community Services for analysis and inquiry. I acknowledge here that the minister has some reservations about

this being the correct body to conduct these matters, but I am convinced that it is. I have complete confidence in this committee and its members.

This matter falls squarely within their jurisdiction, belonging, as it does to the Community Services Directorate. The committee system of this Assembly empowers the committee to conduct this inquiry in an open way, which will be necessary to get the needed information, but also in a sensitive way in order to protect and support individuals. Madam Assistant Speaker, this amended motion reflects discussions that I have had with Ms Le Couteur and Ms Stephen-Smith's office. I commend it to the Assembly.

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

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

### **Questions without notice**

#### **ACTION bus service—school services**

**MR COE:** My question is to the Minister for Transport. Yesterday you were asked about dedicated school bus services for children in the Causeway within the Red Hill catchment area. You advised the Assembly that those children were serviced by bus 2024. Minister, noting that bus 2024 travels in the wrong direction for children going to Red Hill, I ask again: is it acceptable that your only solution for many Canberra kids is to walk?

**MS FITZHARRIS:** Yes, I acknowledge that I was incorrect when I stated that, because that bus that goes through the Causeway would service, as I understand, a shared PEA with Forrest primary. But that is not the only solution that Canberra children have in order to get to school.

**MR COE:** Minister, for these students, what is the solution and why did you advise the Assembly yesterday that bus 2024 was their option?

**MS FITZHARRIS:** If I recall, and I have just corrected it, I said that there was a school bus that serviced the Causeway.

**MISS C BURCH:** Minister, will you apologise for providing the incorrect information yesterday?

**MS FITZHARRIS:** Yes, I apologise.

#### **Public housing—Ainslie Village**

**MS LE COUTEUR:** My question is to the Minister for Housing and Suburban Development and relates to Ainslie Village. When will the government release the report from the study into the housing needs of tenants with complex needs?

**MS BERRY:** I thank Ms Le Couteur for the question. Yes, there has been some work recently on tenants in the ACT and on people experiencing homelessness and seeking support, and around the different needs of different cohorts in our community. These were some of the issues raised during the housing summit, which I understand Ms Le Couteur and Mr Parton attended, about the different kinds of cohorts in the ACT that were experiencing homelessness and whether there were supports appropriate for their specific needs. I will check on the report and whether it will be released soon.

**MS LE COUTEUR:** How will the results and recommendations of this study be fed into the review of the future of Ainslie Village or, in fact, any other housing premises?

**MS BERRY:** This review has already fed into the work that the ACT government is doing right now into meeting the needs of different cohorts across the community, particularly with our renewal program and future work with Housing ACT.

**MR PARTON:** Minister, why do you continue to assert that homelessness is declining in the ACT when all the front-line service providers indicate that the number of rough sleepers is on the increase?

**MS BERRY:** There are two different definitions there that Mr Parton has referred to. Rough sleeping has increased slightly in the ACT but all the figures we look to for the ACT around homelessness show that homelessness figures in the ACT have dropped compared to a national rise. Those are two different data sets that Mr Parton is referring to.

### **ACTION bus service—new network**

**MISS C BURCH:** My question is to the Minister for Transport. I refer to a piece of correspondence that the Canberra Liberals received last week from a constituent living in Weston Creek regarding the new bus network. The constituent, who has mobility issues, expressed her frustration about how the new network has severely limited her ability to access regular doctors appointments in Woden. The trip planner suggests that the quickest and most direct route would require her to cross the Oakey Hill Nature Reserve, a trip that she is physically unable to make. Her story is one of hundreds that we have received from across the territory from elderly and mobility-impaired Canberrans. Minister, why are the new bus network changes further isolating and discriminating against the elderly, mobility-impaired and disabled in our community?

**MS FITZHARRIS:** I do not believe that it is.

**MISS C BURCH:** Minister, what have you done to ensure that the new bus network is human rights compliant?

**MS FITZHARRIS:** I will take advice on answering that question.

**MS LAWDER:** Minister, what actions have you taken to review network 19 to ensure that it meets the needs of the elderly, mobility impaired and people with disability in our community?

**MS FITZHARRIS:** Significant work has been undertaken on designing the new network, including with a range of different stakeholder groups which represent many people right across our community. There is also a special bus service that services children with a disability right across our school system as well as the flexible transport system.

### **Schools—vandalism**

**MS LEE:** My question is to the Minister for Education and Early Childhood Development. Minister, over several weekends in recent times, at least two inner north primary schools have been subject to extensive damage caused by repeated vandalism using heavy blocks and other materials. Given that the attacks usually occur on a Saturday night, what efforts have been made by your directorate to increase surveillance of the schools and to apprehend the perpetrators?

**MS BERRY:** I will need to take that question on notice and get some advice on those particular schools. Of course, the ACT Education Directorate works very closely with school communities around vandalism in schools and how that is addressed and how the community can be involved in making sure that our schools are safe places and are not vandalised, so that young people can go to school and teachers can do their jobs in a place that has been vandalised. If there is significant damage done, the Education Directorate will always go in very quickly and support the schools to resolve any issues that have arisen out of vandalism.

**MS LEE:** The minister may need to take this one on notice as well. What is the financial cost to the ACT government of vandalism in our government schools?

**MS BERRY:** There is some insurance coverage around vandalism in schools but, again, I will have to take the detail on notice. If that information is available, I will provide it to the Assembly.

**MISS C BURCH:** Minister, to what extent have these attacks disrupted classes and activities and undermined the safety of these school communities?

**MS BERRY:** Depending on the nature of the vandalism and whether it has been significant or not, it would depend on the individual school. Yes, there would be some disruptions but school communities are very well supported by the Education Directorate, should that be required, to ensure that education can continue as normally as possible, taking into account that there has been some disruption to schools.

### **Visitors**

**MADAM SPEAKER:** Before I call Ms Orr for the next question without notice, members I draw to your attention a very good crowd in the gallery. I welcome to the

Assembly the Probus Club of Canberra. Welcome to your Assembly. I hope you are enjoying your time here.

## **Questions without notice**

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

**MS ORR:** My question is to the Minister for Housing and Suburban Development. Minister, can you update the Assembly on the government's plan to grow and renew public housing as part of the ACT housing strategy?

**MS BERRY:** Last October I launched the ACT housing strategy, which sets out the government's actions for affordable housing over the next decade. One of the key pieces of this strategy is the \$100 million commitment to continue the renewal of public housing and to support growth over the next five years. This week I released the new growing and renewing public housing 2019-24 plan that guides the \$100 million investment and details how we will continue to better meet the needs of current and future public housing tenants.

This plan will support the work of the ACT housing strategy and its goal to strengthen social housing assistance by delivering safe and affordable housing to support vulnerable Canberrans. The \$100 million investment will enable the government to add 200 homes to the portfolio and set in motion the sale and renewal of old public housing properties to generate around \$500 million that will be reinvested into growing and renewing public housing stock.

Over the next five years, this government's \$600 million investment will deliver 1,200 new properties for public housing tenants, which includes the renewal of 1,000 properties and an extra 200 new homes for people on the housing register. This will increase our current public housing portfolio by 200 properties during the life of the plan. These are tangible results, supported by a long-term and viable growth and renewal plan.

**MS ORR:** Minister, how will this new program build on the current public housing renewal program?

**MS BERRY:** Four years ago the government committed to the largest renewal of public housing in our history with the replacement of 1,288 public housing dwellings. While the ACT has the highest ratio of public housing per capita of any jurisdiction in Australia, on average we also have some of the oldest. The housing that was renewed and replaced roof for roof had reached the end of its useful life. The buildings had little energy efficiency, did not properly match the needs of public housing tenants and were not adaptable for older tenants or people with a disability.

The program has enabled a better alignment of our public housing portfolio with tenant needs and size. Over the life of the program approximately 1,400 people have moved into new homes. I have heard many stories directly from tenants who have moved into their new homes about the significant improvement it has made to their lives and overall welling. The program has empowered tenants to take advantage of new opportunities and move into homes that better suit their individual needs.



This next plan will continue to put the tenants at the centre and will take into consideration the preferences of where tenants want to live and build homes that best suit their needs. It will focus on renewing and growing single and low density properties and using our existing land more efficiently.

The current renewal program has made a huge impact on the lives of public housing tenants, and the next program will build on those learnings to deliver better outcomes for many Canberrans

**MS CHEYNE:** Minister, how does this investment in public housing compare to other jurisdictions?

**MS BERRY:** Over the 10 years to 2024 the ACT government will have invested more than a billion dollars in public housing and renewed approximately 20 per cent of our public housing portfolio. This is the largest investment in and commitment to public housing of any government in Australia. Comparing our \$100 million investment on a per capita basis to other jurisdictions, New South Wales would need to invest nearly \$2 billion and Victoria would need to invest nearly \$1.5 billion in public housing.

Our approach in the ACT is different to that of other jurisdictions, where large-scale sell-offs and transfers out of public housing are happening. The funding and support for public housing will strengthen the Commissioner for Social Housing, owned and operated on behalf of all Canberrans. While there has been no new investment from the federal government in social housing within the ACT, the ACT is leading the country in terms of support for the growth and renewal of public housing. This unprecedented investment in public housing demonstrates the government's commitment to supporting low-income and vulnerable Canberrans by providing more homes in this progressive and inclusive city that supports all members of our community.

### **Sport—indoor facilities**

**MR MILLIGAN:** Madam Speaker, my question is to the Minister for Sport and Recreation. Minister, I am starting to feel like I am stuck in the movie *Groundhog Day*. Can you advise the chamber when the long awaited indoor sporting feasibility study you promised in 2016 will be made available for the numerous sporting groups currently managing a shortage of facilities in Woden, Belconnen and Gungahlin?

**MS BERRY:** I understand that Mr Milligan is very interested in the indoor sports study. The indoor sports study was a very focused study for only a few sports in the ACT across a couple of regions. It was not an all-of-Canberra study for every single sport that uses indoor facilities. I can assure Mr Milligan that the indoor sports study will be released soon.

**MR MILLIGAN:** Minister, why are local sporting groups having to turn away players, including juniors and many senior Canberrans, due to the lack of facilities in these crucial growth areas of Canberra?

**MS BERRY:** If Mr Milligan is getting feedback from sports communities that are having difficulties with access to indoor sports facilities then the best action for him to take is to refer those organisations to sport and rec in the ACT who will be able to source alternative venues and they will be able to assist those organisations to ensure that they have a place for sport and recreation.

**MS LE COUTEUR:** Minister, I am also getting complaints from constituents, particularly in Murrumbidgee, about—

**Mrs Jones:** Preamble!

**MS LE COUTEUR:** Sorry. I am also getting these complaints, and they have been in contact with your office but they are not finding responses. Where are the additional facilities in Woden?

**MS BERRY:** The additional facilities that have been made available have been part of a program of works between sport and recreation and education ACT to upgrade school facilities to allow for sports organisations to use those facilities outside of school hours. For example, the Woden Dodgers basketball club now uses the Alfred Deakin school hall, and the hall at the Hedley Beare centre for education was also upgraded and its facilities are available for sports clubs to use.

### **Health—flu season**

**MRS DUNNE:** My question is to the Minister for Health and Wellbeing. I refer to reports in the media on 8 May and elsewhere that the 2019 flu season is expected to be one of the worst on record, with up to 40,000 influenza notifications already. That number is three times the number at the same time last year. Experts are warning that this coming flu season could be as bad as or worse than 2017. Queensland has already recorded 25 influenza deaths so far this year. Minister, what is your advice on the upcoming flu season and what is your advice about the capacity problems that the hospitals in Canberra may face because of the upcoming flu season?

**MS FITZHARRIS:** I am not sure if Mrs Dunne is referring to the advice to me or the advice that I would give but either way I would certainly, in terms of the community preparing for the flu season, encourage everybody to have a flu shot. As with last year when we introduced a new flu shot for young children between the ages of six months and five years—that was part of our efforts to prevent influenza across the ACT—we are also working very closely with community pharmacies on extending their access to the provision of a number of different vaccinations, including the flu vaccination for the members of our community who are over 65, who now have a separate flu shot that is more effective for those members of our community.

We certainly also have the ACT Health winter action plan and Canberra Health Services and Calvary Public Hospital doing their work annually to implement the flu season plan and the winter bed strategy. That work is well underway. As has been noted in the media, there has been a slight increase from last year. We are carefully monitoring it, as we do every year. The advice to me is that planning for the winter

season is well underway, with the bed capacity having been identified in last year's budget as well so that the number of beds can be flexed up and down as required throughout the winter flu season.

**MRS DUNNE:** Minister, can you assure the Canberra community that the Canberra health system is properly prepared for a bad flu season?

**MS FITZHARRIS:** Yes. The advice to me is that Canberra Health Services are undertaking the planning, as they always do, for the winter flu season, as is ACT Health. That includes the capacity to open more beds over the winter flu season to account for the likelihood that we will see an increase in presentations due to influenza.

**MR HANSON:** Minister, how can the community be assured that you are not using the flu season as an excuse for capacity problems in the ACT hospital system? Will you break down the data to demonstrate which are specifically the flu and which are other presentations?

**MS FITZHARRIS:** As Mr Hanson would know as a long-serving former opposition spokesperson on health, presentations to hospitals can be very complex. I will certainly be able to provide data on the impact of the flu season, as instances of flu as notified to ACT Health are publicly reported throughout the winter season.

### **Canberra Hospital—radiology department**

**MRS JONES:** My question is to the Minister for Health and Wellbeing. I refer to media reports of 25 April that offsite medical imaging provider Everlight has been paid more than \$1.5 million so far this year. This is more than the company was paid by Canberra Health Services for the whole of last year. Why has Everlight been paid so much money during 2019?

**MS FITZHARRIS:** Because we have increased the volume of reporting done through Everlight for this period.

**MRS JONES:** Minister, how much have the “cultural issues” in the Canberra Hospital medical imaging department contributed to this increased outsourcing?

**MS FITZHARRIS:** That cannot be quantified.

**MRS DUNNE:** Minister, what recommendations did the independent culture review panel make about medical imaging in their letter to you after the report was delivered?

**MS FITZHARRIS:** The letter to me from the panel did not include specific recommendations.

### **Municipal services—cycle and footpath upgrades**

**MS CHEYNE:** My question is to the Minister for City Services: what does last week's announcement about cycling and footpath upgrades mean for the ACT?

**MR STEEL:** I thank Ms Cheyne for her question and note her genuine interest in active travel in the ACT. Last week I was very pleased to announce an investment and a commitment of \$5.8 million between our government and federal Labor to deliver a number of important cycling and pedestrian infrastructure projects across our city to keep Canberrans connected. This commitment will address some of the key missing links across our bike path network in Canberra and will improve safety and convenience for riders and pedestrians.

Since 2016 the ACT government has invested an additional \$30 million in footpath maintenance, cycling and walking route upgrades. We want to continue that work by addressing missing links along our walking and cycling paths and upgrade well-used paths as well.

If a federal Labor government is elected on Saturday key bike path links in Tuggeranong, Weston Creek, Woden, Gungahlin, Belconnen and the inner north will be built or upgraded to better connect Canberrans travelling along those routes, funded through a joint agreement.

Over the past six years Canberrans have experienced life under a federal Liberal government with job cuts, decentralisation, cuts to health, and a lack of federal infrastructure funding for the territory. The ACT government will work with a future Labor government to better invest in our local suburbs, and this commitment highlights federal Labor's commitment to invest in active travel in addition to their public transport commitments to improve infrastructure for our growing city.

**MS CHEYNE:** Minister, which areas of Canberra stand to benefit from this investment?

**MR STEEL:** These upgrades will benefit almost all of Canberra's regions. Key bike path links in Kambah, Mitchell, Lyons, Belconnen and Turner will be built or upgraded to better connect Canberrans travelling along those key routes. These upgrades will make it easier for people to commute from the suburbs to the city and vice versa.

The commitments will include a new safe and convenient link in Kambah along Sulwood Drive, a four kilometre stretch between Drakeford Drive and Athllon Drive, by constructing an off-road walking and cycling path to improve safety along that 80 kilometre per hour arterial road.

The commitment will also fund stage 2 of the Heysen Street bike share path from Lyons to Woden town centre on Devonport and Launceston Streets. This connects with our existing \$1.2 million in upgrades in the last budget. As part of the upgrades we have also committed to extend the Belconnen bikeway, in Ms Cheyne's electorate, on Hayden Drive from College Street through to Purdie Street, linking the University of Canberra, the CIT and Calvary hospital to the Belconnen bikeway project. It is an important project.

These upgrades are also working to help reduce conflict between pedestrians and cyclists in areas of high traffic. The ANU is a very densely populated area in that region. So we will be constructing a separate walking and cycling path along McCaughey Street in Turner from Masson Street to Barry Drive for those commuting to and from the ANU.

We will also be constructing stage 2 of the Flemington Road shared path to address the walking and cycling network between the EPIC light rail stop and Morisset Road in Mitchell, enabling safer access for employees and customers from the light rail, the Mitchell employment area and EPIC. These upgrades will benefit all regions in Canberra and keep Canberrans better connected.

**MR PETTERSSON:** Minister, how else is the ACT government helping Canberrans keep moving?

**MR STEEL:** I thank Mr Pettersson for his supplementary question. The ACT government is continuing to deliver improvements to keep Canberrans moving. In particular I have just announced the next stage in the age-friendly suburbs upgrades to help Canberrans keep moving—particularly older Canberrans, but they are good for all Canberrans of all ages—by improving path network infrastructure and connectivity for suburbs that include a large proportion of residents aged 55 years and over. Age friendly will allow more Canberrans of all ages to better engage with the community and connect to the services they need, using the universal design principles that we are employing under the upgrades.

The program has already delivered improvements in six suburbs: Weston, Ainslie, Monash, Kaleen, Page and Hughes. Six new suburbs are set to receive upgrades in the latest tranche of works, with Aranda, Campbell, Holt, Isabella Plains, Narrabundah and Stirling to receive improvements in pedestrian connections and accessibility. Canberrans can now have their say on the proposed upgrades, which include footpath upgrades, new traffic islands and new ramps, by attending a pop-up session or giving their views online at [yoursay.act.gov.au](https://yoursay.act.gov.au).

The ACT government is also working to encourage people to use active forms of travel, such as walking or cycling, more broadly. By investing in the types of infrastructure we announced last week, we are promoting these forms of travel by addressing key network links for Canberrans.

### **ACT Health—SPIRE project**

**MR PARTON:** Madam Speaker, my question is to the Minister for Health and Wellbeing. I refer to a memo prepared as part of the SPIRE project. This memo notes that neither the cardiac care unit nor the cardiac catheter suites meet current Australian standards. Why is it that neither the cardiac care unit nor the cardiac catheter suites meet current Australian standards?

**MS FITZHARRIS:** I certainly know that the cardiac care unit is very well used. I visited it recently to celebrate the establishment of a fulltime electrophysiology

service, which was a wonderful occasion. To the extent that there are standards and they are not met, I will take advice on that and provide further advice to the Assembly.

**MR PARTON:** Why is it that the beds in the cardiac care unit do not meet current Australian standards?

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

**MRS DUNNE:** Minister, how is it that the government has allowed the situation to arise in the cardiac care unit?

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

### **ACT Health—SPIRE project**

**MRS KIKKERT:** Madam Speaker, my question is to the Minister for Health and Wellbeing. Will the government's proposed SPIRE project have enough beds to cater for all the people who undergo surgical procedures there?

**MS FITZHARRIS:** Yes.

**MRS KIKKERT:** How many beds will be available in the SPIRE complex when it opens and how many patients will have to go to the tower block after their operation?

**MS FITZHARRIS:** If I could clarify my previous answer, it will be an integrated development and there will certainly be a number of beds. I look forward to further announcements on the SPIRE project later. It may well be the case that some patients will spend time in building 1 but that will depend on their clinical needs and that will be determined by the clinical teams at Canberra Hospital.

**MRS DUNNE:** Minister, have you been advised by ACT Health or Canberra Health Services of any shortfall in beds for patients who have procedures in the SPIRE building?

**MS FITZHARRIS:** I look forward to making further announcements on the SPIRE project, which has been the subject of quite intensive clinical engagement over the past couple of months. I look forward to making further announcements about that shortly.

### **Justice—wrongful incarceration**

**MR HANSON:** My question is to the Attorney-General and relates to the case of Daniel Jones, who was incarcerated for 4½ months in 2014. Attorney, what update can you give the Jones family and the community on the progress of any investigations into the matters surrounding Mr Jones's case?

**MR RAMSAY:** I thank Mr Hanson for his question. The first part is to clarify, not in relation to Mr Hanson's question but in relation to some of the matters that are in the

public realm, to make sure that people are aware that with this particular case none of the charges against Mr Jones ever went to trial. Mr Jones was held on remand. There was no trial. There was no conviction. The DPP and the police discontinued all charges on their own initiative.

I have met with Mr Jones and his father by phone and in person. I have provided information to them about the complaints processes in relation to police, in relation to magistrates and in relation to the DPP. Each of those complaints is managed independently of government, and some of those cases are required to be held confidentially, so it is not appropriate for me to provide any further detail on those. However, I have provided all of that information to the Joneses and have also drawn to their attention the processes around an ex gratia payment.

**MR HANSON:** Attorney-General, when will these investigations be concluded and will the results be made public?

**MR RAMSAY:** It depends on the particular investigations themselves. For example, if there were a complaint in the investigation being done through judicial counsel, that would be held obviously independently of government. The processes around the reporting of that are made in relation to the legislation. There is not necessarily a full disclosure of that. The legislation has been very clear on that. General details are provided in the annual report of the judicial counsel.

**MR MILLIGAN:** Attorney, what administrative process should the Jones family follow to apply for compensation in this case?

**MR RAMSAY:** I thank Mr Milligan for his supplementary question. Obviously the first step for the Jones family is to explore any legal rights that they may or may not have. It is obviously not appropriate for me to offer advice on what legal rights they may have. I note that the question was in relation to administrative matters, but the administrative matters in relation to payments in circumstances such as this also depend on the person exhausting their legal rights. That is an important part of that process.

In terms of any claim or application they may have for an ex gratia payment, I have provided the details to them, and the details are very clearly placed on the ACT government's website as well. That fact sheet has been provided for them. I have also connected them to victim support and the Victims of Crime Commissioner, who has continued to offer support to the Jones family on this matter.

### **Clubs—government support**

**MR PETTERSSON:** My question is to the Attorney-General. How is the government supporting our local clubs to move away from poker machines as a source of revenue?

**MR RAMSAY:** I thank Mr Pettersson for a very important question. The government values clubs in the territory very highly. We know that clubs offer important cultural, sporting and recreational opportunities to Canberrans and they are certainly not just

places to gamble; they are not just hospitality businesses with concessions. Our clubs are there to serve their members, their workers and the broader communities. They have the privilege of operating gaming machines because of their role in the community.

Many of our clubs already recognise that reliance on poker machine revenue is not sustainable and they welcome the government's support to diversify their business models away from that reliance. Our latest initiative is a diversification support fund which will provide training, business planning and other crucial support to help clubs remain strong and move away from a reliance on gaming machines.

We have delivered a tax rebate and a grant for small and medium clubs to help support that diversification. Clubs are already using this money to help redevelop their community facilities and to invest in things like solar panels that will reduce their ongoing costs.

We have also delivered a pathway to reach 4,000 gaming machine authorisations in the territory by 2020. I am pleased that every single club with 20 or more authorisations took up the government's incentives to reduce their numbers and that there are now just 4,003 authorisations in the ACT. We will reach our commitment to reduce the number of poker machine authorisations and we are doing it in a way that supports our local clubs.

**MR PETTERSSON:** Minister, can you tell the Assembly more about the how the government engages with clubs to support them?

**MR RAMSAY:** I thank Mr Pettersson for the supplementary question. Just as our policy commitments have been clear and public, the process of meeting those commitments has been fully transparent. Our approach has been one of direct engagement with the clubs. That engagement has been overwhelmingly positive. Every club had an opportunity to make a submission and to contribute to the way that we have met our community's clear demand for fewer machines and stronger harm minimisation rules.

We appointed Neville Stevens AO to engage across the industry and to listen to clubs. The clubs industry diversification analysis that he provided to government has been published, as has the government's response. The reasons for the government's decisions on the support available to clubs are available to everyone.

It was no mere coincidence that every single club with 20 or more gaming machines took up the government's incentives. Clubs were genuinely consulted and the package of incentives was designed to support their efforts to diversify away from gaming machine revenue as a source of income. Throughout the process, they had available the advice and assistance of a person who was independent from government.

Our positive working relationship with clubs shows that we can strengthen our clubs, that we can enhance their ability to serve their members and communities and that we can do it all while delivering even stronger harm minimisation rules.



*Opposition members interjecting—*

**MADAM SPEAKER:** Members on my left, please.

**MS CODY:** Minister, how will the government's changes support community groups beyond clubs?

**MR RAMSAY:** I thank Ms Cody for the supplementary question. Throughout this process of reform, the government has put community benefits first and foremost. Our community contributions scheme is a central part of that policy. Community contributions reflect the obligations of those who have the privilege of operating gaming machines to give back directly to their communities.

*Mr Hanson interjecting—*

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

**MR RAMSAY:** They are required to do this in ways that go beyond using revenue from gaming machines to serve their own members.

This government knows that many community groups have formed relationships with clubs that are supportive. We want the community contributions scheme to keep on working for those groups. We also want it to reach even more people who are in need of support. That is why we committed to reform our community contributions scheme in line with the latest evidence. The Auditor-General made clear recommendations for how our scheme could be made more transparent. We have sat down cooperatively with clubs and community groups to turn those recommendations into action.

As a whole, our policy approach to gaming shows that we are committed to securing the maximum possible benefits for those who need help most while delivering the strongest possible harm minimisation rules. We will keep working collaboratively with clubs and with the community to deliver on our promises and to do it in a way that promotes a sustainable, diverse and even more community focused clubs sector.

### **Justice—wrongful incarceration**

**MS LAWDER:** My question is to the Attorney-General and relates to the case of Daniel Jones who was incarcerated for 4½ months in 2014. Attorney, how are you responding to public calls for a review of the Bail Act?

**MR RAMSAY:** I thank Ms Lawder for the question. It is interesting that the Canberra Liberals are raising the issue of bail on this one. The clear argument in relation to the Jones matter has been that the bail laws should be looser while the previous arguments we have had from the Canberra Liberals have been that the bail laws should be tighter.

**Mr Hanson:** On a point of order, Madam Speaker, the question was how the government is responding to public calls for the review of the Bail Act. These are not

calls that have been made by the Canberra Liberals but by members of the public, including, as I believe, Mr Jones. I ask that the Attorney-General not use this opportunity to take some sort of cheap shot and politicise this issue. That would be shameful.

**MADAM SPEAKER:** Thank you, Mr Hanson.

**Mr Steel:** On the point of order, the Canberra Liberals are members of the public.

**Mrs Dunne:** On the point of order, Madam Speaker, standing order 118(b) clearly says that the minister in answering the question should not debate the question. The minister was asked a straight question about whether he was reviewing the bail laws. This is not an opportunity to have a debate about what he thinks the Canberra Liberals' opinion on the bail laws is but to be directly relevant to the question.

**MADAM SPEAKER:** Thank you Mrs Dunne. In the time you have left, minister, I ask that you come to the question of bail.

**MR RAMSAY:** Indeed I was seeking to come to the point of bail when I was interrupted along the way. Bail is matter of balancing, and that is the point I was moving to. It is a matter of competing rights, competing responsibilities. The Bail Act is complex. *(Time expired.)*

**MS LAWDER:** Attorney, what do you intend to change in the justice system to ensure that a case like this does not happen again?

**MR RAMSAY:** Again, this is an interesting one about how the justice system has worked in this particular case. We had a person who fabricated evidence and made a false claim to police and to the court. Other people have suffered as part of that. What has happened is that the person who made that false claim, which is a heinous thing to be doing in our justice system, has been found by police, has been prosecuted by the actions of the director of prosecutions, and has been taken to court. They have been tried. They have been convicted and they have been imprisoned.

It is important for us to see that it was the actions of the police and the DPP that not only resulted in the charges against Mr Jones being dropped but also resulted in charges being brought against the person who made that false allegation. Our rules of law do rightly allow a magistrate to remand people in custody before trial when there is evidence placed before the court—at that stage that the magistrate can determine, in the judicial independence that a magistrate has—that there are compelling public safety reasons.

This case also shows that people who abuse those protections for their own purposes, as was the case, will be held accountable, as was the case in this instance.

**MR HANSON:** Attorney-General, if, as you assert, there are no failures in the legal processes in this case, why are there so many internal investigations ongoing into this case?

**MR RAMSAY:** I thank Mr Hanson for the question. To assume that because there are investigations there are inevitably also failures prejudices the fact that there are, indeed, investigations going on. Therefore, it is inappropriate for me to assume, as Mr Hanson may well have done, that there is a failure that has led to the investigations. The investigations have come about as a result of complaints. They will be investigated and then we will know what it is that we may need to do.

### **Aboriginals and Torres Strait Islanders—Reconciliation Day preparations**

**MS CODY:** My question is to the Minister for Aboriginal and Torres Strait Islander Affairs. Minister, can you please update the Assembly on preparations for Reconciliation Day on Monday, 27 May?

**MS STEPHEN-SMITH:** As Ms Cody has said, the ACT will indeed mark its second Reconciliation Day public holiday on Monday, 27 May. Reconciliation Day is a day for truth telling. It aims to recognise our shared history and help build a stronger future together. The ACT Reconciliation Council has again adopted the national Reconciliation Week theme which is “grounded in truth, walk together with courage”.

Reconciliation in the Park will again be held in Glebe Park from 10.30 am on the day. The event will showcase national and local talent, including the Merindas, Johnny Huckle, Kulture Break, the Wiradjuri Echoes, the Woden Valley Youth Choir and Grace Obst, a young Canberran whose powerful original song about the Stolen Generations, quite simply, takes your breath away.

Canberrans will have the opportunity to learn more about reconciliation and Aboriginal and Torres Strait Islander cultures and histories by talking directly with Ngunnawal elders and other members of the local Aboriginal and Torres Strait Islander community. Cultural activities will include language workshops, painting, basket weaving and an Aboriginal and Torres Strait Islander language map.

Attendees will also have the opportunity to leave a message in the reflection forest. A number of sporting clubs will also be at the day, including Canberra’s Aboriginal and Torres Strait Islander basketball team, the Warriors, Cricket ACT, Netball ACT, the Brumbies and Volleyball ACT.

I want quickly to take this opportunity to thank the Reconciliation Council, co-chaired by Genevieve Jacobs and Dr Chris Bourke, for their hard work, advice and wisdom in delivering Australia’s second Reconciliation Day.

**MS CODY:** Minister, what is the government doing to ensure that community groups can get involved in Reconciliation Day?

**MS STEPHEN-SMITH:** I thank Ms Cody for her supplementary question. For our newest public holiday to succeed in driving forward a community commitment to reconciliation it needs deep commitment from Canberrans in all walks of life and in all regions. One way for local community groups, non-government organisations and individuals to get involved in Reconciliation Day is through the Reconciliation Day grant program and the activities that it supports.

Six organisations have received funding under the 2019 program. Events include the ACT Softball Association's Reconciliation Day family and social carnival, UnitingCare Kippax's Reconciliation Day event, and a reconciliation in action event held by the Indigenous Community Volunteers. Canberra Oceania Community Alliance will deliver a yarning circles program. The Canberra Woodlands and Wetlands Trust conservation association will hold a bush tucker and boomerangs event, and the Ngambri Local Aboriginal Land Council will hold an event celebrating Reconciliation Day and Aboriginal culture. Larry Brandy will share his Wiradjuri culture with children at the Botanic Gardens.

Eight schools have also been funded to support initiatives for their wider school community or to develop and implement learning programs about reconciliation across the school year. These events and programs bring a strong grassroots community connection to Reconciliation Day. I encourage community organisations with an interest in reconciliation to get involved and to consider applying for next year's grant program.

**MS ORR:** Minister, why is Reconciliation Day important to the ACT community? Are there any other major events that we can look forward to?

**MS STEPHEN-SMITH:** I thank Ms Orr for the supplementary. Last year's Reconciliation Day showed us that many Canberrans are hungry to know more about Aboriginal and Torres Strait Islander cultures and histories, and the true history of our city, our region and our nation. The Sorry Day Bridge Walk, hosted by Winnunga Nimmityjah, will return in 2019 on Friday, 24 May. This is also an important opportunity for the community to reflect on our shared history since colonisation and the impact of past policies and practices.

Soon after Reconciliation Week is NAIDOC Week, from 7 to 14 July. Of course, Canberra has been chosen as the national focus city for NAIDOC Week this year. The theme "Voice. Treaty. Truth. Let's work together for a shared future" recognises the importance of the Uluru Statement from the Heart and that it is up to governments and all Australians to step up and walk with the Aboriginal and Torres Strait Islander community.

While NAIDOC Week is primarily a community-driven event, the ACT government again looks forward to supporting a range of events and activities, including the traditional flag raising ceremony outside the Assembly, the NAIDOC luncheon and NAIDOC family day.

Of course, the ACT is unique in having a First Nation's voice to government and the Assembly through the elected body. We have commenced discussions about treaty with the United Ngunnawal Elders Council. And, of course, we are supporting truth telling through Reconciliation Day. I encourage all Canberrans to embrace both Reconciliation Week and NAIDOC Week and to take advantage of the many activities on offer.

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

## Papers

**Mr Gentleman** presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to subsection 8(5)—Annual Reports (Government Agencies) Directions 2019—Notifiable instrument NI2019-296, dated 14 May 2019.

Freedom of Information Act, pursuant to section 39—Copy of notice provided to the Ombudsman—Community Services Directorate—Freedom of Information request—Decision not made in time, dated 8 April 2019.

Blueprint for Youth Justice in the ACT 2012-22—

Final report, dated May 2019.

Final report—2012-2018 Progress Highlights.

Commissioner for Sustainability and the Environment Act, pursuant to subsection 21(2), Unfantastic Plastic—Review of the ACT Plastic Shopping Bag Ban—Government response.

ACT Multicultural Framework 2015-2020—Second Action Plan 2019-2020.

Coroners Act, pursuant to subsection 57(5)—Report of Coroner—Inquest into the death of Constance Harrison—

Report, dated 28 June 2018.

Government response, dated May 2019.

## **Blueprint for youth justice taskforce—final report and progress highlights**

**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) (2.49): Pursuant to standing order 211, I move:

That the Assembly take note of the following papers:

Blueprint for Youth Justice in the ACT 2012-22—

Final report, dated May 2019.

Final report—2012-2018 Progress Highlights.

**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) (2.49): I am pleased to speak about the final report from the blueprint for youth justice taskforce, which summarises progress in achieving goals in youth justice in the ACT over the past six years. The report provides the taskforce's recommendations for areas of future focus to achieve better outcomes for children and young people.

As members of this Assembly would be aware, the blueprint for youth justice in the ACT is a 10-year strategy that provides a framework for youth justice reform through early support, prevention and diversion of young people from the youth justice system. At the six-year mark, the blueprint's achievements demonstrate success in its approach, with significantly fewer young people involved in the youth justice system.

Most young people in our community live positive and productive lives and do not come into contact with the youth justice system. Those young people who do offend, especially who begin offending as children, are often particularly vulnerable. It is important to address the vulnerability of these children to progressively reduce the risk of youth offending over the long term.

In August 2017 I established the blueprint for youth justice taskforce to review progress made to date, provide advice on emerging challenges and make recommendations to focus our work for the final four years of the blueprint. The taskforce included representatives from key community groups, organisations and government agencies and was co-chaired by Ms Jodie Griffiths-Cook, the ACT Children and Young People Commissioner and Public Advocate; and Dr Mark Collis, Executive Director of Children, Youth and Families in the Community Services Directorate.

I wish to extend my thanks and appreciation to the co-chairs for their role in leading and guiding the development of this final report. I also recognise the significant contribution to this work of Dr Collis, who retired from the Community Services Directorate in February 2019, having led the development and implementation of the blueprint and many other key reforms, including the integration of child protection and youth justice services.

I also thank the many community organisations that engaged positively and proactively with this important work. The taskforce met on 10 occasions, including two workshops held at the Bimberi Youth Justice Centre. During this time, the taskforce considered research, policy papers and advice on a range of issues and emerging challenges, further outlined in the time line on page 6 of the final report.

The taskforce has drawn on knowledge from across the Canberra community, including Aboriginal and Torres Strait Islander community leaders, advocates for children living with disability and mental health issues, and organisations that work directly with children and young people. As an outcome of this consultation and engagement with the community, the taskforce has provided considered and informed advice that identifies emerging challenges and recommends focus areas to achieve the objectives of the blueprint for the next four years.

To establish the context of youth justice in the ACT, the report provides an update on key indicators as a summary of progress under the blueprint over the previous six years. Since 2011-12 the ACT has seen decreases in the number of young people apprehended by ACT Policing and those under youth justice supervision, both community-based supervision and detention, as well as an improvement in the number and rate of Aboriginal and Torres Strait Islander young people under youth

justice supervision, with the number of Aboriginal and Torres Strait Islander young people in detention almost halving.

These key indicators show that since the blueprint's implementation the number of apprehensions of young people by ACT Policing decreased by 37 per cent from 2011-12 to 2016-17; the number of young people under youth justice supervision decreased by 27 per cent, and by 33 per cent for Aboriginal and Torres Strait Islander young people, from 2011-12 to 2017-18; the number of young people under community-based supervision has decreased by 27 per cent, and by 38 per cent for Aboriginal and Torres Strait Islander young people, from 2011-12 to 2017-18; the number of young people in detention decreased by 17 per cent, and by 45 per cent for Aboriginal and Torres Strait Islander young people, from 2011-12 to 2017-18; and the number of nights young people spent in detention reduced by 36 per cent, and by 55 per cent for Aboriginal and Torres Strait Islander young people, from 2011-12 to 2017-18.

These results have informed and guided the taskforce's recommended focus areas, identifying where more support is needed to continue to reduce the number of children, young people and families encountering the youth justice system.

Madam Speaker, the taskforce's recommendations address each of the emerging challenges identified by the taskforce in the previous blueprint progress report, which I tabled in the Assembly in March 2018. At its establishment, I asked the taskforce to consider several issues, including supporting young people's transition back to the community, particularly those who have spent significant periods on remand; reducing the over-representation of Aboriginal and Torres Strait Islander young people at all stages of the youth justice system; better supporting young people with disability in the youth justice system, aligning with the work of the disability justice strategy; and making sure we turn young lives around at the earliest opportunity.

The final report addresses these challenges by recommending 10 focus areas that connect the major strategic reform projects across the human services portfolios, including the ACT Aboriginal and Torres Strait Islander Agreement 2019-28 and the disability justice strategy.

Each focus area seeks to support the transformation of support services for children, young people and families who face long-term predictors of risk. These 10 recommended focus areas are as follows: (1) continue to address and reduce the experience of and exposure to childhood trauma; (2) achieve better outcomes for Aboriginal and Torres Strait Islander young people; (3) enhance support for young people at risk of disengaging or who have disengaged, from education; (4) develop early support for young people in the middle years, 8 to 13 years; (5) strengthen diversion services for young people at risk of contact with or further engagement in the youth justice system; (6) deliver support for young people with disability and/or mental health concerns in detention; (7) provide whole-of-family support for families involved with the justice system to address the intergenerational impact of criminal offending; (8) maintain and continually improve quality therapeutic services in detention; (9) deliver trauma-informed through-care in youth justice; and (10) collect and link data measures to enable data analytics and information sharing.

These focus areas identify existing initiatives to be continued, building on work undertaken by this government over the previous six years, as well as new initiatives to be considered and explored. For example, the report makes clear that improving long-term outcomes for Aboriginal and Torres Strait Islander people in the ACT remains a critical focus, with self-determination as the driving principle. Significant work is underway to establish processes for Aboriginal and Torres Strait Islander community-led input and leadership to progress reform across the human services system.

As part of this government's work to shift our service system towards early support, engagement forums are being established to develop, test and implement Aboriginal and Torres Strait Islander community-led solutions to drive service system changes to policy and practice. The taskforce has also identified the need for a multidisciplinary approach through a family-centric model of support. This approach would build on the existing single case management model in Child and Youth Protection Services and involves adopting a broad understanding of family, including extended family or others who have a significant role in the lives of children and young people.

The report shows that we have made significant progress as a community in diverting young people from the youth justice system and developing therapeutic support services. But there is more work to do to ensure that children, young people and their families in our community are safe, strong and connected.

As the Assembly would be aware, the ACT Human Rights Commission recently released its commission-initiated review of allegations regarding Bimberi Youth Justice Centre. While the ACT government is currently considering the recommendations and will provide an initial response as soon as possible, I am pleased to read that most young people spoke highly of staff at Bimberi. I also wish to acknowledge the sensitivity, care and commitment demonstrated by staff who work with young people at Bimberi.

I note that several recommendations of the commission's review align with key focus areas of the blueprint taskforce's report. These relate to areas that focus on improving drug and alcohol services at Bimberi, enhancing through-care for young people who leave Bimberi and exploring therapeutic options for young people aged under 14 who engage in harmful conduct and come into contact with the youth justice system. The blueprint taskforce recommends developing an implementation plan to identify future work, including actions, time frames and responsibilities. The taskforce acknowledges that this work will require funding decisions and investment to explore new initiatives. Following consideration of these recommendations, I intend to deliver a government response to the final report by the end of 2019.

As we move into the final four years of the blueprint, Madam Speaker, I am conscious of the continuing and emerging challenges that need to be addressed to ensure we continue to achieve better outcomes for young people and their families. Keeping young people out of the youth justice system is crucial to achieving positive long-term outcomes for vulnerable families. Maintaining a youth justice system that is rehabilitative and provides opportunities for young people who do enter the system is also an important priority.



I wish to thank all the people who work tirelessly to support some of our most vulnerable children and young people, both in Bimberi and in the community. I also wish to again thank all those who participated in the work of the taskforce, generously providing their support and advice so that each recommendation reflects community experience and expectations.

Question resolved in the affirmative.

### **Unfantastic plastic—government response**

**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) (2.58): Pursuant to standing order 211, I move:

That the Assembly take note of the following paper:

Commissioner for Sustainability and the Environment Act, pursuant to subsection 21(2), Unfantastic Plastic—Review of the ACT Plastic Shopping Bag Ban—Government response.

**MR STEEL** (Murrumbidgee—Minister for City Services, Minister for Community Services and Facilities, Minister for Multicultural Affairs and Minister for Roads) (2.59): I am pleased to report back to the Assembly on the government's response to the Commissioner for Sustainability and the Environment's independent review of the Plastic Shopping Bags Ban Act 2010. I also welcome the opportunity to provide an update on the government's broader efforts to reduce problematic and unnecessary single-use plastic in the ACT.

Our society can no longer throw away responsibility for the plastics littering our environment. Single-use plastics are ubiquitous, filling our waterways, our city parks, our landscapes, and going into our landfill. If we are to take the responsible approach to managing our environment, we must also reduce problematic and unnecessary single-use plastics.

In late 2011 the ACT became the third jurisdiction in Australia, after South Australia and the Northern Territory, to implement a ban on single-use lightweight plastic shopping bags. Today, with the exception of New South Wales, all jurisdictions have committed to some kind of plastic bag ban. The federal Labor Party has committed to make the ban national.

On 20 September 2018 the Office of the Commissioner for Sustainability and the Environment published an independent review of the Plastic Shopping Bags Ban Act 2010. The report, *Unfantastic Plastic*, focused on the efficacy of the act itself and made four recommendations. The first was to introduce a mandatory plastic bag disclosure scheme. The second was to introduce a minimum plastic bag pricing scheme. The third was to improve governance on plastic bag regulation. The fourth was to research synergies for compostable plastic as part of a proposed household organic collection scheme.

The review found that the act has been successful in achieving its objective. Our ban resulted in a reduction in the consumption of plastic bags by around 55 billion bags in 2017-18 alone. However, the reality is that plastic bag consumption and disposal is increasing due to growth in Canberra's population and household consumption.

The commissioner's first two recommendations relate to introducing a mandatory plastic bag disclosure scheme and minimum price for plastic bags. The government has not formally accepted these recommendations and intends to consider any future action on them as part of the discussion on phasing out single-use plastic more broadly across the ACT.

While the government supports the collection of better information to support future decision-making, modelling commissioned by Transport Canberra and City Services shows a mandatory tracking and disclosure scheme like the one recommended in the review is unlikely to reduce plastic bag consumption and is likely to disproportionately impact over 1,100 small businesses operating in the ACT.

There is also a lack of evidence to justify a minimum pricing model like price elasticity modelling. This makes it difficult to know if a minimum price or levy would change consumer behaviour and reduce the impact of plastic bags on the environment. For example, if the minimum price is too low there will be no incentive for consumers to reduce plastic bag waste. If it is too high there is likely to be an unnecessary burden on vulnerable individuals and households in particular.

I am pleased to report that the government has already made changes which improve the governance of plastic bag regulation and implement the commissioner's third recommendation. When the review was undertaken, responsibility for the plastic bags ban was spread across ACT government directorates. As a result of administrative arrangements which came into effect in August 2018, I am now responsible for the regulation of bags, litter and waste management. This arrangement allows me to consider broader environmental and waste management objectives as part of the plastic bags ban.

Finally, the government acknowledges the need to research synergies for compostable plastic and any future food and garden organics collection and processing activities as outlined in the commissioner's fourth recommendation. Compostable bags are currently exempt under the plastic bags ban. While these bags are useful, they are not a catch-all solution. Compostable bags do not challenge our single-use throwaway culture, and many of these bags are not suitable for composting in other than commercial facilities. This means many Canberrans may be unknowingly contributing to environmental litter if they try to compost these bags at home. Similarly, when these bags are sent to landfill they degrade and produce methane, a potent greenhouse gas.

The government is committed to exploring this recommendation further through future planning for a proposed food and garden organics, or FOGO, household collection service. We will continue to provide updates on this important initiative as it progresses.

As noted, the ACT government's key response to the report has been to commence a holistic review of single-use plastic across the ACT. Plastic bags are just one part of the much broader issue of single-use plastics. We understand the importance of taking action on single-use plastic. Countries from around the world are starting to take the issue of single-use plastic much more seriously. We have noted that the European Union will ban single-use plastics by 2021, for example. Similarly, South Australia and the City of Hobart are going through a process similar to that in the ACT and are looking at phasing out unnecessary and problematic single-use plastics.

We realise that we can and should do more. To start a conversation about how we tackle this issue in the ACT, the discussion paper we have released is currently out for community consultation on phasing out single-use plastic. The discussion paper considers how we reduce the impact of single-use plastic while avoiding unnecessary impacts to industry, businesses and the community.

We know an important part of phasing out plastic is to build a circular economy where we work with industry to help design out and minimise problematic plastics coming into the waste stream and move to more sustainable alternatives where they exist. To support that, we are continuing to work with industry and the Australian Packaging Covenant Organisation to develop innovative ways to meet the ambitious national packaging targets as well as our national waste policy.

It is also important to engage closely with industry, small business and the community in the ACT to make sure any government intervention is practical, particularly for consumers, and addresses important social equity concerns. We intend to do that through the targeted consultation over the coming months. I encourage everyone to provide feedback as part of that process.

In closing, I reiterate that reducing the use of single-use plastic is not confined to plastic shopping bags. The ACT government is committed to considering the broader issue of single-use plastic, in close consultation with the ACT community. I thank the Office of the Commissioner for Sustainability and the Environment for their work in delivering this informative report. I look forward to keeping the Assembly updated on the government's efforts to further reduce single-use plastic in the ACT.

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

### **Multicultural framework 2015-2020—second action plan 2019-2020**

**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) (3.06): Pursuant to standing order 211, I move:

That the Assembly take note of the following paper:

ACT Multicultural Framework 2015-2020—Second Action Plan—2019-2020.

**MR STEEL** (Murrumbidgee—Minister for City Services, Minister for Community Services and Facilities, Minister for Multicultural Affairs and Minister for Roads) (3.06): Thank you for the opportunity to speak to the ACT multicultural framework 2015-2020 second action plan 2019-2020 in the Assembly today. I am very proud to live in an inclusive, progressive and connected city, a city of great employment and career opportunities and great quality of life, in stunning natural surrounds and with access to world-class facilities. Bringing together a mix of people with varied experiences and backgrounds helps to build a thriving city. It is a source of innovation, supporting our economy, and enhances the social life of our city.

In the ACT we are a community that recognises and embraces, as well as promoting, multiculturalism opportunities to build a socially cohesive and inclusive community for everyone. Understanding both the opportunities and the challenges people from culturally and linguistically diverse backgrounds face when establishing and building a life in Canberra is essential to continuing to build and foster communities where everyone belongs and can participate.

In March this year Canberra formally joined the Welcoming Cities network. This membership strengthens the government's commitment to social inclusion, extending to all cultures, races, genders, sexualities and ages, and mirrors the government's commitment to providing support to new migrants and to people arriving on humanitarian grounds or seeking asylum in Canberra.

The ACT multicultural framework second action plan will help to enhance and grow our vibrant city. The first action plan under the framework has delivered better outcomes for our multicultural communities. Since 2015 the ACT multicultural framework has been guiding our vision for an inclusive and cohesive Canberra. The framework was originally developed through an extensive community consultation process. The first action plan consisted of 28 actions and was completed in 2018. All 28 actions have been progressed, and work is continuing to ensure that the intent of each action continues to be realised.

I am very pleased to share four of the completed actions from the first action plan. On 18 June 2015 the ACT was declared a refugee welcome zone. In June 2018 the diversity register was launched, enabling boards and committees to strengthen their appointment processes to identify candidates who represent our diverse community. The ACT language services policy was finalised in November 2018, ensuring that all Canberrans who communicate in a language other than English have equitable access to ACT government services and programs. The successful work experience and support program, the WESP, continues to be a hugely successful program in providing on-the-job experience supported by training at CIT.

A closure report detailing the achievements of the first action plan will be published on the Community Services Directorate website in the coming weeks, in line with the commencement of the second action plan. To ensure that community members could contribute to this new plan, consultation on the action plan commenced in 2018. We encouraged all community members, especially those from culturally and linguistically diverse backgrounds, to contribute to the conversation about the future of Canberra as a diverse and inclusive city.

In partnership with the ACT Multicultural Advisory Council, we organised several public community consultation round tables. Initially, four round tables were held in September 2018 to explore the three objectives of the ACT multicultural framework: accessible and responsive services; citizenship; participation and cohesion; and capitalising on the benefit of cultural diversity. Due to popular demand, an additional two round tables were held in October 2018. I am very pleased that over 170 people from across Canberra, representing community groups and local organisations, attended the round tables, contributing their voices and their stories.

During the consultation, attendees were able to provide their views on how we can better develop the Canberra of the future, a Canberra that continues to capitalise on the benefits we all receive from our shared diversity. This early community engagement allowed us to identify and develop outcomes to strengthen the social, cultural and economic participation of culturally and linguistically diverse people, enhance social cohesion, improve access to services and ensure that culturally and linguistically diverse young people are also engaged and feel valued.

We continued the conversation at the 2018 ACT Multicultural Summit, held on 23 November last year. Invitations to the summit were sent to around 179 people, representing 108 organisations from across Canberra. The summit explored the same themes as the round tables and provided an important opportunity to further understand potential barriers being faced by Canberrans and how we as a government can create a truly inclusive city.

The feedback received from these round tables and the summit was used by the ACT Multicultural Advisory Council to help shape and identify actions and outcomes to inform the development of the second action plan. The draft plan was presented by the council to the community at the National Multicultural Festival and at two further consultation sessions on 26 and 28 February 2019. This extensive consultation period has resulted in the multicultural framework second action plan, which I am pleased to bring to the Assembly today.

The second action plan extends the previous work under the framework and contains meaningful outcomes to further improve the lives of Canberrans from culturally and linguistically diverse backgrounds. I am pleased to note that the community's voice is reflected in the actions in this plan. The actions will be delivered in 2019 and 2020 to complete the framework.

One of the key actions in the action plan is to respond to our recent commitment to join the Welcoming Cities network, allowing us to benchmark our current services and identify areas where we may need to improve. We have also committed to continuing to improve access to information for people from culturally and linguistically diverse backgrounds, to support the promotion of information that combats unconscious bias in recruitment, and to engage multicultural community members in leadership programs.

Women from diverse backgrounds play an important role in our city. This action plan recognises that women provide unique insight into community issues. The

ACT government will engage with women from culturally and linguistically diverse communities to increase their representation on forums and committees, to ensure that we have a broad range of voices being heard. Furthermore, the ACT government will provide financial assistance to provide women who are seeking asylum or are migrants with support to find housing while their immigration status is being determined. We know the value of multicultural women in our community. We will work hard to ensure that they are valued and included.

We have committed to reviewing our processes in relation to grants funding, to ensure the best use of this funding for our emerging and established communities. I am also pleased that this action plan will support a review looking into improving and increasing the catalogue of bilingual books available in libraries in the ACT, in consultation with our multicultural communities. This is together with improving the learning programs and resources that are already in place in our ACT libraries. I was really delighted recently at Gungahlin library to join in one of the up to 10 bilingual story times that will be taking place over the next two months.

The action plan also recognises the role of community language schools in ensuring that a broad range of languages are available for young people to learn. The role of language schools in promoting culture, history and language to young learners is appreciated in our community. To ensure that this service continues to support students, teachers and language school providers, a key action in the framework will be to undertake an independent review of language schools. This work will be done in addition to the future of education strategy action plan on languages in schools, which will support, encourage and improve the teaching and learning of language education in Canberra schools.

The actions in this plan will acknowledge the contributions already being made by our diverse community members and will strengthen our government's commitment to celebrating Canberra's diversity and social inclusion. All Canberrans can play a part in making Canberra a truly welcoming and inclusive city. By improving outcomes for our multicultural communities under this plan, we can ensure that our city is enhanced as an inclusive, welcoming, progressive, connected place to live.

Question resolved in the affirmative.

### **Matter of public importance** **Statement by Assistant Speaker**

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

The important role small business plays in the ACT.

However, as Mr Wall is absent from the chamber today, and in accordance with advice in the companion to the standing orders and *House of Representatives Practice*, we will not proceed with the motion.

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

### **Proposed reference**

Debate resumed.

**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) (3.16): I start by thanking Mrs Kikkert for bringing this matter to the Assembly. I also up-front thank Mrs Kikkert and her office and Ms Le Couteur and her office for the work they have done with my office to come to this agreed position. This was a tricky matter to work through and benefitted from the fact that we had a few days to consider the pros and cons of different options, in particular the implications for the family involved. I also thank Ms Cody, who as chair of the health and community services committee, the HACS committee, has sought advice about how the proposed referral could be managed and has consulted her committee colleagues.

I have publicly noted my doubts, but the HACS committee is the best place to consider individual care and protection matters, given the highly personal and sensitive nature of the information to be considered. I wrote to Mrs Kikkert earlier this week outlining these concerns and proposing that the individual case instead be referred to the Human Rights Commission. This proposal was based on the fact that the commission has powers to compel documents and individuals and is well set up to handle personal and sensitive matters like the one before us today. The Human Rights Commission would be in a position to access all information, to interview any relevant person and to produce a public report on the matter.

However, I do understand that this is not the preferred option of others in this place and I am pleased that we have at least been able to agree on amendments that will uphold the best interests of children and young people and ensure that no-one will be identified without their express consent. I was also pleased to receive advice from Ms Cody that the committee is in a position to make arrangements to provide appropriate support to those engaging in this process.

I hope this process will work out. There are still some technical matters that I believe will need to be worked through in regard to the evidence directorate officials and others can give. These include questions of what will happen if an official genuinely believes that sharing specific information with the committee is not in the best interests of the children involved and also questions of sub judice that may arise, depending on when hearings are held and the matters that are raised.

I am also concerned about the precedent this decision may set. While I understand it is not the intent in this case—and I thank Mrs Kikkert for making this clear in her remarks—I think we all need to be clear that Legislative Assembly committees are not an appropriate forum to re-litigate decisions made in individual child protection cases either by child protection professionals or particularly by the courts.

This is a point that I must emphasise and that is reflected in the amended motion. There have been repeated claims in the media that the Supreme Court and Court of Appeal found that child and youth protection services' decision to remove the children in this case from their mother's care was wrong. This is not true. The appeal related to the making of a care and protection order. CYPS cannot make a care and protection order. Only a court can do that.

I am sure we all agree that it should not take five years to conclude legal proceedings regarding the care and protection of children. This is clearly not in the best interests of the child. It was indeed unfortunate that this case spent more than three years in the Supreme Court and Court of Appeal. However, this was largely because the first decision in the Supreme Court case was reserved for two years and eight months and it then took another seven months for consequential orders to be made and reasons to be issued. This time frame does not reflect the government's view that decisions about the care and protection of children and young people should be made in a timely way while according all parties natural justice and upholding their human rights to the greatest extent possible.

In relation to the issue of access to information, as reflected in the second element of the referral to the HACS committee, I welcome the committee's consideration of this issue. As members would be aware, I have a strong record on transparency and openness across my portfolios and since coming into the portfolio I have encouraged CSD to consider how more information can be shared about the operation of the child protection system without compromising individual privacy, community confidence in reporting or decision-making in the best interests of children and young people.

This is a work in progress, but I would point members to a publication issued last year about some of the experiences to date under A step up for our kids. *Stepping up for our kids: real stories of keeping children and young people strong, safe, and connected* tells the stories of real families and showcases how agencies and child protection practitioners work collaboratively and creatively to support children, young people and their families by using a trauma-informed approach. If you have not had a chance, I encourage you to have a look at this publication.

CSD also worked closely with the Red Cross birth parent advocacy support service to release updates of the working together for kids guides for parents in September 2017. These guides inform parents, families and other parties about the child protection process and also the roles and responsibilities of CYPS. This includes information about how to seek a review of a decision or make a complaint. Most recently, a new carers handbook was completed to ensure that carers also have specific and comprehensive information about the system in one place, again including rights and review processes.



I agree that there are inconsistencies between jurisdictions in the way that privacy and information sharing provisions are drafted in child protection legislation. Prior to this issue becoming a matter of intense public interest, I had already asked CSD to provide me with advice comparing the ACT provisions with those of other Australian jurisdictions in order to consider whether the Children and Young People Act, the CYP Act, should be updated.

Like so many elements of the CYP Act, the information sharing provisions are complex and require a very careful balancing of interests. The privacy and information sharing provisions in the ACT child protection legislation, like the legislation in all Australian jurisdictions, is vital to protecting the privacy of individuals and maintaining public confidence in making child concern reports when a person suspects that a child or young person is at risk of abuse or neglect. However, this must be appropriately balanced with the necessary transparency to ensure accountability, fairness and justice.

A number of issues have been conflated in public discussion about this matter. One is the apparent confusion between decisions of a court in making care and protection orders and decisions made by CYPS as the territory parent. These administrative decisions include very important decisions about things like contact with birth parents and where and with whom a child will live.

As the amended motion notes, I recently released a discussion paper on options for strengthening internal and external review of child protection decisions, referring specifically to those administrative decisions by CYPS. This consultation process is being undertaken by an independent expert and I have written to a wide range of stakeholders within the child protection and legal systems and to the Aboriginal and Torres Strait Islander community to invite their participation in face-to-face consultations. Like Mrs Kikkert, I encourage anyone with an interest to make a submission.

I need to emphasise, though, the importance of a care and protection system providing safeguards to make sure the services it delivers protect and promote the best interests of our most vulnerable children and young people. And there is a strong system of oversight of the child protection system in the ACT, including by the Office of the Public Advocate, the ACT Children and Young People Commissioner and official visitors. These bodies have continued to play an important role in ensuring the integrity of the care system and the services it delivers and providing alternative avenues for people involved in the system to take up complaints or seek advocacy.

For anyone currently in contact with child and youth protection services, I note that the Public Advocate within the Human Rights Commission is empowered to undertake individual advocacy, in addition to system advocacy. The Public Advocate can advocate on behalf of any child or young people involved with child and youth protection services. The Public Advocate can advocate in the best interests of a child or young person if requested by the child or young person themselves or by a parent, foster carer, kinship carer, member of the community or service provider.

In addition, the Children and Young People Commissioner can take complaints about a service for a child or young person if the service did not comply with guidelines, did not meet appropriate standards of care, impacted badly on a child or young person or did not comply with the law. Initially, the Children and Young People Commissioner requires that complaints about child protection services are first referred to the office for children, youth and family support's complaints unit within CSD. If they cannot be satisfactorily addressed through that process, complaints can be made to the Children and Young People Commissioner and the commissioner will take complaints seriously, will listen to people's views and will deal with the complaint as quickly as possible and, as I mentioned earlier, has the capacity to access information in doing that—a wide range of information that is held by child and youth protection services.

I also make the point that since 2013, and indeed since the initial appeal in this case was heard in April 2015, the ACT government has undertaken significant out of home care reforms under A step up for our kids. This includes funding the birth parent advocacy service I mentioned earlier and establishing intensive parenting supports under the strengthening high risk families domain. This has been part of a deliberate focus on preventing children and young people entering care by ensuring that they can live safely with their family and restoring children home to their parents where this is a safe and sustainable outcome.

The latest snapshot report, which I tabled in the Assembly in April, showed that 25 per cent fewer children entered out of home care in 2018 than in 2017. For Aboriginal and Torres Strait Islander children, there was a 45 per cent reduction over the same period. While these are early numbers and they still reflect significant over-representation compared with population shares, they are moving in the right direction. I understand that the over-representation of Aboriginal and Torres Strait Islander children in the system is a source of incredible heartbreak and trauma for the local community. The government is committed to addressing the continued over-representation of Aboriginal and Torres Strait Islander children and young people in care, and that is why I established a review into the experiences of Aboriginal and Torres Strait Islander children and families in the ACT child protection system.

Our Booris, Our Way is run by a wholly Aboriginal and Torres Strait Islander steering committee, with an Aboriginal-led team reviewing the cases of every Aboriginal and Torres Strait Islander child or young person in touch with the child protection system at the point of the review commencing. This is self-determination in action, and the directorate has already started addressing the review's early recommendations. Alongside this important work, the government has also implemented family group conferencing and a functional family therapy program for Aboriginal and Torres Strait Islander families.

There is no doubt we have more to do. We are committed to a therapeutic, trauma-informed system for children and young people and these principles are becoming more embedded. We are committed to shifting practice towards restorative models, working with families, rather than doing to or for them, and recognising that parents, extended family members and carers will often have their own trauma experience that must be understood. It is, of course, frustrating but inevitable that

reform of this nature takes time. A step up for our kids aims to create generational change, break cycles of intergenerational harm and improve long-term outcomes for families, children and young people.

We cannot change the system overnight and there will always be more to do, but I can assure Canberrans and people in this place that the very difficult work our dedicated child protection professionals do is done at all times with children at the centre and their best interests at the forefront of every decision made. These dedicated staff undertake what is really some of the most difficult work in government. I commend them for doing that work that I know that many, if not most in this place, could never do.

I acknowledge Mrs Kikkert's similar remarks. I know that Mrs Kikkert has said it is not her intention that this inquiry will be about apportioning blame. I hope that this is the case and that the focus of the inquiry is rather about supporting the evolving practice of care and protection work.

In supporting the amended motion, I thank care and protection staff, those in the legal profession, families and those in this place for their commitment to pursuing the best interests of the child and their commitment to continued improvement in our child and youth protection services. This includes the legal professionals who shared their perspectives at a forum on Tuesday evening. I hope that these conversations will continue alongside the HACS committee inquiry, both within the profession and between the profession and government.

The lives and wellbeing of the children, young people and families in contact with care and protection are too important for partisan politics or for the making of inaccurate claims. While we might not always agree with one another, I know that for all of us, when we discuss these matters, our passion comes from a place of concern for the best interests of children and young people. Again, I thank Mrs Kikkert and Ms Le Couteur and their offices for the tripartisan way this motion has been brought to the chamber and commend the amended motion to the Assembly.

**MS LE COUTEUR** (Murrumbidgee) (3.30) I thank Mrs Kikkert for bringing forward this referral to the HACS committee. Through this referral she is attempting to initiate a process that will provide an opportunity for the distressing issues this particular family has faced to be explored, but, more importantly, it will initiate a process which can assist with identifying broader systemic issues in relation to the sharing of information under the Children and Young People Act and provide the broader community with some reassurances regarding the most vulnerable children in Canberra—those in the care and protection system.

There are always risks of misinformation and misinterpretation when such emotive and highly complex care and protection matters are aired and opined about in the media. The case that has brought this on today has taken five years to get to some kind of resolution. It is impossible as laypeople to fully understand some of the issues that have been explored over this time. The inquiry may at least give some of the critical voices a formal way to air their issues.

I have been part of much discussion over the most appropriate body to undertake such an inquiry, and the Greens have come to the conclusion that the Standing Committee on Health, Ageing and Community Services is probably best placed, although we acknowledge there may be some limitations due to the Children and Young People Act and even due to the time and resource constraints of the committee itself.

We think the committee is appropriate because it can compel witnesses to give evidence and there is no risk of conflict of interest or breaches of confidentiality. Further, proceedings are covered by certain privileges. Privilege means that witnesses and submitters cannot be sued for what is said or written and evidence may not be used in courts or tribunals to question the truth, motives or credibility of any person. Witnesses, however, have the responsibility to ensure that their evidence is not intentionally defamatory or misleading and to tell the truth. Knowingly providing false or misleading information to a committee can result in a witness being held in contempt of the Assembly.

I am aware that consideration was given to the Human Rights Commission being the appropriate forum. However, the Greens are of the view that an analysis of this particular case could potentially create a conflict of interest for the commission. This is largely because the Public Advocate must be notified of emergency actions taken or any abuse in care allegations. This means the office of the Public Advocate, which is technically an arm of the commission, may have had a statutory role in considering these allegations, and there may well be queries about the Public Advocate in any such investigative process.

As it stands, protections are built into the Children and Young People Act that prevent sensitive or protected information from being disclosed. That is as it should be. However, the Greens also believe decisions that can lead to life-altering changes should be transparent and open to scrutiny and that people party to the proceedings should know and understand the basis on which these decisions are made. This, of course, is consistent with the Greens' positions on transparency of decision-making more broadly and our previous work on the Freedom of Information Act undertaken by my colleague Mr Rattenbury in the Eighth Assembly. It is also consistent with natural justice, which I am sure everyone in the Assembly agrees with.

The 2016 Glanfield review into system level response to family violence in the ACT highlighted the need for better oversight of decision-making in this context. Specifically, the review recommended improvement in quality and transparency in CYPS decision-making and practices. This is where our attention should lie to address concerns regarding lack of transparency and information on how decisions have been made.

Up until last week, when the Minister for Children, Youth and Families announced consultation on the review of child protection decisions in the ACT, there was a lack of clarity about where this was up to and how committed the government is to improving the child protection system in this way. So I am very pleased this work is now progressing.

Decisions that separate a child from their family should be transparent, and the family and community must be assured that such decisions are based on evidence and fact. The Glanfield review points out that many decisions of CPYS are not reviewable externally and that decisions made early in the process are not merits reviewable. This must change. It is my hope that the current review of child protection decisions in the ACT will result in more transparent and robust review processes.

In a context where life-altering decisions are made, based on human judgement in circumstances where carers can never be completely eliminated, a review of decisions and quality assurance mechanisms plays a vital role. A central question has to be how parents are ever going to know what they need to do in order to facilitate restoration with their child or children if they are not aware of the details or concerns that led to the child's removal in the first place.

Additionally, the role of CPYS should and does include referral to or provision of services to support good and healthy parenting. That leads me to the role of the community more broadly in supporting those who need a bit of help. We need to have a less punitive approach to parents who need a bit of assistance with their parenting, particularly since, unfortunately, some of them have never had any positive parenting role models in their lives. We need to get better at normalising help-seeking behaviour by parents who are doing it tough for whatever reason, because this reduces stigma, which in turn could reduce harm to children.

I am sure there are cases where appropriate and adequate parenting support programs would have negated the need for child protection services to ever get involved. We need to be better at supporting playgroups, giggle and wiggle and breakfast programs at schools and utilising the family and children centres which can increase the capacity of parents to identify and respond to the needs of their children.

Whether we like it or not there is a perception that there is a culture of secrecy about care and protection information and that serious efforts are put towards protecting the identity of those who make notifications or report concerns, rather than sharing information about how decisions are made. This is why proactive attempts by governments to ensure that people know what information is accessible under what circumstances and how to access that information could go a long way to challenging that perception and improving the process.

Community confidence in the care and protection system is vital. Children must be assisted to live in safe and supportive families so that they can grow to their full potential. If we do not have a care and protection system in which people have faith and confidence, we cannot be assured that all actions are taken in the best interest of the child.

I add that the voice of children who are or have been involved in the care and protection system is overlooked. As these children grow they become young people then adults and their journey continues. They need to be proactively offered their personal information as a matter of course, not in an adversarial environment of freedom of information requests and not as a supplicant begging. It is their lived

experience that the government holds in their files. In functional families those details would be held by their parents and loved ones. These are memories, file notes and possessions which are taken for granted by most of us but which can be precious for them in a way the rest of us would struggle to understand. They must be supported and encouraged to have their stories heard through this inquiry.

It is my hope that this inquiry to be undertaken by the HACS committee will help instil this confidence. The committee must try to ensure that it makes sensible and achievable recommendations for improvements to the system. These are sensitive and emotive issues. We must also ensure that those who come before the committee and the committee members themselves are appropriately resourced and supported as a result of any trauma experienced by providing or hearing evidence. I understand these provisions were made for the JACS committee previously. Although they were not used in that instance, it is important to have them in place and will be an important consideration for the HACS committee.

I support this motion. I acknowledge and am very grateful for the tripartisan efforts that went into reaching agreement on the best way to proceed in this matter. I thank the officers, Mrs Kikkert and Ms Stephen-Smith. The protection of our children and families in Canberra and the transparency of the care and protection system should not be a party-political issue.

**MR MILLIGAN** (Yerrabi) (3.41): I thank my colleague Mrs Kikkert for putting forward this important motion. In addition to the state of the child protection system in general, I know this case has shocked and angered Mrs Kikkert as the shadow minister for children, families and youth and, of course, as a mother. Yes, it is a complex case and there are so many factors to it, but for things to have dragged on for so long and for this case to have been overturned by the courts is the symptom of a problem.

I repeat the comments from my colleague Mrs Kikkert that the intent behind this motion is not to point fingers or assign blame—it is to try to fix the causes and prevent this from happening again. I know this case has kept many of us on this side of the chamber awake at night and has made us wonder how things could go so wrong. It has made us think about how many other children, mums, dad and grandparents are going through an ordeal like this. It has made us worry about the long-term impact on the health and wellbeing of those involved. But most of all it has made us even more certain that this government is not up to the task of looking after the most vulnerable in our community.

*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.*

**MR MILLIGAN:** As the shadow minister for Indigenous affairs, I feel it is my duty to advocate in this place for better outcomes for the Aboriginal and Torres Strait Islander community. In terms of outcomes, the Productivity Commission's latest report paints a very bleak picture. It showed that Indigenous children are four times more likely to be reported to child protective services. It showed that Indigenous

children are seven times more likely to have an investigation launched. It showed that Indigenous children are 11 times more likely to be in out of home care or subject to a care and protection order. And these statistics have steadily increased under this government.

It is a fact that outcomes for Aboriginal and Torres Strait Islander kids have been getting worse under the watch of this government. The gap just keeps widening. The families are not given the opportunity to stay together or reunite in a timely fashion. The ACT continues to be ranked amongst the worst in the nation. The standard response from this government and this minister is just not good enough.

Add to this the fact that Ms Stephen-Smith is the Minister for Children, Youth and Families and the Minister for Aboriginal and Torres Strait Islander Affairs and that this injustice has happened under this government: separating a mother from her five children for more than five years; separating siblings while they were in care; allowing only very limited visits during the long five-year period; breaking the bonds of this family; impacting connection to culture; and having such a significant and lasting impact on the children's wellbeing.

As Mrs Kikkert's motion states, it was only after an extensive appeals process that these decisions were overturned, five years after this family was torn apart. The damage that has been done is deep. I cannot for a minute start to imagine how this family and the extended community must feel about this. We are also worried about the broader implications of this case. What message does this send to our Aboriginal and Torres Strait Islander community? What does it say to young people, to parents or to people struggling? Why would they reach out for help? What do these types of cases do for the relationship the Indigenous community has with government?

Madam Assistant Speaker, I can tell you from talking to community members that that damage is long-lasting. When things do go wrong, there should be an answer, an easier way to appeal or to seek review. Not everyone can mount a case to the Supreme Court. There must be more accountability when what we are talking about is decisions that impact on children and on families. That is why this motion is so important. Referring this matter to the committee is a step towards uncovering what has gone so drastically wrong. We need to review this case so that we can start identifying broader cultural and systemic issues in the care and protection system.

The call for this investigation has been echoed by many in our community, including Aboriginal elders and legal experts. We need to examine the ability to assess information in the care and protection system so that there is a balance between protecting privacy and providing transparency and accountability.

Key stakeholders have called for this, including the President of the ACT Human Rights Commission and the Children and Young People Commissioner. These community leaders have publicly asked for reform. They have put forward submissions to several reviews, the latest, of course, being *Our Booris, Our Way*. I have seen the minister try to hide behind this process. Yes, I also hope that *Our Booris, Our Way* yields results. Surely, anything has to be better than the current state of affairs.

But even the chair of Our Booris, Our Way has said that the efforts of this government are not working and that the changes are not being implemented fast enough. The A step up for our kids strategy was aimed at reducing the number of Aboriginal and Torres Strait children in care. But, as we can see, it is not working. This strategy, which started three years ago, is led by mainstream organisations, not Aboriginal community-controlled organisations.

It also fails to mention the child placement principles which all other states and territories have taken on board. We cannot afford to wait longer. This is especially true for the Aboriginal and Torres Strait Islander community here in Canberra. I believe that an external examination would add value and give different insights. An ACT Legislative Assembly committee inquiry could compel witnesses to speak and provide them with important protections. This is sufficient. It can act as a beacon for people stuck in the system or who feel unable to come forward.

I commend Mrs Kikkert for her motion advocating for the kids and families impacted by this government. I am pleased today that this motion is getting support from others in this chamber. However, I feel that this relates to political pressure Mrs Kikkert has brought to bear rather than because it is the right thing to do. I also commend our local Aboriginal and Torres Strait Islander community for their resilience and their attempts to keep their families and communities together. You deserve our support and you deserve better than what this government is giving.

**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) (3.49), by leave: I want to put on record my disappointment at Mr Milligan's contribution. We have worked very hard to come to a bipartisan position on this motion. I noted when I spoke that between 2017 and 2018 we saw a 45 per cent reduction in the number of Aboriginal and Torres Strait Islander children entering the care and protection system.

I understand Mr Milligan's passion. I understand the passion of the Aboriginal and Torres Strait Islander community about this issue. I understand that the Aboriginal and Torres Strait Islander community will continue to hold us to account to implement new measures, to do better. But it is not true, as Mr Milligan has stated, that things keep getting worse. We have seen significant improvements and we have seen the implementation of new programs which are keeping families together, keeping children safe with their birth parents or with their extended families.

I think the way Mr Milligan talked about this is absolutely against the spirit of the way this matter was brought to the chamber. We have all expressed our support for child protection workers and the very important work that they do. When Mr Milligan gets up and talks about government failure, he is talking about the failure of front-line workers to make decisions in the best interests of children and young people. I do not believe that is what this chamber thinks. I just think Mr Milligan should reflect on the—



**Mr Milligan:** It is the truth, though.

**MS STEPHEN-SMITH:** I am not suggesting that Mr Milligan should not have contributed to this debate and that Mr Milligan should not have expressed his concern about the over-representation of Aboriginal and Torres Strait Islander children and young people in our child protection system. It is a concern we all share and it is something that we are working on very hard with the community, led by the community, led by the self-determined process in Our Booris, Our Way. We will continue that work.

I absolutely believe it is Mr Milligan's duty as shadow minister for Aboriginal and Torres Strait Islander Affairs to comment on these matters. But the tone of his contribution today completely contradicted the tripartisan way that Mrs Kikkert, Ms Le Couteur and I have worked together, and our offices have worked together, to bring this matter to the chamber—a matter that we all agree on, a matter that we all agree should be considered by the committee. I wanted to express my deep disappointment about the mode in which Mr Milligan expressed himself and the continued misinformation that he is spreading to the community.

**MR COE** (Yerrabi—Leader of the Opposition) (3.52): I think that what Minister Stephen-Smith just said is pretty ordinary. What comments like that seek to do is deter members from making contributions to future debates. What comments like that do is intimidate members into not contributing to very important discussions, such as the one that we are having right now. For her to say that Mr Milligan's tone was somehow offensive is absolutely wrong. What was wrong with the tone and what was wrong with the content?

**MADAM ASSISTANT SPEAKER** (Ms Orr): Mr Coe, we are debating the question. We are not debating Ms Stephen-Smith's comments—

**MR COE:** We are having a debate here. Ms Stephen-Smith has made comments. I am responding to her comments. That is what a debate is. I think it was totally inappropriate for her to criticise Mr Milligan's contribute to this debate. Mr Milligan's tone was absolutely fine. His content was factual. All he is doing is advocating for our community. He has been a tireless advocate for the Aboriginal and Torres Strait Islander community. It has been recognised by many people in our community, including your former chief minister Jon Stanhope, that he is doing a great job. I think we would be well served to have a minister who is as passionate about this issue as Mr Milligan is.

**MS LAWDER** (Brindabella) (3.54): I commend Mrs Kikkert for bringing this motion to the Assembly today. It is heartwarming and reassuring to see that the minister's office, Ms Le Couteur's office and Mrs Kikkert's office have worked together to get a good outcome today. But I think perhaps what the minister has missed is that many of us have been in this place over many years debating similar points. I was the shadow minister at the time of the Glanfield report. Without casting any aspersions, Mrs Dunne has been around for quite a long time and has encountered these issues,

addressed these issues and raised these issues time and again. That is absolutely what the opposition is here to do.

To imply that Mr Milligan's contribution is not valuable is churlish and petty. It demonstrates the very thin skin of some people in this place. The facts are that the ACT is amongst the worst performing jurisdictions in Australia. This includes the care of Aboriginal children in contact with the child protection system. What is a fact is that this government continues to exclude Aboriginal participation in child protection.

It is no surprise, therefore, that the ACT has the highest rate of Aboriginal children in touch with the care and protection system in Australia and the third highest rate of removal of Aboriginal children from their families in Australia. An Aboriginal child in the ACT is 14 times more likely than a non-Aboriginal child to be in out of home care, according to a 2018 report. There is a veil of secrecy over much in the child protection system.

We have heard from inquiry after inquiry. We have seen report after report. We have seen in recommendation after recommendation after recommendation the need for better information sharing and better review of decisions. That is where we come back to the crux of today's motion. Mrs Kikkert's motion has been worked through to come up with a good result.

However, it does not pay to deny the past, to try to sweep it under the table and pretend it does not exist, because what has happened in the past has brought us to the point we are at today—the point where, as I read in the paper, a mother was given access to her children for the equivalent of one day a year. This is shameful. This is absolutely shameful. We should face up to that and not try to pretend everything is going well.

Just because the current minister has not been in this portfolio for many years does not mean that we have not faced these same issues over and over again. I can only hope that Mrs Kikkert's excellent motion today will be the catalyst—that perhaps finally, after all the years since the 2004 Vardon report, it achieves real change rather than lip-service from this government. I thank Mrs Kikkert for moving this motion today and for all the work she has done on it. I also thank the other members for their collaboration.

**MRS KIKKERT** (Ginninderra) (3.58), in reply: I think Ms Lawder brought things to a close really well. I thank my colleague James Milligan for being a strong advocate for and champion of Aboriginals and Torres Strait Islanders. I once again wish to thank Minister Stephen-Smith and Ms Le Couteur for their cooperation in bringing this motion before the Assembly today. I know there was a lot of work behind the scenes. We really appreciate the cooperation.

This is an important thing that we have done. I genuinely believe that this case analysis and this inquiry will be very positive things. I again express my complete confidence in the HACS committee and its members in undertaking these two matters. I trust them to act with care and wisdom so that we can get a complete and thoroughly truthful report whilst at the same time protecting those who will be engaged in this

process. I look forward to the committee's forthcoming reports and especially to the reforms and improvements that will arise from them.

Question resolved in the affirmative.

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

### **Statement by chair**

**MS ORR** (Yerrabi) (4.00): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Environment and Transport and City Services relating to petitions Nos 1-19 and 7-19. The petitions were received by the Assembly on 19 March 2019 and referred to the committee under standing order 99A. As signatories to petitions 1-19 and 7-19, a combined total of 1,482 residents of the ACT noted that “street and park trees in our established suburbs are declining by around 3,000 a year” and called on the Assembly to “request the ACT government to plant an extra 7,000 trees a year to reverse the decline and begin restoring the city’s tree canopy”. The committee notes that the topics of these petitions are directly relevant to, and likely to be addressed by, the current committee inquiry into nature in our city. The committee will consider the petitions during the inquiry.

## **Crossbench executive members’ business**

*Ordered that crossbench executive members’ business be called on.*

## **Environment—climate change**

**MR RATTENBURY** (Kurrajong) (4.01): I move:

That this Assembly:

(1) notes:

- (a) globally, nationally and locally, human induced climate change is contributing to record breaking temperatures, extreme weather events, and a range of negative social, environmental and economic outcomes;
- (b) ACT residents have just experienced the hottest January on record, and local temperature extremes will worsen as climate change progresses;
- (c) Tasmania, Victoria and Queensland have recently been devastated by bushfires and North Queensland has recently suffered extreme flooding;
- (d) global temperature rise must be limited to 1.5 degrees to minimise the risk of the worst impacts of climate change, a task the UN Intergovernmental Panel on Climate Change says requires urgent and unprecedented action; and
- (e) ACT and Australian residents want their elected representatives to take urgent and effective action to address climate change;

(2) acknowledges that we are in a state of climate emergency that requires urgent actions across all levels of Government; and

- (3) condemns the Federal Government for its continued failure to enact effective climate change policy, and requests the Federal Government provide additional funding for States and Territories to deal with worsening climate change risks and impacts, such as bushfires and extreme weather.

The world is in a climate emergency. The risks we face due to climate change are more extreme than ever. To quote the famed naturalist Sir David Attenborough:

Right now, we are facing a man-made disaster of global scale. Our greatest threat in thousands of years. Climate Change.

If we don't take action the collapse of our civilisations and the extinction of much of the natural world is on the horizon.

The United Nations Secretary-General sounded the alarm in a similar fashion as he called for action from all nations, saying:

We face a direct existential threat.

Climate change is moving faster than we are ...

Not only are we already suffering the impacts of climate change but also urgent and ongoing action is required to prevent impending disaster—environmental, social and economic disaster—globally, nationally and locally. Scientists are calling for urgent and significant action to both mitigate and adapt to climate change. They have produced increasingly detailed scientific evidence supporting their calls, and they predict devastating impacts if we shirk our duty to take action. In case anyone questions this science, the level of scientific consensus on human-caused climate change is equivalent to the level of agreement among scientists that smoking causes cancer.

There is not the time now to detail all of the devastating impacts that climate change will cause and is already causing. That could and does fill volumes. I have talked about many of these in this Assembly before. A brief overview is that the impacts will affect every part of our society. Unmitigated climate change will have terrible economic, social and environmental impacts. Hotter weather, more bushfires, more extreme weather events, species extinctions, sea level rise, population displacement, health impacts, including an increase in bloodborne diseases, billions and trillions of dollars in extra costs—the list is long and disturbingly grave.

Members may have seen the recent United Nations report warning that approximately a million animal species are now facing extinction, many within decades. The chairperson of the UN's Intergovernmental Science Policy Platform on Biodiversity and Ecosystem Services described this situation by saying:

What is at stake here is a liveable world.

The first extinction of 2019 occurred on 1 January. The final member of a species of tree snail died, and that signalled the end of that species on Earth. The following month, the Australian government declared a mouse-like species called the Bramble

Cay melomys to be extinct. Climate change had shrunk the little mouse's habitat and brought destructive flooding that, combined, wiped it from the planet forever. In April last year the last known Yangtze giant softshell turtle died in China.

Unique species are becoming extinct by the month, and climate change is one of the primary reasons. How do we in the Assembly feel about this? As we sit here today, climate change is erasing unique species from the face of the earth, and they will never return. It is not only tragic but also intolerable. The UN report names the culprits. It says that climate change is now a direct driver of these extinctions and is increasingly exacerbating the impact of other drivers. Its effects are accelerating.

For example, approximately half the world's coral cover is gone. Perhaps members have heard about a recent report about how climate change is affecting Australia's Great Barrier Reef. Not only is the reef an incredible and unique natural wonder but also it is a wonder that contributes \$6.4 billion to the Australian economy annually and helps employ more than 64,000 people. The report states that marine heatwaves caused by global warming are cooking the reef and killing its ecosystems. The 2016 marine heatwave caused the most severe and catastrophic coral bleaching event the reef has ever experienced. It lost 30 percent of the corals between March and November 2016. The coral had no chance to recover, because after 2016 the heatwaves continued. The lead author of the study, the coordinator of the US National Oceanic and Atmospheric Administration's coral reef watch, said that half of the corals on the Great Barrier Reef have been killed by climate change in just two years. I had a chance to visit the reef in 2017 and to survey the coral with some Australian ocean scientists. I can tell you that it is a devastating and depressing scene to see the fields of bleached coral that were once vibrant with life.

If members did not see the various reports I refer to, they will at least have noticed that here in Canberra we have just experienced the hottest January on record. Canberra airport's mean temperature was 34.5 degrees Celsius. It was 6.3 degrees above the long-term average. The temperature exceeded 35 degrees Celsius on 19 days, more than six times the January average. We had a new record of four consecutive days above 40 degrees. January played its part in what was also the overall hottest summer on record for Canberra. The pattern continues. The March that just passed was the hottest March on record. It may not be as noticeable as the weather cools, but the past April was the fourth hottest April on record.

That is all part of a broader trend. Globally the 20 hottest years on record have occurred in the last 22 years. If you are aged under 20, you have not even been alive in a year when global temperatures were at or below the 20th century average. No wonder the schoolkids are in the streets demanding change.

We are in the midst of a climate and ecological breakdown. In the ACT the length of our bushfire season is increasing in line with the greater bushfire threat we now face. The most recent bushfire season commenced in September, a month early. It extended to May, a month late. A Climate Council report in 2016 found that the direct effects of a three to four-degree Celsius temperature increase in the ACT—and we are currently on track for that—could more than double fire frequency and increase fire intensity by 20 per cent. The report found that the economic cost of bushfires in New South Wales

and the ACT in 2016 was approximately \$100 million. Those annual costs are projected to more than double by 2050. This is one of many costs the ACT will face, and one of many reasons my motion calls on the federal government to help states and territories to adapt.

Members, today I bring on this motion to allow this Assembly, hopefully with tripartisan support, to acknowledge that we are in a state of climate emergency and to acknowledge that this climate emergency requires urgent, significant, ongoing and unprecedented action, including from this ACT government and this Assembly. Making this climate emergency declaration is an important step. It says that we give particular recognition to the enormous existential threat posed by climate change and that we will prioritise climate action. This is not to say that other issues we deal with are not important; they are important. But the climate change threat has reached a point where it requires special, dedicated attention and prioritised action from us, as decision-makers on behalf of our constituents.

What will this emergency status mean? It is a question I have been asked quite a bit in the last few days. It is different from the types of emergencies we are used to, which involve some dangerous rapid event. The consequences of climate change generally emerge more slowly, less like a thunderclap and more like the *Titanic* after it hit the iceberg. But we need to take critical, urgent action right now to stop dire consequences in the future. It is still an emergency, just one of a different form.

To quote Greta Thunberg, the impressive 16-year-old Swedish inspiration for the children's climate strikes:

... I'm sure that the moment we start behaving as if we were in an emergency, we can avoid climate and ecological catastrophe. Humans are very adaptable: we can still fix this. But the opportunity to do so will not last for long. We must start today. We have no more excuses.

Climate emergency status means climate action takes precedence. From now on, every time we make a decision, we will ask ourselves what this decision means for climate change, for emissions and for the climate crisis we need to avert. If it is not consistent with reducing emissions, then we must stop and rethink. This mandate must extend beyond this Assembly and into all of the government agencies.

The new currency of the ACT needs to be emissions and climate change. That is what we must value. Other pursuits that usually dominate politicians' thinking—unchecked economic growth, for example—need to be secondary to this new currency of climate change. That is how we need to work in this government. Of course unchecked climate change is an economy destroyer, so the best way to protect our economic growth is actually to prioritise climate change action.

This is not some fancy of mine or of the Greens. People all over the world are now recognising the climate emergency. They are desperately calling for action from government at all levels. Globally, children are taking to the streets, including in Australia and right here in Canberra. To quote Greta Thunberg again:

Around the year 2030, 10 years 252 days and 10 hours away from now, we will be in a position where we set off an irreversible chain reaction beyond human control that will most likely lead to the end of our civilisation as we know it. That is unless in that time, permanent and unprecedented changes in all aspects of society have taken place, including a reduction of CO<sub>2</sub> emissions by at least 50%.

She goes on to say:

We children are doing this to wake the adults up. We children are doing this for you to put your differences aside and start acting as you would in a crisis. We children are doing this because we want our hopes and dreams back.

We have an obligation to act for the future generations, the children like Greta who want and deserve a future and the opportunities we have had and continue to have.

Right now, in 2019, Australians rank climate change at the top of a list of 12 possible threats to Australia's vital interests in the next 10 years, according to a recent Lowy Institute poll. It is their number one concern. A majority of Australian adults see climate change as a critical threat. More specifically, a clear majority of Australians agree that the nation is facing a climate emergency requiring emergency action and that, in response, governments should mobilise all of society like they did during the world wars. That comes from an Australia Institute poll. The same poll found that two-thirds of voters support a rapid transition to 100 per cent renewable electricity, including a majority of each party's voters. This is not a partisan question.

So this is what the people want. This is what our constituents want. It is what the children want. They know we are in a climate emergency. They are pleading with their governments to take more action and to take action that is consistent with an emergency situation. It is not just the citizens that recognise the emergency; it is also companies and institutions. For example, in March this year the deputy governor of Australia's Reserve Bank called for immediate action on climate change to avert an abrupt, disorderly economic transition. Climate change policy is now one of the Reserve Bank's key priorities.

The climate emergency is at last gaining political recognition. Just this month the UK became the first country to declare a climate emergency, after the UK parliament voted in favour of a resolution. Ireland soon followed. Wales and Scotland have declared climate emergencies. Hundreds of cities around the world, including in Australia, are declaring a climate emergency and accepting that climate action must be their number one focus. How else will we get this done and tackle the enormous challenge that climate change presents?

I note that there are amendments. I will speak to those later, in my closing remarks. It is very clear that we cannot rest on our laurels and be negligent when there are so many things we need to change. In that spirit, my request to members today is to please take this issue seriously, to please agree with this motion so that we recognise the reality of this situation, this climate emergency, so that we can work together to address it. I have outlined the scientific reasons why. I have outlined our constituents'

expectations of our doing this. It is a duty that we have to both the current and, perhaps more poignantly, future generations. I commend my motion to the Assembly.

*An incident having occurred in the gallery—*

**MADAM DEPUTY SPEAKER:** I remind members of the gallery that it is considered disorderly to participate in the debate by interjection, clapping and other activities.

**MS ORR (Yerrabi) (4.15):** I rise today in support of the call to declare a climate emergency. The first political protest I participated in was a rally in 1995. I went to stand up against French nuclear testing at Mururoa Atoll in French Polynesia. I was in high school and I remember needing a note from my dad so that I did not get in trouble for wagging school. I went to that rally because, even as a 14-year-old, I could grasp the concept that human activity can have a devastating effect on our precious natural environment. Ultimately, we have a choice in how we behave.

Madam Deputy Speaker, the scientific evidence is conclusive: the world is undergoing unprecedented and rapid climate change. Since the industrial revolution in the mid-1700s, carbon dioxide levels in the atmosphere have increased by 40 per cent and are now the highest they have been for 800,000 years.

Over the past century, the global air temperature has increased by about 0.8 degrees and from about 1970 the global air temperature trend has strongly increased. The oceans are absorbing around 90 per cent of the additional heat, with ocean heat content showing strong increases. On average, the temperature of the ocean layer from zero to 700 metres increased by 0.18 degrees Celsius between 1955 and 2010. These changes may seem minor, but they are much larger than any other climatic change seen in the last 100,000 years. The negative effect of that climate change is already being felt.

Across the globe, including here in Australia, we are seeing extreme heat more often and for longer; more bushfires more often and in extremes we have never experienced; increased frequency of extreme weather events, including heavy rainfall and devastating drought; and erosion and flooding from sea level rise. The changing climate is leading to more health impacts, including deaths from heat waves, a decrease in the productivity of food production, the destruction of infrastructure and stress on our native flora and fauna.

The most uncomfortable part of this reality is that humans are the cause of this destruction. Our way of life is putting more emissions into the atmosphere than at any other point in our history. The petrol we use in our cars, the coal we use to produce electricity, the gas we burn to heat our water—all these activities result in emissions that our atmosphere simply cannot absorb. If we continue along the path we are currently on and we do not change the norms in our everyday lives then the impacts of climate change are only going to get worse. The way we address this self-created catastrophe is to change the way we go about day-to-day activities.



Some might question why a small jurisdiction with a relatively small carbon output should need to act so significantly. The environment knows no borders. What happens here can have an impact over there. We all need to take responsibility for our contribution and, given the size of the task, every contribution, no matter how big or small, is going to matter. The ACT has not rested on its laurels, committing to 100 per cent renewable electricity and being net carbon neutral by 2045. But there is still more we can do. In fact, there is more that we need to do. We need to phase out natural gas as a source of energy; we need to transition our transport fleet away from petrol; and we need to call out harmful action undertaken at all levels of government.

Governments need to be focused on investing in renewables, to drive down pollution levels and the cost of electricity. Renewables are the future and a just transition needs to be implemented so that we are not reliant on new coalmines. This weekend I hope that Australians vote for a better future and elect a Shorten Labor government. We know that changing the current federal government is the only way we can get our climate action back on track, and it is only Labor that can deliver real action in government.

Humans do not live separate to the ecosystem; we live as a part of it, and our behaviour is having a detrimental effect on our habitat, the very habitat that sustains us. We need to change our behaviour and look after our environment better than we have been, so that our environment can keep looking after us. I support this call and support the continued struggle to act because business as usual will not work for our planet. If we are to halt, and maybe even reverse, hopefully, even just some of the impacts of climate change, then we must take urgent and effective action.

Madam Deputy Speaker, I move:

Add:

“(4) notes the ACT Government’s efforts to make Canberra a more liveable and sustainable bush capital by, amongst other things:

- (a) its national and international leadership on climate change;
- (b) committing to zero net emissions by 2045; and
- (c) powering Canberra by 100 percent renewable electricity by 2020.”.

**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) (4.20): I thank Mr Rattenbury for this declaration and Ms Orr for her comments and amendment as well. Canberra Labor is leading national and international action on protecting the environment and addressing climate change. We have committed to zero net emissions by 2045 and will power our city with 100 per cent renewable electricity by 2020. Today’s declaration is emblematic of the action that the ACT government and other Labor states and territories are already taking. Tackling climate change is both an environmental necessity and an economic imperative. Australia must act. It is clear that we need a Shorten Labor government for a national approach to clean energy and emissions reduction.

**MS LE COUTEUR** (Murrumbidgee) (4.21): Nine years ago, this Assembly passed the Climate Change and Greenhouse Gas Reduction Act 2010. It required a 40 per cent reduction by 2020 of scope 1 and scope 2 emissions from local greenhouse use; that is, local emissions and those due to our local electricity use. That was appropriate at the time. In fact, it was more than appropriate; it was world leading and it reflected the science at the time. If every jurisdiction had done as the ACT did, the world would be a better place and we might not be in a climate emergency. Instead, Australia and the rest of the world have increased emissions, so there is a climate emergency now.

My colleague Minister Rattenbury has talked about it at great length, so I will not repeat all the comments about the physical impacts except to repeat that globally 20 out of the past 22 years have been the hottest on record. This has major effects on humans and all species—plant, animal, insect—that live on this earth. The most optimistic view sees global temperatures raised by three degrees by the end of the century. But I have read a lot more pessimistic views which talk about an eight-degree increase in temperature. It can literally kill people and other species. Heatwaves are Australia's deadliest type of natural hazard.

Climate change also has major impacts on food for all species but humans in particular. This morning I was reading on page 22 of the *Canberra Times* that Australia is going to start importing wheat for the first time in 12 years. That is due to the current drought, which is at least partly due to climate change. I will just quote a few more human-centred views. Renee Blackman, who is the Director of Gidjee Healing, which is an Indigenous health service in Mt Isa in Queensland, said:

You have got these massive weather events sweeping through our communities, decimating structures, infrastructure—which means health services. If your health service is down, you can't provide any type of healthcare; it's almost like you are operating under war conditions sometimes, because things get totally obliterated and you have to build back from scratch, yet you've got people who need your assistance.

As she says, it is like a war. And this is happening in our backyard now; it is not just somewhere else. Talking about wars, many military organisations have come to the same conclusion. In October 2014 the Pentagon said that “climate change poses ‘immediate risks’ to national security and will have broad and costly impacts on the way the US carries out its missions”. The Pentagon is not a particularly progressive left-leaning institution, whatever you might say about it.

Some of the people who are saying the most now, thankfully, are young people. They are demanding action before it is too late. I saw a poster recently which said, “You will die of old age; I will die of climate change.” The problem is that they will probably be right about that unless we act now and see that this is a climate emergency. It was really inspiring to march with the school strikers on climate change earlier this year. I quote from the inspirational activist Greta Thunberg. In a TEDx speech she said:

Now we are almost at the end of my talk and this is where people usually start talking about hope—solar panels, wind power, circular economy, and so on. But

I'm not going to do that. We've had 30 years of pep talking and selling positive ideas, and I'm sorry but it does not work because if it would have, the emissions would have gone down by now. They haven't.

And, yes, we do need hope. Of course we do. But one thing we need more than hope is action. Once we start to act, hope is everywhere. So instead of looking for hope, look for action. Then and only then, hope will come today.

I agree with Greta Thunberg 200 per cent. That is the point of today's motion. We need to do more. There is an emergency and we need to do it now. There has been a false debate about whether an individual's actions are important or whether only governments can solve the problem. We have one atmosphere, one planet. It is an emergency. We need everybody to work on it. Individuals, communities, government and industry all have a part to play.

I would like to make a few points about how we can act, as Greta Thunberg said, to respond to this emergency. We are currently aiming for zero net emissions from the ACT by 2040. This counts the emissions directly produced in Canberra, such as the composting of waste as well as those produced by generating the electricity we import from the rest of Australia. That is good and much needed—nothing against that. However, the ACT is also responsible for a lot more emissions, which are embodied in the goods and services that we buy. This is our ecological footprint. An ecological footprint measures the amount of land and water required to produce goods and services and absorb waste, including carbon pollution.

The ACT Commissioner for the Environment found that, for the period 2011-12—and that is the most recent, unfortunately, that she has worked on—Canberra's ecological footprint was 8.9 global hectares per person. Global hectares mean productive land, and that excludes deserts and icecaps. This is the largest in Australia and 3½ times the world average. The main component of our ecological footprint is household spending. Probably because we are an affluent community, Canberrans are the biggest consumers in the country.

The factsheet the commissioner has goes on to list the top ten items that Canberrans buy that impact our footprint. Electricity is number one. It is very positive that the ACT will soon be buying 100 per cent renewable electricity. We buy an awful lot of it now already. Now that electricity has basically been addressed, I think it is important that we concentrate on reducing the other emissions that the ACT is responsible for. This, of course, includes emissions produced in the territory such as the soon-to-be number one producer, the transport sector. There is then gas, buildings and waste. But the ACT is also responsible for those emissions produced so that goods and services can be consumed in the ACT, not just those produced in the ACT or for our electricity.

Firstly, there is almost certainly low-hanging fruit in reducing the goods and services that ACT imports in terms of reducing greenhouse gas emissions. We have had some discussions about this. Ms Orr has moved motions about coffee cups and plastic waste. This is all good. But the point is that we need to look at our consumption more broadly. The Greens have long supported the five Rs of consumption—refuse, reduce, re-use, recycle, repair. These days we add a sixth R, which is remember—remember to bring your cup, your shopping bag et cetera.

Secondly, I would like to talk about trees. We are losing trees at the rate of 3,000 per year from our publicly owned urban areas. Trees are good in many ways. In particular, they use carbon from the atmosphere to grow. This gets the greenhouse gases out of the atmosphere, where they are changing our climate, into a stable long-lasting form. We allow such large private buildings that there is often no space for trees on blocks. We need a canopy target. We do know that the people of Canberra would support a canopy target, as a 30 per cent canopy target was one of the recommendations of the better suburbs consultation process.

Thirdly, we need to look at all government decisions, especially infrastructure decisions, in terms of climate change impacts. As far as I know, that does not happen at present.

Fourthly, there are a whole heap of things the ACT government could do better. The two previous speakers, Ms Orr and Mr Rattenbury, mentioned some of them. They are things such as rebuilding our transport system to be zero, or at least low, emissions; stopping building so many new roads; planting trees, not destroying them; changing our planning system to stop building big new houses; and starting to repurpose existing under-utilised buildings. New houses are twice the size they were when I grew up.

As I said in my motion that I moved earlier this year: start building for the new hotter climate; stop installing gas and subsidising people to switch to gas from wood fires; start a real campaign to reduce consumption; stop expanding our international airport; stop expanding international tourist travel. It is just not compatible with a climate change emergency. Educate people to the pluses of a plant-based diet and start composting our food waste. I could go on, but I am running out of time. I am also aware that the ACT government will soon be issuing our climate change strategy, which hopefully will have a lot of the things we have talked about today, plus a whole heap more. We do have a climate emergency and we must start acting on it now.

**MR RATTENBURY** (Kurrajong) (4.31): I note and support the amendment. The Greens will support it today. It is an amendment that adds actions the ACT is taking in relation to climate change. I support these because they are factual statements and we have been involved in them and pleased to help deliver them. I emphasise that this is not a motion about listing what we are already doing and patting ourselves on the back. As I touched on earlier, we are not in a position to be complacent. We need to extend our efforts and not rest on our laurels. There is certainly much that this government needs to do.

Is each and every one of its decisions really compatible with ending greenhouse gas emissions? Those are the questions we need to be asking ourselves, because that is what we need to be doing: bringing greenhouse gas emissions to a halt. We need to reflect on whether it is really sustainable to spend hundreds of millions of dollars on building new roads and expanding roads designed to facilitate easy car travel when by 2020 about 60 per cent of our greenhouse gas emissions will come from private car travel.

Why are we still sending thousands of tonnes of organic material to landfill, where it turns into methane, which is of course a potent greenhouse gas? Why are we still allowing buildings that are designed in a way to require a large amount of heating and then are not heated by natural gas? Why is it that greenhouses gases from land use in the ACT recently became net positive, an issue related to the amount of land clearing occurring in the ACT? These are the questions that lie ahead of us.

While we support the amendment brought forward by Ms Orr, we need to be very clear that, in having this discussion, we need to not simply reflect on the positive things we have already achieved. They are things to be proud of; they are hopefully a source of inspiration to others but only a beginning.

Amendment agreed to.

**MR COE** (Yerrabi—Leader of the Opposition) (4.33): There are many questions that spring to mind as a result of this motion moved today by Mr Rattenbury. It is a motion that has been motivated by the Greens' federal campaign and what they are pushing at a national level. But it really does beg the question: what does a climate emergency actually mean when it comes to the decisions that we make on a daily basis? How does that motivate our decisions that we make on how we live our lives, in addition to the decisions that we make in this place?

There are many things that I could argue about Ms Le Couteur's speech, including stopping the expansion of the Canberra airport and the fact that we have only got one or two generations of humanity left, but we also need to take stock of where we are at. I think that the federal Liberal government has contributed well to the ACT's environmental initiatives. Let us look at what has happened at the Monash weir or the Lyneham wetlands, and all the money that has gone into the Murrumbidgee, Lake Burley Griffin and many other initiatives. It is also worth noting that Australia is actually on track to meet its Kyoto 2020 emissions targets. There is some reason for us all to be pleased about the achievements that we have collectively made.

As Mr Orr said, and I believe it is a direct quote, "We all need to take responsibility, no matter how big or small," which of course begs the question: how is it that the Greens can come in here and say there is a climate emergency and yet they are still willing to go travelling around the world, using aviation fuel, which produces huge amounts of emissions, for their holidays and all sorts of other recreational facilities? It goes to the hypocrisy of the Greens. On one hand it is a climate emergency. But as far as they live their lives—they are very happy to drive the car, they are very happy to go flying around the world and they are very happy to be big emitters themselves—they say one thing and do another.

That is why I move the amendment circulated in my name:

Add:

“(4) given the above assertions, calls on the Greens MLAs to:

- (a) abstain from all air travel (including recreation and work); and
- (b) undertake all interstate meetings by phone or videoconference.”.

This amendment calls on the Greens to practise what they preach. Rather than just say there is a climate emergency but still go around the world travelling on recreational pursuits which use huge amounts of aviation fuel—about four tonnes of carbon emissions for every business class return journey to Singapore that Mr Rattenbury takes—how about he actually practise what he preaches and abstain from all air travel?

There are two Greens here. One of those Greens, I know, actually does have a principled position against air travel. One does not. It is all very well to come in here and lecture us but you have actually got to practise what you preach. You cannot go travelling the world, going to running festivals, and then claim that people should be pulling their weight. There is hypocrisy here. If they are fair dinkum they will abstain from all air travel and they will undertake all their international and interstate meetings via phone and videoconferencing. If it is a climate emergency, how can you possibly justify flying around the world for a holiday? I just do not understand it. I see Ms Le Couteur is nodding. How can you justify it?

You can say, “We will offset it.” How about doing the offset and not flying? That is the best outcome. If we are going to be serious about this debate and we are going to be virtue signallers, let us actually have a bit of principle in what we say here. The test for the Greens is whether they support this amendment. I imagine one of them will be quite inclined to but I am not sure about the other.

**MR RATTENBURY** (Kurrajong) (4.39): I put this motion up today because it is a very serious issue. I had hoped that we could actually have a proper and serious discussion about climate change and that the Liberal Party would take one of those climate motions seriously for once and not just dismiss it or resort to the snide and churlish remarks that we have heard in this place before when it comes to these kinds of issues. But unfortunately my optimism has proven to be misguided.

When my colleague Ms Le Couteur raised a matter of public importance on climate change in April the Liberal environment spokesperson, Ms Lee, made a speech belittling the idea and making a range of statements that echoed the language of climate change sceptics. She said

... too much discussion on climate is based on fiction or misplaced ideology ...

She said:

... climate is changing—it always has ...

She said:

The panic and alarmist policies of groups like the Greens to stop all coalmining now and shut down all coal-fired power stations immediately, to remove all fuelled cars and trucks ... is a plan for economic ruin ...

I encourage Ms Lee to have a look at the front page of today’s *Sydney Morning Herald*, where Professor Ross Garnaut highlights the enormous economic opportunity

for Australia. He sees us as an economic powerhouse in the post-carbon era. This is about creating a different future, a future that is sustainable, a future that is within our grasp if we take the right decisions. The kind of approach that Ms Lee described in that last debate is out of step with the situation we are in, it is out of step with the science and it is out of step with community sentiment and with the obligations that we all hold as decision-makers to take climate change seriously and respond.

Let me turn specifically to the churlish little amendment that Mr Coe has moved today. It is disappointing that he has sought to go down this path. Let me be very clear: our comment is that we are not saying that people should not participate in society. We have never said that, and that is not a position we seek to inflict on individuals. What we are doing is working hard to make a different future possible, to enable people to lead fulfilling lives without cooking the planet at the same time, because we believe that a different future is possible. The ACT has begun to take the steps to get to that place.

**Mr Coe:** Is it an emergency or not?

**MR RATTENBURY:** Mr Coe was heard in silence. I love the delicious irony. Mr Coe stood up before and complained that Mr Milligan was being intimidated. And this comes from a team that shouts at people whom they disagree with.

We are working hard to do things like make it possible to have meetings by phone or videoconference. We have just built a light rail from Civic to Dickson. One of the benefits that will come from this is that ACT public servants can now travel emissions free between the various offices that this government has in the city. This is one of the benefits of building emissions-free transport.

If I were to take Mr Coe's amendment seriously, I would not be able to go to COAG meetings on behalf of the ACT government. Is he seriously suggesting that the ACT should not be represented at those meetings? At the moment quite a few of those meetings are held by videoconference but they are not all held by videoconference. The federal government calls those meetings.

**Mr Coe:** Yes, but people dial into them.

**MR RATTENBURY:** They do not dial into them. You would not know because you have never been to one. And you are not likely to ever go to one. The reality is that the ACT needs to be represented at these meetings. Firstly, I take the bus to some of these, when it is possible. You can look at my travel records and see for yourself. But this is not about my individual behaviour; this is about us as a community working together to address the serious issues that we as a community face. It is not about saying that individuals should not participate in society; it is about working together to build a different future, a better future that is possible, where we live fulfilling lives without living unsustainably. We will not be supporting this amendment moved by Mr Coe today.

**MS ORR (Yerrabi) (4.44):** I too wish to speak to Mr Coe's amendment, just to note my disappointment in the amendment. It is disappointing because we have come here

to speak about an issue that is the largest crisis of our time. It is the biggest issue facing us. To come in with an amendment that essentially mocks the substantive motion, puts a division between the two crossbench members, the two Greens members, instead of talking about the substantive issue—

**Mrs Jones:** Are you mocking Ms Le Couteur's approach?

**MS ORR:** I am not mocking Ms Le Couteur's approach. I am saying that you are making a mockery out of this topic, which is incredibly important, by trying to wedge the two Greens members. The opposition could have come in here and made a speech that went to the substantive issue that made it clear where they stand on climate change and what action they wanted to take. But they chose not to do that. They chose to come in here and to pick a fight, really, to niggle everyone and say, "Come on, let's put in a division." We do not need division on this topic; we need to work together. We need to work as a community to make significant and urgent change because this is the biggest dilemma facing our generation. I will not be supporting Mr Coe's amendment because I do not feel the need to make a mockery out of this topic.

**MR HANSON** (Murrumbidgee) (4.45): I am a bit disappointed that the Greens and the Labor Party will not be supporting this amendment. It is difficult for me to understand how, on the one hand, members on the crossbench come in and say there is a climate emergency but, on the other hand, say they are still going to consume tonnes of fossil fuels by jet-setting around the country and around the world, not only for work-related issues but also for recreational pleasure.

I think it is important to make sure that what we do in this Assembly is take good climate action. I think we have done that. We have demonstrated that. We supported Ms Orr's amendment. We have taken good, sensible measures. We have ambitious targets, the most ambitious targets in Australia. We support that. We support that and we have. What we do not support is people coming to this place with grandstanding motions that do not match the reality of their actions. On the one hand, if you are saying it is a climate emergency, then—

*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.*

**MR HANSON:** It just looks hollow, doesn't it? It looks like hollow grandstanding if you are not prepared to live up to the ideals that you demand of others. It is very easy perhaps for Mr Rattenbury, living in the inner city, a very wealthy man, to impose certain rules and requirements and demands on others whilst he is not prepared to take the action that he would deem necessary if it is a climate emergency.

Let us make sure that we are addressing the issue of climate change; let us make sure that we are doing it in this place. But I think it is poor form and it belittles what we do in this place, to come in here on election eve with a grandstanding motion. When he is called on it, he is not prepared to actually put his money where his mouth is and take any action required, if indeed he believes there is a climate emergency.



Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 9

Noes 12

Miss C Burch  
Mr Coe  
Mrs Dunne  
Mr Hanson  
Mrs Jones  
Mrs Kikkert

Ms Lawder  
Mr Milligan  
Mr Parton

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

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

Amendment negatived.

Original question, as amended, resolved in the affirmative.

## **Executive business—precedence**

*Ordered that executive business be called on.*

### **Motor Accident Injuries Bill 2019** **Detail stage**

Debate resumed.

Clause 279.

**MR COE** (Yerrabi—Leader of the Opposition) (4.53): I move amendment No 81 circulated in my name *[see schedule 1 at page 1901]*.

Amendment negatived.

Clause 279 agreed to.

Clause 280.

**MR COE** (Yerrabi—Leader of the Opposition) (4.53): I move amendment No 82 circulated in my name *[see schedule 1 at page 1901]*.

Amendment negatived.

Clause 280 agreed to.

Clause 281.

**MR COE** (Yerrabi—Leader of the Opposition) (4.54): The opposition opposes this clause. Given that legal costs and charges are already regulated under the Legal Profession Act 2006 and the Court Procedures Rules, we do not think this is necessary.

Clause 281 agreed to.

Clauses 282 to 375, by leave, taken together and agreed to.

Clause 376.

**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) (4.56): I move amendment No 48 circulated in my name [*see schedule 2 at page 1902*]. The purpose of this amendment is to reinforce compliance with statutory licence conditions under the scheme, particularly conditions that apply to an insurer's conduct and practices in handling applications and claims for injured people. The penalty unit for a corporation is currently \$810. This amendment significantly increases the number of penalty units for a breach.

**MS LE COUTEUR** (Murrumbidgee) (4.56): The Greens agree to this amendment. One of the things we have been talking about with the government is that it is very important that the insurance companies do the right thing in this or any other CTP scheme. This amendment increases the maximum penalty for an offence committed by an insurer for contravening a condition of the MAI insurer licence from 100 to 200 penalty points. We hope this will be enough to ensure that insurers do the right thing. This will be something which can be looked at in the three-year review if it is not enough. It should be.

Amendment agreed to.

Clause 376, as amended, agreed to.

Clause 377 agreed to.

Clause 378.

**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) (4.57): I move amendment No 49 circulated in my name [*see schedule 2 at page 1902*]. This relates to the previous one. It is consequential.

Amendment agreed to.

Clause 378, as amended, agreed to.

Clauses 379 to 428, by leave, taken together and agreed to.

Clause 429.

**MR COE** (Yerrabi—Leader of the Opposition) (4.58), by leave: I move amendments Nos 84 and 85 circulated in my name together [*see schedule 1 at page 1901*]. These amendments would ensure that insurers contact injured persons through their legal representatives if written notice has been received from the injured person. There is a clear power imbalance between the injured person and the insurer. These amendments will help protect individuals from undue pressure and will also protect them against an infringement of their legal rights. If these amendments get up, it will be because Labor or the Greens have supported what the Liberals have done. If they are rejected, it will be because Ms Le Couteur and Mr Rattenbury have supported the government against these amendments.

**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) (4.59): The government will not be supporting these amendments. We are aware of the concern that the Leader of the Opposition has raised. However, the purpose of this clause is to ensure that an injured person receives timely information on their defined benefits treatment and care and income replacement.

The guidelines proposed for this clause will provide for the circumstances in which an insurer can contact an injured person. It is envisaged that if an injured person indicates they have legal representation then communications from injured persons would be copied to the representative, but the injured person would be the primary contact. Passing information through a legal representative is both time consuming and unnecessary. The guidelines will cover the concern that Mr Coe has outlined and provide a sensible, common-sense way to address this issue.

**MS LE COUTEUR** (Murrumbidgee) (5.00): The Greens do not support these amendments. The Liberal amendments propose that an insurer can only contact the injured person through the injured person's lawyer, if the person has a lawyer. The guidelines already set out situations where an insurer is allowed to contact an injured person. The purpose is that an injured person can receive timely information on their matter relating to their treatment and care and income replacement. It seems totally over the top to restrict contact to occurring through lawyers. Potentially it just looks like something that is going to make communication slower and less efficient for everybody. It does not seem like a win for many people.

I note that one impact of this amendment would be that more time is spent by lawyers working on these matters. Therefore, I assume that there will be more legal fees incurred. This is not going to be a good outcome for injured people but presumably will be a good outcome for lawyers. Consistent with some of the previous Liberal amendments, this change appears to be designed to benefit lawyers, at the expense of injured people. The guidelines related to this clause, as Mr Barr said, will provide for the circumstances in which an insurer can contact an injured person. The concern here appears to be that an insurer might influence an injured person to accept an offer or settlement. I am not sure why the Liberal Party is not in favour of more direct communication.

Amendments negatived.

Clause 429 agreed to.

Clauses 430 to 465, by leave, taken together and agreed to.

Clause 466.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.03): I move amendment No 50 circulated in my name [*see schedule 2 at page 1902*].

**MR COE** (Yerrabi—Leader of the Opposition) (5.04): We of course prefer our amendment 86, but, given the Greens' voting habit on every one of these amendments, it is highly likely that Mr Barr's No 50 is going to get up. Our amendment would have provided lawyers and other service providers with protections against the publication of confidential information. A regulation may require lawyers and other service providers to give information to the commission. Information may include amounts paid to applicants and claimants, costs and disbursements paid by applicants and claimants, and the timing of payments. The minister may require the commission to publish statistical data based on the information. There is nothing about the protection of commercial-in-confidence information such as there is for insurers in section 470(4) and 470(5). Therefore, our preference is for amendment 86, but I expect Mr Barr's will get the nod.

**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) (5.05): Government amendment No 50 addresses concerns raised by the Bar Association and the Law Society and introduces a similar protected information provision for lawyers. The government amendment is preferable as it means that lawyers or service providers would not have to continually advise the MAI commissioner that the provided information is a trade secret. The MAI commission would not be able to publish information relating to a lawyer or stated service provider if the publication of information would disclose information that relates to the practices of a lawyer or a service provider. This provides a neater solution to the issues that have been raised by the Bar Association and the Law Society and is more practical in its implementation.

**MS LE COUTEUR** (Murrumbidgee) (5.05): Mr Coe, you read the mood of the room correctly, I am afraid. The Greens will support the government amendment. We appreciate that both the Liberal and government amendments do very similar things, but we think that the government's amendment uses the protected information provisions of the bill better. This means that lawyers and service providers would not have to continually advise the MAI commissioner that protected information is a trade secret. We think this will be a slightly neater way to cover off this issue.

Amendment agreed to.

Clause 466, as amended, agreed to.

Clauses 467 to 481, by leave, taken together and agreed to.

Clause 482.

**MR COE** (Yerrabi—Leader of the Opposition) (5.07): I move amendment No 87 circulated in my name [*see schedule 1 at page 1901*]. The amendment that I am proposing seeks to change the billing so that it is consistent with the duty provisions in New South Wales. It is quite straightforward. But, again, I do not expect the Greens to support it. I want to flag that we have circulated amendments Nos 88 to 104 and put a lot of work into them, as you can imagine. However, those amendments are all consequential to amendments that have not been successful: Nos 1 to 86. Therefore we have no intention of moving them, so we will not. I want to put on the record that we support all these amendments but it is clear that they are not going to get up and, given what has already transpired, are of little relevance.

**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) (5.08): We oppose this amendment. Claims-harvesting practices are of concern in Australian jurisdictions and overseas and require a robust response. Without an offence, there is insufficient consequence to the requirement that referral fees not be paid.

This clause assists in deterring claims-farming practices that involve members of the public receiving cold calls or social media prompts seeking personal details regarding possible involvement in motor vehicle accidents. If the amendment were to go through, this clause could be easily circumvented through the payment of referral fees to a related entity such as a trust or a private company controlled by a lawyer or close associate of a lawyer. For those very sound reasons, we will not be supporting this amendment.

**MS LE COUTEUR** (Murrumbidgee) (5.09): The Greens also will not support this amendment. The amendment will substitute a new way for managing referral fees. The original section has an offence and penalty to prevent lawyers referring defined benefit applications or damages claims for legal representation. Lawyers cannot give or receive consideration. However, the Liberals' amendment removes the offence, thus, I suppose, leaving this issue to be self-regulated through professional conduct rules.

Again, the Liberal Party appears to be opposing a reasonable thing potentially just to help the legal profession, although I would have to hope that in this instance it would not help the legal profession because it is clearly not something that you would think ethical lawyers would be doing. However, any help provided is potentially at the expense of the people the scheme is supposed to benefit, which is the injured people.

It is somewhat beyond me why the Liberal Party wants to remove these provisions that protect the integrity of the scheme. I just do not understand why. The Greens believe that it is reasonable that there be an offence to help protect the integrity of the system and to ensure that claims farming offences do not occur.

The fact that we now have lawyers advertising, “Get your matter in now because the CTP rules will change,” I guess is an illustration of why laws like this are needed, because that is just crazy. Whatever you think about the rules, the rules will be the rules that are in force at the time of the accident. If you have already had an accident, you already know what CTP laws you are going to be under. Unfortunately, advertisements like that are the sorts of thing that make me think this amendment does appear to be necessary.

It appears to be a problem—possibly more for a potential problem—and this amendment addresses it. It seems that possibly the professional conduct rules may not be sufficient to cover every circumstance and every arrangement that could be made to circumvent them.

Amendment negatived.

Clause 482 agreed to.

Clauses 483 to 615, by leave, taken together and agreed to.

Proposed new schedule 1A.

**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) (5.12): I move amendment No 51 circulated in my name, which inserts a new schedule 1A [*see schedule 2 at page 1903*]. This introduces a schedule 1A, with parts 1A.1 and 1A.2. It establishes clearly those matters that are internally and externally reviewable matters in the bill. They are particular decisions that can be made by an insurer that should only be reviewed by an independent body like ACAT, due to their nature or the process that has already occurred.

Having these decisions only externally reviewable means that they can be more quickly decided by ACAT without first having to have an internal review. Similarly, the government’s view is that some disputes should not be ACAT reviewable decisions, such as where the bill itself provides a process to resolve the dispute. I commend this new schedule 1A to the Assembly.

Proposed new schedule 1A agreed to.

Schedule 1 agreed to.

Schedule 2, amendments 2.1 to 2.12, by leave, taken together and agreed to.

Schedule 2, amendment 2.13.

**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) (5.14): I move amendment No 52 circulated in my name [*see schedule 2 at page 1907*]. This amendment clarifies when an injured person must

make a notice of claim if clause 141(3)(b), the whole person impairment assessment four years and six months after a motor accident, applies to them.

Amendment agreed to.

Schedule 2, amendment 2.13, as amended, agreed to.

Schedule 2, amendments 2.14 to 2.31, by leave, taken together and agreed to.

Schedule 2, amendment 2.32.

**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) (5.15): I move amendment No 53 circulated in my name [*see schedule 2 at page 1908*]. This amendment provides clarity that the only non-economic loss damages that may be awarded at common law are damages for loss of quality of life. This is consistent with the government amendment that I moved earlier to clause 239.

Amendment agreed to.

Schedule 2, amendment 2.32, as amended, agreed to.

Schedule 2, amendments 2.33 to 2.68, by leave, taken together and agreed to.

Schedule 2, amendment 2.69.

**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) (5.16): I move amendment No 54 circulated in my name [*see schedule 2 at page 1908*]. This amendment is a consequential amendment as a result of new clause 141(3)(b), the WPI assessment at four years and six months that was part of the earlier debate on the legislation.

Amendment agreed to.

Schedule 2, amendment 2.69, as amended, agreed to.

Schedule 2, amendments 2.70 to 2.108, by leave, taken together and agreed to.

Dictionary agreed to.

Title.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (5.17): As this is the last opportunity to speak in the detail stage, I would like to put on record my thanks to all those who have worked so diligently on this legislation through the citizens jury process and through a huge level of

community engagement. There are some who have been working on CTP reform for most of this decade, and possibly even heading back into the decade before this one.

This afternoon I would particularly like to acknowledge Dr Jennifer Rayner, who has led this work as director of policy and cabinet in my office. I also thank Lisa Holmes, in particular, from ACT treasury, together with Nicola Clark, Erica Lejins, Charlotte Smith, Jayne Hines, Cecilia Willis, Karen Stewart-Moore, Sue Vroombout and Sonia Sadrani for their work in developing one of the most significant legislative reforms that this Assembly will consider in this parliamentary term, and one of the most significant and lengthy debates that we have had, in fact, in our 30-year history.

This has been an important piece of work for the government. I would like to acknowledge the incredibly close and hard work with the ACT Greens—Ms Le Couteur and her staff—where the very fine detail of this legislation has been worked through over many meetings. I thank the Greens party for their detailed and considered engagement and for working closely with the government in order to achieve a reform that has been waiting for quite some time.

I am very pleased tonight with that work as a result of the citizens jury process, through the exposure draft process and through the detailed engagement, including the engagement of the opposition through the detail stage of the debate. We did not vote for many of your amendments but there were some that certainly sparked a government response. I take the opportunity to acknowledge the work of the Leader of the Opposition and his office in engaging on this matter. We have very different perspectives, obviously, on the final outcome, but I acknowledge that this has been one of the more significant issues that has come before this place.

I thank members from across all parties, staff from across all parties, and officials for their support. Finally, I thank as well the Assembly staff who have provided us with very detailed and effective running sheets to work through what has been a very significant bill. With that, I commend this legislation to the Assembly. It is a long overdue reform. Canberra motorists will benefit. I thank all members for their engagement and for their support for this legislation.

**MR COE** (Yerrabi—Leader of the Opposition) (5.21): I too want to extend my thanks to everybody who has contributed to this debate: in the department, the community, the jurors, members of this place and, of course, the staff of members and the staff of the Assembly. We are very disappointed with the legislation that is about to be enacted. We think that this legislation is going to leave accident victims considerably worse off. To that end, it is a dark day for all victims of motor vehicle accidents in the ACT.

The legislation is going to come into effect on 1 February next year. At that time, I expect that we are going to see many intended and unintended consequences that will be detrimental for our community. I also think there may be some concerns or some issues with regard to the human rights compatibility of aspects of the legislation. That is something that will have to be tested in other forums.



I particularly want to thank the drafters who worked on our amendments, particularly Christina, David and Daniella. They did a superb job of working on this legislation. It is a huge body of work. I imagine it is a little bit daunting and at times hard to be motivated as a drafter when you have instructions from the opposition that you know have a fair chance of not progressing. But of course we need to have this facility. We do need to have these amendments drawn up so that we can ensure that we get the best possible legislation. I really am very grateful to PCO for their extraordinary professionalism and all that they do to support democracy in the territory.

I also want to thank the many victims of accidents that have made contact with our office and that we have chatted with. I thank the Bar Association and the Law Society for all their advice, and I thank Mr Barr's office and Ms Le Couteur's office in particular. Finally, I thank Ausilia in my office, who has done a huge amount of work on this. It really is extremely complex, extremely detailed and very hard to get your head around. I have been very fortunate to have had someone in my office who has been able to really take charge of this from go to whoa. Again, we are disappointed with this legislation. It is going to lead to worse outcomes for motorists and victims of motor vehicle crashes in the ACT, but I hope that in time we can right this wrong.

**MS LE COUTEUR** (Murrumbidgee) (5.24): I also thank, basically, the same people as the two previous speakers have. I thank government and opposition members for their engagement in this very long and protracted debate. Particularly, from the Greens' point of view in terms of staff, I thank Matt Jorgensen, who is sitting here; from the Liberal Party, Ausilia; and from the government's side, Dr Rayner. I am sure there are quite a few other people who have been working a little further removed from my particular involvement, but I thank them very much.

I particularly thank the citizens jury for their hard work on this. It is definitely true that without that citizens jury this result would not have happened. Some of you have different views on that, but that statement, I am sure, is true. There are some important things about the citizens jury. Firstly, it was the first attempt in Canberra to do this. This is not the time to go through all the pluses and minuses, but it is a very interesting process and one that has been good as a whole for the ACT and that shows some of the ways that we can refine the citizens jury process.

I thank the citizens jury for clearly establishing the fundamental change that has been made in this system. Instead of a system where, if you wanted to get some compensation, if you were part of an accident, you had to be able to find someone else responsible—that was the common-law system; it very much had winners and losers—what the citizens jury has said is, “We would like a system which is fair for the people of Canberra so that it treats everybody who is injured as part of a motor vehicle accident effectively the same, at least for the first five years, so that everyone gets themselves patched up as best they can after a very unfortunate accident.”

That is the fundamental change. It is going to mean that around 600 people per year will be better off than they would have been under the old scheme. The Greens think that is an important step forward for fairness. I am sure there will be issues with the new scheme.

I thank the two law-related societies for their input in this. They certainly have a much better grasp of how CTP law works than I or anyone in the Greens office does. I thank them for their input. They may not have always thought that we were appreciative but we were, and I know their input has improved the legislation that we have before us.

There have been a lot of changes to the legislation from the initial draft to what we are now passing, and I think that all those changes have been positive. Some of them have been made by the opposition; some of them have been inspired by the opposition; and some of them have been inspired by the discussions that the Greens and the Labor Party had, at inordinate length sometimes, it seemed to me. I am confident that, as a whole, the Assembly has ended up with better legislation than was originally presented, and that is the Assembly doing the job that the Assembly should do.

I have no doubt that there are still some issues that we have not got quite right. I truthfully look forward to the three-year review of this legislation, how it works. I think that is enough time to ensure that there has been a degree of cases to see what is actually happening but soon enough that if anything really has gone wrong we can change it and make things better. I commend this legislation to the Assembly and thank all those involved in getting us here.

Title agreed to.

Question put:

That this bill, as amended, be agreed to.

The Assembly voted—

Ayes 12

Noes 9

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

Question resolved in the affirmative.

Bill, as amended, agreed to.

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

Debate resumed from 4 April 2019, on motion by **Mr Steel**:

That this bill be agreed to in principle.

**MRS KIKKERT** (Ginninderra) (5.33): The Canberra Liberals will be supporting this bill today in principle, though I will be raising a number of concerns to be noted by the Assembly. Most of the amendments in this bill update the Working with Vulnerable People (Background Checking) Act to align with principles found in the Intergovernmental Agreement on Nationally Consistent Worker Screening for the national disability insurance scheme, produced jointly by the commonwealth government and the government of each state and territory. Because each jurisdiction has its own background checking scheme, the intergovernmental agreement provides general principles that must be translated into specific legislative changes in each state or territory. This bill therefore includes amendments intended to make ACT law comply with agreed national harmonisation around the screening of NDIS workers.

This bill also includes a handful of amendments that are not NDIS related. The explanatory statement notes that we should expect two more amendment bills designed to implement changes arising from the review of the territory's working with vulnerable people scheme undertaken during 2016 and from the report of the Royal Commission into Institutional Responses to Child Sexual Abuse. When I asked why some of these amendments had been brought into this otherwise NDIS-focused bill, I was told that the intention was to include some of the easier changes and to try to be prospective regarding what are understood to be future consequential amendments.

The Canberra Liberals of course support efforts to protect vulnerable people, including those enrolled in the national disability insurance scheme. We therefore support the intergovernmental agreement's objective of reducing the potential for NDIS providers to employ or engage individuals who pose an unacceptable risk of harm to people with a disability. We also support the eight principles listed in the agreement. For these reasons, we will be supporting this bill as drafted. At the same time, I note the following concerns, in order.

First, clause 21 inserts a new requirement that all applications for registration must include "a written statement about whether an allegation has been made in relation to a regulated activity and, if so, the details of the allegation". This is in addition to already requiring a written statement regarding whether the applicant has been convicted or found guilty of a relevant offence. Section 23 of the act then defines exactly what a relevant offence is. The problem is that "allegation" is never defined in the same way. It is not, for example, specified as an allegation of having committed a relevant offence.

When I sought clarity from the minister's office on this point, I was advised that the definition of allegation in the proposed amendment is just its ordinary dictionary meaning—in other words, "a statement made, without giving proof, that someone has done something wrong or illegal". This is an awfully broad definition. Without further clarification, some applicants might understand this new requirement to include providing a list of every occasion when someone has suggested they were doing something wrong in the course of their duties, regardless of whether it has any relevance. I wish to go on record suggesting that this point can and probably should be made clearer.

Second, section 37 of the act currently states that a negative notice must include “the reasons for the negative risk assessment” and what steps the applicant can take to seek a reconsideration of that decision. Clause 37 in this bill, however, alters this requirement such that:

the commissioner must not tell the person the reasons for the negative risk assessment if the information must not be given to the person under this Act or any other law in force in the ACT.

I fully understand the reasoning behind this inclusion. My concern is about what exactly an applicant in such a situation will be told.

When I raised this concern with the minister’s office, I was informed that the precise wording of such a notification has not been determined yet but will be before the act commences in July next year. I suggest that great care be taken in preparing the wording of this correspondence. Merely telling people that they have failed a risk assessment without providing any reason or explanation is going to raise questions and quite possibly generate anger.

If such a person were to contact my office, I would be compelled to explain the sole reason I know of why explanations cannot be included in a negative notification: that an active investigation is underway and that disclosing reasons for a negative notification could compromise that investigation. That is the sole reason given in the explanatory statement. If that is the reason, then I am not sure it would not be better to figure out a way of letting a person know that generally, rather than having a very angry constituent learn it from his or her local member.

I note that in the updated explanatory statement the minister did address the scrutiny committee’s concerns about such a person’s right to review by pointing out that application to the tribunal will still be an option and that the tribunal can request the relevant information. But this does not change the fact that a clear answer why reasons have not been provided directly to the applicant needs to be included in any notice where that is the case, in order to avoid misunderstanding or complaints. I ask the Assembly to note this concern and recommendation.

Third, clause 43 requires an applicant, upon making a request for reconsideration of a conditional registration, to provide to the commissioner any new or corrected information. This is a wise amendment as it seeks to avoid an administrative loop wherein an applicant can endlessly apply for reconsideration without any additional information. Clause 44, however, removes the obligation of the commissioner to consider this new information. The updated explanatory statement states that this allows the discretion of the commissioner to determine the relevance of the information and whether to consider it. This clarification is useful but, at minimum, it would have been useful to include in the bill itself that any new information must be assessed for relevance. I again ask the Assembly to note this concern.

Fourth, clause 52 introduces the concept of interim conditional registration and lays out the regulations that govern it. The explanatory statement for this clause notes that

it is not the intention for an interim condition to be applied for activities involving working with children. This intention, however, is not present in the proposed legislation. When I queried the minister's office as to why, I was told that the risk assessment process itself may make this clear, but I have not received any clarification that this is the case. Again, I wish that this concern be noted.

Finally, clause 60 of the bill greatly expands the list of designated entities that the commissioner may give protected information to, roughly doubling the number. I understand that this information-sharing is always to be on reasonable grounds that the information is relevant to preventing harm or risk of harm to a vulnerable person or class of vulnerable people. I do not wish to argue against the importance of sharing relevant information. When I asked what guidelines were used in determining which new designated entities should be included, however, I was told that some of it arose from national harmonisation. But the intergovernmental agreement itself does not provide a recommended list of designated entities that should be receiving protected information. When this was pointed out, I was told that the guidelines used are not publicly available.

I note here that the scrutiny committee also raised concerns about the right to privacy and reputation in relation to this clause and asked that the minister consider revising the explanatory statement to provide justification for these changes, using the framework set out in section 28 of the Human Rights Act. No such justification appears in the updated explanatory statement, however, and I ask the Assembly to note my concern about this fact. As I have stated, no-one wants there to be obstacles to the sharing of information necessary for protected or vulnerable people, but this proposed amendment raises concerns that have not been satisfactorily addressed. The Canberra Liberals will certainly keep an eye on how this section of the act operates once updated. If necessary, we will return to this place with any resultant issues.

The Canberra Liberals will be supporting this bill in principle, despite these five concerns or five unanswered questions. We want the ACT to be able to perform its agreed role when it comes to the background screening of NDIS workers. We want our working with vulnerable people scheme to function at its very best. I hope that the issues I have raised today will be resolved, going forward, in the best possible way. I look forward to hopefully having fewer unanswered questions about the two more amendment bills we have been told to expect in relation to the Working with Vulnerable People Act.

**MS LE COUTEUR** (Murrumbidgee) (5.44): I support the Working with Vulnerable People (Background Checking) Amendment Bill. It is my understanding that, in essence, this bill seeks to include specific provisions to allow background checking of people who intend to work or volunteer in NDIS activities in which the contact with people with a disability is more than incidental. These provisions include the need for an applicant to provide additional information, including employer details and their NDIS registration number, when they are seeking a working with vulnerable people background check for the purposes of working for or as NDIS providers. Proposed schedule 3 makes it very clear what types of offences will disqualify a person from receiving registration and those for which exceptional circumstances may allow registration.

As I said, on the face of it this amendment bill does the right thing by including NDIS providers and workers and clarifying the terms and conditions upon which registration can be given or denied. I note this is a requirement under the intergovernmental agreement and is consistent with the NDIS act. This tranche of amendments is timed so that the ACT government can meet its obligations under the IGA. However, I note that quite a few comments have been made by the JACS scrutiny committee with regard to how the legislation and explanatory statement have been written. In their present form this appears to be quite a complex or possibly even convoluted way of including these changes. I am aware that the minister was asked to respond to several of the issues raised and I am pleased that this has happened.

I note that there is intention to further amend this legislation, in line with recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse. I hope these amendments will result in consistency and clarity across the legislation when they occur.

I fully support the specific inclusion of people working with or volunteering in the NDIS sector, as it is clear that people with disability are particularly vulnerable to abuse. I have no doubt that the Royal Commission into Violence, Abuse, Neglect, and Exploitation of People with Disability will uncover horrific and systematic abuse, possibly greater than we have imagined.

We already know that people with a disability experience disproportionately high rates of violence and sexual abuse and other forms of abuse and neglect. Some research articles indicate rates of sexual violence against women with a disability as high as 90 per cent, and for men it is still a very high 60 per cent. These are astronomical numbers, but they are not just numbers; they are people and their experiences and their lives.

The lives of these people have been devastated not just by experiencing abuse but through their inability to get traction when seeking justice. All too often we hear about people with a disability not being believed when they tell someone about the abuse. Even if they are believed, they can be deemed unreliable witnesses because they need assistive communication devices or because they may have an intellectual disability.

Of course, if violence and neglect of people with disability can be prevented in the first place that is where our efforts should be, and that is where this legislation provides protections. Strengthening background checking processes for those working or volunteering in the disability sector is an important avenue to increasing protections.

I note that seniors in their own right do not appear to be covered by this legislation, just insofar as they may be resident in a respite care facility. As we hear more about the exploitation and abuse of people in the aged-care system through the current Royal Commission into Aged Care Quality and Safety, we may—in fact, I fear we will—need to turn our minds to ensuring that any senior in need of support is also defined as a vulnerable person in our community and will thus not only deserve but, hopefully, get at least the same protections as other vulnerable peoples in this legislation. The Greens support the bill.

**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) (5.48): I rise to make a very brief contribution in support of this bill. As Minister Steel has previously outlined, this bill introduces disqualifying offences for those seeking working with vulnerable people checks for the purpose of working in an NDIS activity. A person who has committed an offence listed in the bill will be automatically excluded from working or volunteering in this area.

I cannot overstate the importance of a connected approach to quality and safeguarding and the early identification and exclusion of those who pose a risk to vulnerable people. National worker screening, of which the amendments in this bill form part, is an important element of the ACT government's commitments under the national disability insurance scheme's quality and safeguarding framework.

Background checking has a preventative effect by deterring individuals who pose a risk of harm from seeking work and preventing them from working in the sector. Our capacity to impose restrictions on people who have demonstrated by their past behaviours that they pose an unacceptable risk to vulnerable people is enhanced by this bill and by the nationally consistent screening and monitoring it contributes to.

National worker screening will also support the disability sector as it continues to respond to rapid growth and demand under the NDIS. As the workforce has grown and changed, it has become increasingly important for employers to ensure that workers have the right attitudes, knowledge and skills to effectively support participants and to prevent and detect abuse and neglect. National checks that are portable across jurisdictions take into account a wider range of information and reduce red tape for employers, supporting the sector to build a skilled and safe workforce and increasing participants' genuine choice of control.

The transition to the NDIS has brought many changes to the framework that safeguard people with disability. In implementing these changes the ACT government has worked to ensure that the transition to a new national quality and safeguards commissioner for NDIS providers and those involved in the sector has been as smooth as possible.

The ACT government will transfer responsibility for the regulatory oversight of NDIA-registered disability service providers to the National Disability Insurance Quality and Safeguards Commissioner from 1 July this year. These measures, along with other oversight mechanisms in the ACT, such as the ACT Senior Practitioner, for the reduction and elimination of restricted practices, and the Disability and Community Services Commissioner within the ACT Human Rights Commission, aim to support and uphold the rights of people with disability and protect them and prevent them from experiencing harm.

These amendments will strengthen protections for vulnerable people in the ACT and will enhance our capacity to improve restrictions on people who pose an unacceptable

risk to vulnerable people. They are another important step in ensuring that people working in NDIS services do not pose a risk to participants. I commend the bill to the Assembly.

**MR STEEL** (Murrumbidgee—Minister for City Services, Minister for Community Services and Facilities, Minister for Multicultural Affairs and Minister for Roads) (5.51), in reply: I thank members for their contributions to the debate on the Working with Vulnerable People (Background Checking) Amendment Bill 2019. Since 2012 the scheme has delivered a broad spectrum background checking scheme to help reduce risk for vulnerable children and adults. As we have reviewed the scheme and how it operates and considered the new policy challenges of the NDIS and matters arising out of the royal commission into institutional child sexual abuse we have looked at amendments necessary to the scheme. The amendments in this bill will further strengthen protections to help reduce harm to and neglect of vulnerable people in the territory.

The primary changes arising from these amendments are the inclusion of regulated activities specifically for the purpose of working and volunteering in the national disability insurance scheme, the inclusion of disqualifying offences for NDIS activities, the inclusion of interim conditions of registration and the removal of registration cards.

I thank the scrutiny committee for their comments on the bill. As a result I will be moving some amendments to the government's bill, which I will comment on in the detail stage. The committee commented on the engagement of human rights and how requests for reconsideration and registration engaged the right to a fair trial. The bill removes the possibility of a never-ending administrative loop of requests for reconsideration of registration.

This improvement balances the volume and frequency of evidence submitted to the commissioner by a person they believe relevant to their case with the commissioner's expertise to determine the relevance of the information and whether to consider it. This will streamline the review process, seeking to provide outcomes to applicants more quickly. This simple change will provide greater operational efficiencies which can be translated into tangible benefits to any users—registered workers, volunteers and the vulnerable people they support.

Over the past five years we have been engaging with our national and jurisdictional colleagues on the NDIS and the responses to the royal commission. Many of the amendments proposed in this bill give effect to the full implementation of the NDIS. We retain responsibility for screening workers and cannot fully participate in the broader national reform approach to workers screening until our legislation is in place and Access Canberra can undertake the necessary change management to incorporate these changes into its operations.

Key changes in the bill relate to people working specifically in a new activity, which I have mentioned. The bill introduces the new concept, which has been recognised nationally, of disqualifying offences. The committee raised issues with the delegation



of legislative powers arising from the introduction of disqualifying offences and other human rights engaged by the bill.

Disqualifying offences are those offences which are typical of the most egregious patterns of behaviour. The inclusion of disqualifying offences in this bill and the associated limitations and exceptions only apply to those seeking registration for the new regulated NDIS activity.

While anyone will be able to apply for registration under the act to participate in the regulated NDIS activity, if a person is excluded on the basis of a disqualifying offence then that person will not be permitted to make an application in the future to participate in an NDIS activity. That person will be permitted to make a general application for registration. Based on a full risk assessment, the commissioner may determine to register a person generally or under a condition or not register. The commissioner may also determine that a person poses an unacceptable risk to all vulnerable people and decide not to register them.

I acknowledge the human rights concerns raised by the committee in pursuing these amendments to the act. Decisions have had to be made to balance the rights of those who wish to register and to work and the rights of those who need to be protected. Although the government has worked hard to minimise the impact of the small number of people who may be captured under these amendments, the limitation of their rights is unavoidable. The rights of the applicant have to be weighed against those of vulnerable people, and it was determined that a vulnerable person's right to life, their right to be free of torture and other harms and the right to be a child are prevailing rights. While some of those rights will need to be limited, I am obliged to minimise that limitation as far as possible.

I spoke earlier about the provisions enabling a person to apply generally, subsequent to being excluded from participating in an NDIS activity on the basis of a disqualifying offence. Other limitations include interference with a right to privacy. Wherever this right has been limited it has been with the express purpose of preventing harms and is only requested to assess risk and prevent harm.

Many of the decisions included in the bill have been made reviewable, in acknowledgement of the limitation of procedural fairness and other rights. In this way, for example, if a person is provided with a negative notice and the commissioner is unable to provide reasons for the negative notice due to the potential of impeding another investigation, the person may seek a review by the civil and administrative tribunal which is able to request information from the commissioner and make a decision. I will comment on the amendments in the detail stage which also follow up on the scrutiny committee's comments.

This bill will further enhance the protections for vulnerable people in the ACT. It is predicated on discussion and agreement at the highest levels of the Australian government and other national governments and progresses policy expressly intended to improve the lives of people with a disability in the ACT accessing NDIS services. It is also the first step forward in ensuring that the blanket of protection extends across

borders to create a national system of protection against harm and abuse against vulnerable people. I commend the bill and the amendments to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Bill, by leave, taken as a whole.

**MR STEEL** (Murrumbidgee—Minister for City Services, Minister for Community Services and Facilities, Minister for Multicultural Affairs and Minister for Roads) (5.58): Pursuant to standing order 182A(c), I seek leave to move together amendments to this bill that are in response to comments made by the scrutiny committee.

Leave granted.

**MR STEEL:** I move amendments Nos 1 to 8 circulated in my name together and table a supplementary explanatory statement to the amendments [*see schedule 3 at page 1908*]. I mentioned that we had responded to the scrutiny committee by making some government amendments to this bill in light of the committee's comments in relation to how disqualifying offences might be added to the act. The amendments will withdraw the provision that would enable the making of disqualifying offences through regulation, requiring that all disqualifying offences be included in the primary legislation. On reflection, I believe this is reflective of the level of impact on a person.

Any future changes to disqualifying offences arising out of national agreements on the royal commission or other reforms will require an amendment to the act. I anticipate that if offences need to be added to the schedule without other substantive amendments to the act these might be brought forward by way of a statute law amendment bill.

The committee asked that I clarify the intended operation of the bill regarding allegations of disqualifying offences. My amendments relate to the meaning of non-conviction information, which will explicitly include the consideration of non-conviction information by the commissioner as it relates to a person's disqualifying offence. Non-conviction information may be the source of exceptional circumstances for class B offences and evidence of mistaken identity for class A offences. We want to ensure that the commissioner is able to consider all relevant information before making a decision about whether to issue a negative notice.

Amendments agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

## **Minister for Education and Early Childhood Development**

### **Motion of censure**

**MR COE** (Yerrabi—Leader of the Opposition) (6.01), by leave: I move:

That this Assembly censure Ms Berry (Minister for Education and Early Childhood Development) for the offence she caused by her use of the words “dumb students” in a media report about NAPLAN.

It is very important that we in the Assembly uphold the standards expected by members of the public. It is absolutely clear from Ms Berry’s words this week that she has let down many people in our community. That is why the Assembly needs to censure Ms Berry for the offence she caused by her use of the words “dumb students” in a media report about NAPLAN.

This week was a trying time for many teachers, students and families in the ACT as they underwent NAPLAN testing. We as a community need to support all these people as they go through this testing time. What was apparent in the media reports on Tuesday night, which I gather were based on comments the minister made last month, is that she does not respect the role teachers and students and school communities play in the ACT.

NAPLAN is quite controversial; there is no doubt there are mixed views in the community about NAPLAN testing and how it should be interpreted. Whilst there is definitely a fair degree of debate about how good it is to compare school communities, there is relatively little debate about its effectiveness in being able to guide teachers in how they teach students in their class in their school.

The nature of testing is that you get a spectrum; you get a continuum of results. To say that some kids in years 3 and 5 at one end of the spectrum are dumb is a bitter insult to many Canberra families. It is not the kind of professionalism we expect from the education minister in the ACT.

Teachers at the front line are working often in tough conditions, taking their work home with them and thinking about how they are going to tailor their lessons and their education of students, especially those who are struggling. When Ms Berry dismisses these kids as being dumb it is an insult to everyone involved. I think it is very important that everybody here stand up with a united voice and say that we do not tolerate this language. We owe it to all the students in the system. We owe it to the parents and families, and we certainly owe it to the teachers.

We often hear from those opposite that words have consequences. Well, let’s see if words have consequences for the education minister, because her words certainly had a consequence in the community. We have chatted to many teachers and many families that have been astounded by her lack of professionalism. I am just grateful that our teachers are far more professional than this education minister. Those in the Education Directorate and in both our public and private schools do a wonderful job for our community. It is a shame that is not being matched by their minister.

**MS BERRY** (Ginninderra—Deputy Chief Minister, Minister for Education and Early Childhood Development, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (6.06): Thank you, Mr Coe, and the Canberra Liberals for bringing this motion on today as it gives me a chance to clarify the public apology I made. For the information of members, I will read the full text of what I sent as a result of some media inquiries about this issue:

I used a poor form of words, and I apologise. I have not and never would call any person dumb. The point I have consistently made is that NAPLAN in its current form has too many students forming negative perceptions of themselves and their schools. Since I became Education Minister I have continually worked to try to move NAPLAN away from its high-stakes nature—particularly the stress and anxiety it can cause.

My record on this issue is very clear—the risks and inequities of the current high-stakes NAPLAN regime were raised with me repeatedly through the future of education process and other engagements with students, teachers and parents from both public and private schools.

In March last year my op-ed clearly articulated my views, and they have not changed. Every year since 2010 at around the beginning of March the Australian Curriculum Assessment and Reporting Authority, ACARA, publishes school-level NAPLAN data on the My School website and around the beginning of March each year there is a flurry of commentators who analyse the data to identify the winners and losers and publish league tables even though the federal government was adamant this would not happen when NAPLAN and My School were introduced.

The more I get to know Canberra school leaders and teachers, the more I realise our current approach to NAPLAN gets in the way of schools and teachers getting on with their job and educating children without an army of overnight experts looking over their shoulder. The fact that NAPLAN has become a trigger for stress, anxiety and depression among young people fearful of letting someone down, as opposed to a constructive tool for learning, is in itself a reason to question the culture we have allowed to emerge. This high-stakes culture may be doing more harm than good.

I first took these concerns to the Education Council in late 2017. In the course of numerous meetings I managed to gain consensus around the need for a review of how NAPLAN is reported. That review is being conducted by the ACT government on behalf of education ministers from every other state and territory around the country as well as the federal education minister. That says a lot for how the consensus was reached amongst education ministers about a way forward to remove the harmful effects of reporting from the NAPLAN process. That review is being completed, and I expect to take it up to the next Education Council meeting, scheduled for June.

Although I used a poor choice of words, they sadly reflect how many young people feel, and this is because of how NAPLAN is reported right now. To be clear, the government is not opposed to standardised testing, and the ACT's early adoption of NAPLAN online proves that. What we object to is any process which puts our young people under unreasonable pressure or stigmatises those who might not enjoy the

same privileges as others. I table a number of media statements and articles which show my very consistent position on these matters:

Media releases—

School isn't a competition but maybe we're treating it like one—Latest news from Yvette Berry MLA, dated 27 March 2018.

Canberra students show overall high NAPLAN performance, dated 28 August 2018.

NAPLAN review a mixed outcome, dated 22 June 2018.

Audit report backs up government direction on the Future of Education, dated 1 June 2017.

The motion by the Canberra Liberals today is a poor attempt at scoring some political points when my record has been very clear publicly and in this place. I will continue to work towards improving education for all our children and to ensuring that no stress or anxiety is caused to young people as a result of NAPLAN reporting.

**MRS DUNNE** (Ginninderra) (6.11): I thank the Leader of the Opposition for moving this important motion today. A decision to move a censure motion is never taken lightly but, like other influential members of our community, politicians must be held accountable for their words and their actions. The words that the minister for education used, apparently last month but publicly broadcast on WIN television this week, were extraordinarily inappropriate, highly offensive and utterly disrespectful. Yet for some time they remained on the public record without apology or recognition.

There does appear to have been some apology that has been amplified today but only because of Mr Coe's censure motion. Understandably, there was outcry from the Canberra community. So this minister goes on the defensive. Her lame defence for this is, "I used a poor form of words." I do not know what planet we live on when the minister for education would use the words "dumb kids" in relation to school testing.

There is certainly no doubt that this was a poor form of words. The minister's behaviour goes utterly against the government's own policy of encouraging students, giving them a lift and not isolating them. Is this the best that the Minister for Education and Early Childhood Development can do? To make this reference, even in passing, to kids who are doing exams as "dumb kids" is a poor choice of words.

Perhaps she thought her comments needed further clarification when she said, "I do not and never would call any person dumb." But that is exactly what she did. They were the words on WIN television the other night. But even that is insufficient. On the one hand she had derided a group of students and on the other hand she says that she would never say such a thing about an individual person. Does this mean that the minister thinks it is okay to insult a group of people?

In her lame explanation this minister failed to recognise the hurt that was inflicted on students who had been labelled as dumb by the education minister. The minister failed to recognise the anger that would be felt by those parents in our community who have had their children labelled as dumb by their education minister. The minister failed to

recognise the disbelief that our community would and should feel at having their generation labelled as dumb by our education minister.

We just had the lame excuse, and I quote again: “I used a poor form of words.” Madam Speaker it was an appallingly poor form of words. This minister has paid little more than lip-service to the hurt and anguish, the disappointment and anxiety, the smashed self-esteem that these students and their families have suffered because of this minister’s unthinking behaviour.

I remind you, Madam Speaker, that the unthinking behaviour of this minister is in direct conflict with and in direct contrast to the government’s policy of building confidence in students in our education system in Canberra. Sadly, this is not the first time that this minister has sought to distance herself from her own actions or inactions. I instance the dozens of parents who wrote to her and the education directorate over many months outlining their concerns over the relentless bullying and violence their children had been facing in our schools.

What about the constant denials and claims about a safe and respectful pathway to deal with bullying and violence? It all sounds very familiar. Just ask the teachers who have faced unacceptable levels of occupational violence in our schools. What about this minister gloating that she was the only education minister—that is her quote—taking the issue of occupational violence seriously?

What about her bragging that the ACT had, and I quote again, “a nation-leading policy to deal with protecting our teachers”? I do not think the teachers had noticed that. What about the Work Safety Commissioner, who took the extraordinary step of issuing her directorate with an enforceable undertaking to get their act together? There was no recognition, no apology and no responsibility.

Madam Speaker, this education minister is a senior member of this Labor-Greens government. She is the Deputy Chief Minister and, in the absence of the Chief Minister, she is the acting Chief Minister. This minister supposedly is a leader in our community. Therefore, she should and must know better. A good leader will recognise their shortcomings and take full responsibility for their actions. This minister is supposed to be a leader.

She now must lead and take responsibility for her offensive words and the impact of those offensive words on the community instead of resorting to the lame, defensive response that she has demonstrated in the media and here in the chamber today. What the minister immediately did was to say, “I want to clarify my apology; I am sort of sorry, but it is really the fault of NAPLAN.” Supposedly, this minister is the leader of our education system, an advocate for schools, a role model for our students. She must give an unreserved apology for her offensive words.

The Chief Minister too needs to consider seriously when enough is enough. We have the litany of failures of this education minister, from escalating bullying and violence amongst our students, the unacceptable levels of occupational violence faced by our teachers, our continuing decline in academic standards, the reports of vandalism, and the issues of asbestos left unaddressed in our government schools. But, even worse

than that, we now know that this minister does not even respect the very people—our students—that rely on her for their future.

I commend the motion brought forward by Mr Coe today. I look forward to the former education minister and Greens leader showing us what he believes is an acceptable standard of behaviour for an education minister in charge of 88 schools and 48,000 students. As a former shadow education minister, I want these students to know that, despite the disrespect of their minister, they are valued by the community, they are valued by the Canberra Liberals and that no test determines whether they are, in the minister's words, dumb or smart.

**MR HANSON** (Murrumbidgee) (6.18): I am a parent of a child who is participating in NAPLAN today and I therefore relate to many thousands of fellow Canberra parents who are distressed by the minister's comments. Having spoken to other parents, the consensus is that NAPLAN is a useful tool because it provides clarity for teachers and parents as to how children are progressing with their academic results.

I spoke today to a parent of a child I know well. He is a lovely kid; he has a high IQ but he has mild ADHD and mild dyslexia. As a result that child struggles with self-confidence about his intelligence. It is not that he is not intelligent; it is just that he has learning difficulties. Describing as "dumb" the kids who have those sorts of learning difficulties and who sometimes perform poorly in tests as a result is incredibly hurtful. The parents of that child are very distressed. Thankfully, that child is unaware of the minister's comments because they would cause yet more distress to that child who already suffers from lack of confidence in relation to their intelligence. I know this kid very well and I know they have a high IQ.

I am disappointed that the minister did not come in here and just accept that she got this one wrong, accept the responsibility for that and accept that this has caused hurt. There is no excuse for this. No self-justification should be necessary or deemed acceptable. Sometimes in life, as MLAs and leaders in our community, we get it wrong. When we do, it is important to send a message to the parents and to their kids: "I got it wrong. I unreservedly withdraw what I said. I accept full responsibility." The minister has not done that.

This has been an exercise in justification of the minister's comments. She has diminished herself further by doing that and has further clouded this issue. I fully support this censure motion. If the minister had unreservedly apologised and not tried to justify it, I would not feel as strongly as I do. A lot of people have been hurt by this and the minister needs to acknowledge it.

**MR BARR** (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (6.21): It goes without saying that the government will not be supporting what is another political stunt from the opposition. The Deputy Chief Minister has been clear that she misspoke. She has apologised for that and set out the context in which the remarks and the misspeak were made and the point she was endeavouring to make—that she has consistently been making over quite some time now—about how NAPLAN data is misused by some elements of the media in order

to create league tables to seek to damage the reputation of particular schools and particular teachers, and which impact the self-belief and self-worth of many students.

That is not what NAPLAN was designed to do. I recall at the time—I was the education minister when this was introduced nationwide—these issues were front and centre of the considerations of the education ministerial council at that time and I think it is right for Minister Berry to continue to advocate on this question.

It is perfectly reasonable for Minister Berry to point out, as she has done this evening, her clear and consistent approach to this matter. To have achieved a review of how this data is utilised is an important practical outcome that goes to addressing many of the concerns that those opposite have raised this evening. Anyone in public life has at one point or another not expressed themselves in this place or in a media interview as clearly or as well as they might have liked, with hindsight.

I still remember Mrs Dunne's infamous 2004 speech about adoption, where she made some comments about people like me that still stand on the public record in this place. That was a very deliberation intervention and a very clear speech that she said at the time was difficult to say but had to be said. She is entitled to put those views on the public record in this place. Fifteen years later she may or may not have changed her mind in relation to those matters.

I understand that the opposition seek to score a political point here, and fair enough. They do not have many wins in this place, so they may as well try tonight on this one. But, in all seriousness, all of us at one point or another have probably not expressed ourselves as clearly as we would hope. The minister has apologised and clarified the point she was attempting to make, which was consistent with the points she has been making for a number of years now.

Being lectured by Mrs Dunne on these sorts of things just is a bit rich. She, like me and like most of you, has at one point or another not expressed herself well or misspoken. We come into this place or in another context—in front of the media—and we apologise, we correct the record and we move on. That is exactly what Minister Berry has done.

This seems to me to be a level of pointscoring that befits the fact that we are 48 hours from federal election day and reflects what has been a tough week for the opposition, where they are looking to score some political points at 25 minutes past 6.

**Mrs Jones:** Every week's a tough week.

**MR BARR:** Every week is a tough week for the opposition; that is true. A point you make regularly and a point that is understood. I think even Mrs Dunne might have famously said to me one day that even the worst day in government is better than the best day in opposition.

**Mrs Dunne:** I don't know that I did.

**MR BARR:** I think you did, actually.



**Mr Hanson:** I think it was Brendan; that's why he joined you.

**MR BARR:** I think Mrs Dunne might have as well. She may have even said it in this place, on the public record. She certainly said those things in 2004, and those who are interested should go back and have a read. It is a striking insight into Mrs Dunne's views at that point in time. She may have changed them. She might express herself differently now. Who knows? Time will tell.

Tonight we will not be supporting this political stunt. Minister Berry has done the right thing and apologised. She has clearly expressed the point she was trying to make. She has tabled a significant amount of information that reflects the policy position she has been putting for some time now. Really, at 6.30 on a Thursday night this is nothing more than a stunt.

**MR RATTENBURY** (Kurrajong) (6.27): Clearly the words used by the education minister are deeply regrettable. She should not have used those words. She has been very clear about that, and the minister has apologised. From the Greens' point of view—Ms Le Couteur and I have discussed this—we have no doubt that if the minister had her time again she would choose a different set of words. I share the Chief Minister's view that each of us at some point in our lives has said something in a way we wish we had not. I have no doubt that the education minister feels the same way.

I know the minister's views on our education system and the importance of supporting all students, particularly her views on supporting our most vulnerable students. I have seen her make the arguments in cabinet about the need to resource adequately—in fact, you could almost say more than adequately—those students who need extra help to make sure they get the assistance they need. I have no doubt about where the education minister comes from on these matters. I accept her comments that she expressed herself in a way she regrets. We are happy to accept that and consider that to be the end of this matter.

I reflected on the comments made by Mr Hanson about being thankful that the young man he was talking about was unaware of the comments, because if he had been aware it would have caused more distress. That did not stop the Liberal Party from recirculating those comments all over social media. They really worked hard to make sure people who missed it on TV and might not have been aware of it were made aware of it. Before they come in here and get all sanctimonious about it, it would be worth reflecting on their conduct—they certainly tried to make sure that anyone who had missed it did catch it, and that did not help the situation. We will not be supporting the censure motion. We think the clear apology made by the minister brings the matter to an end.

*At 6.30 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.*

**MR COE** (Yerrabi—Leader of the Opposition) (6.30), in reply: I thank those who contributed to this debate. At least everyone expressed that it was the wrong thing to

say. The difference is that only one party in this Assembly is saying that words have consequences and that the minister should be held to account. For Mr Rattenbury and Ms Le Couteur to let the minister get away with this and not reprimand her for these comments once again shows that they value their relationship with the Labor Party more than they value the Canberra community. If the Greens put the Canberra community first they would hold this minister to account. Instead, they continually run interference for a minister who describes kids in the ACT as dumb. For the minister to deny that she said it about kids pretty damning.

Can you imagine what would happen if a Liberal MLA had been on TV on Tuesday night and described students as dumb? Can you imagine the outcry? Can you imagine the emails we would have got from the AEU? Of course, when it is the Labor Party it is a different story. We will stand up for the teachers of Canberra, who have been let down by their minister. They have been let down by the Labor Party. They have been let down by the Greens. The kids, families and teachers of our system deserve much better than they are getting.

To Mr Hanson and Mrs Dunne those stories are real and you just cannot just say, “Oh, I misspoke and that’s that.” I wonder how many hundreds of kids heard this. I wonder how many families in the ACT heard Ms Berry say that kids in the ACT who do not perform as well other students in NAPLAN are dumb. The minister is guilty of far more than any of the people she criticises for supporting NAPLAN. She criticises people who want to get a benchmark of where kids are at. They are not allowed to have that view, but she is allowed to have her view that some kids in the ACT are dumb. She, the Labor Party and the Greens have double standards. We will keep fighting for the integrity of this place.

Question put:

That the motion be agreed to.

The Assembly voted—

Ayes 8

Noes 11

Miss C Burch  
Mr Coe  
Mrs Dunne  
Mr Hanson  
Mrs Jones  
Ms Lawder

Mr Milligan  
Mr Parton

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

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

Question resolved in the negative.

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

**MR STEEL** (Murrumbidgee—Minister for City Services, Minister for Community Services and Facilities, Minister for Multicultural Affairs and Minister for Roads) (6.35): I present the following paper:

Working with Vulnerable People (Background Checking) Amendment Bill  
2019—Revised explanatory statement.

## Gaming Legislation Amendment Bill 2019

Debate resumed from 4 April 2019, on motion by **Mr Ramsay**:

That this bill be agreed to in principle.

**MR PARTON** (Brindabella) (6.36): It would seem that barely a sitting week can pass without more red tape and regulations being slapped on to the clubs industry. This is another example of it today. We are watching on as another advisory board is formed, this time to advise on applications to a diversification fund. Very briefly, I want to be clear that the Canberra Liberals do not oppose the government making it easier for clubs in the ACT to move away from gaming revenue. It must be said that that is happening naturally, anyway. Of course clubs are diversifying away from gaming, because gaming is declining.

We understand that diversification is necessary. The minister attempts to confuse the issue. Those in the industry know that the only one confused in this space is the minister himself. He is confused for two reasons in regard to the gaming space: (a) he does not know and (b) he does not really care.

The minister responsible for gaming and racing does not even have that title because gaming and racing is not what they call it anymore. Today the minister will impose yet another tax on our local clubs. The minister and I had a brief conversation about this in this building this week. It basically gets down to: this is not the way we would do it. But apparently it is the way that it is being done by this government. We certainly do not agree with the process. This is definitely not the way to do it.

There is one thing that I want to draw attention to. Although this is not directly part of the bill, it would be remiss of me not to mention that the minister still has not provided total clarity around his changes to what qualifies for a community contribution, including the definition of “professional sport”. I am sure the minister is well aware that no club in Canberra puts money towards professional sport, as many in the community would define it—that is, the Raiders, the Brumbies, AFL and full-time fully paid athletes—as part of the community contribution scheme. So there are plenty of nervous people waiting for the minister to decide what he defines as professional sport. If he goes the wrong way on this, if he adjudicates the wrong way—recent history suggests there is a fair chance that that will be the case—it will have a devastating effect on those sporting clubs and many who enjoy the benefits provided by our community clubs.

The bill also includes mandatory training for club directors and boards. Interestingly, the minister has chosen to use this bill to introduce new workplace rights training. Again, I am sure that the minister is fully aware that these are obligations enshrined in federal laws. I sincerely hope that this is not a backhanded way of saying that the government believes our local clubs are not fulfilling their legal duties. We will not be

opposing this bill today. However, we will certainly be keeping a very close eye on how all of this plays out over the next few months.

**MR RATTENBURY** (Kurrajong) (6.39): The Greens will support this bill to establish a diversification support fund for clubs, in line with the recommendations of the Stevens report, *ACT club industry diversification support analysis*. We believe that we must act to limit gambling harm in our community. I have made that point a number of times. Certainly, many clubs recognise the need to diversify away from gaming machine revenue, which we believe is an unsustainable and unreliable reliance on poker machines.

A number of clubs have already started this process. But we acknowledge that for some clubs, particularly small and medium clubs, their ability to diversify may be limited by a range of factors, including size, financial position, location and land holdings, as Mr Stevens noted in his analysis. The establishment of a diversification support fund through this bill will provide additional support to clubs to invest in training and new initiatives and enable them to tailor their response to the unique circumstances of each club. While it is not government's role to dictate what diversification should look like for each club, government should be there, where possible, to support the sector during this transition.

This is a time of significant change for community clubs in the territory, but it is an important change that we must work through together. For too long now Canberra has had some of the highest rates of pokies per capita across all states and territories. The machines are addictive and manipulative. They are designed that way so that people lose money. The damage they are inflicting upon families and our community is real, and we can act to prevent this.

Over recent months it has been pleasing to see the clubs sector engaging in the voluntary surrender process. This has gone a long way towards getting us down to 4,000 machines in the ACT, in line with the parliamentary agreement commitment.

**Mr Parton:** What's your target for 2020?

**MR RATTENBURY:** I will get to that. The Greens appreciate that for some clubs this has meant a significant change in their business models. That is why we support the establishment of this fund. In line with Mr Stevens's recommendations, contributions to the fund will be set at \$20 a month for the first 99 authorisations held in each venue and \$30 a month for every subsequent authorisation.

The government will also be matching contributions, giving clubs a sufficient pool of capital they can draw on to fund diversification initiatives. Basing the contributions on the number of authorisations, rather than the number of machines on the floor, provides an important incentive for clubs to surrender authorisations that are not being utilised.

The Greens are committed to gradually reducing the number of poker machines in the ACT so that the number of machines per capita is no greater than the national average. We still have some way to go to reach this level; so these kinds of incentives are

important to ensure that we continue to see a decrease in the number of poker machine authorisations available over time.

Another important aspect of this bill is the governance arrangements for the fund, which will be crucially important to its success. The bill requires the establishment of an advisory board of up to four members with relevant experience to make recommendations to the minister about payments to be made from the fund. I was pleased to see in Mr Stevens's report his advice that the advisory board should consist of representatives from government, the club industry and the community, including someone with experience in gambling harm issues.

Having a voice of lived experience or an understanding of gambling harm at the table is important to shifting the way we approach these kinds of issues. Therefore, while the legislation does not go to this level of detail, I would encourage the minister to consider the value of including a person with experience in gambling harm issues on the advisory board.

It is also pleasing to see that the government has agreed to recommendation 5 of Mr Stevens's report that requires that certain types of training be mandated for club directors within 12 months of appointment. Training will cover board member responsibilities and management and finance issues, as well as training on harm minimisation and the role of boards in overseeing the provision of responsible gambling services. Harm minimisation training is crucial to reducing gambling harm in clubs and it is appropriate that the cost of this training should be met out of the diversification support fund, a cost met jointly by the sector and government.

The Greens support this bill as an important component of the transition down to 4,000 poker machines in the territory. The establishment of the diversification support fund came out of an independent analysis and was informed by consultation with the club sector. It is a reasonable measure to encourage education, training and other diversification initiatives. At the same time, we know that there is more work to be done to tackle problem gambling and to reduce gambling harm.

As I have said in this place before, harm minimisation measures such as \$1 bets and mandatory pre-commitment are also important parts of a suite of harm reduction approaches. These are changes the Greens will continue to advocate for as we work towards taking a public health, evidence-based approach to gaming policy. We are pleased to support this bill and look forward to seeing how the fund can support more clubs to diversify away from a reliance on poker machine revenue.

**MR RAMSAY** (Ginninderra—Attorney-General, Minister for the Arts and Cultural Events, Minister for Building Quality Improvement, Minister for Business and Regulatory Services and Minister for Seniors and Veterans) (6.44), in reply: I am pleased to close the debate on the Gaming Legislation Amendment Bill today. I thank Mr Parton and Mr Rattenbury for their contributions to the debate. I note again that Mr Parton has said today, as he said to me earlier in the week, "This is not the way that we would do it," meaning the Canberra Liberals. I am pleased to agree with him on that. That is because the government takes very seriously the importance of the

future of our clubs industry and also the impact of gambling harm. We know that that has not been the case with the Canberra Liberals.

The Canberra clubs are a very important part of our community. The government wants to see a strong and vibrant club industry in Canberra now and into the future. To support that happening, things must change. The community awareness about gambling harm has increased and we must take measures to ensure that the clubs reduce their reliance on gaming revenue as a funding source.

I want to place on record my thanks for the very productive engagement of the club industry throughout the club industry diversification support analysis, in meeting with Mr Stevens, and in providing the information that has led to his findings and his recommendations. That analysis in his report has enabled us to reduce the number of gaming machine authorisations in the ACT from 4,946 to 4,003. I want to place on record my thanks to the industry's response to the voluntary surrender process, which has allowed us to reach that outcome.

This bill implements a key recommendation of the club analysis, which is to create a diversification and sustainability support fund. The fund is about industry working together to forge its future. In the first three years of the fund's operation, starting in 2020, the government will also be supporting the industry by matching industry contributions dollar for dollar.

The advisory board will oversee the fund, consider the applications received, and make recommendations to me about the payments to be made from the fund. The board will consist of up to four members with qualifications or experience in the areas that are appropriate to assist the board in carrying out its functions. All clubs will be eligible to apply for financial support from the fund. As recommended by Mr Stevens, guidelines for the fund will give priority during the first three years to small and medium clubs, or to clubs' groups, and to those that have voluntarily surrendered authorisations in accordance with their surrender obligations.

Madam Speaker, I turn very briefly to other provisions in the bill relating to the community contributions reform. The clubs are required to give eight per cent of their net gaming machine revenue as community contributions. Under new laws passed last year, from 1 July this year large clubs will need to provide at least six per cent of their net gaming machine revenue as cash rather than as in-kind donations.

These are important changes but we also want to ensure that the scheme supports and encourages long-term arrangements that support community programs. This bill amends the new requirement for large clubs so that part of the amount can be an in-kind contribution where it is made under a written arrangement or agreement with a term set out by regulation.

The government has distributed a draft of that regulation to industry. It proposes that the term of arrangement or agreement is five years or more and that the maximum reduction in the monetary contribution is two per cent. I want to again thank all of those who have engaged so positively with the government and who have contributed

to the reforms that the government is implementing to support clubs' future and also to address the risks of gambling harm. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## Adjournment

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

That the Assembly do now adjourn.

## Work experience

**MRS DUNNE** (Ginninderra) (6.48): I am glad I have this opportunity to read the speech prepared for me today by Mikey, the work experience kid who has spent the week so far in my office. I put on the record that not one edit to this speech has been made by me or anyone else in my office:

The benefits of work experience include providing employment opportunities for those who are able to prove themselves as reliable workers. Provides an attractive addition to a CV, more specific experience in an industry allowing a more informed choice of career, and provides the person doing the work experience placement an insight to their own skills and abilities in a real work place environment.

Work experience gives an insight into the real world outside of the education system that has no equal. Work experience gives young people the opportunity to explore their future career options and establishes connections that are unattainable otherwise. Choosing to do work experience here at the legislative assembly passes on knowledge not just about the workplace but also about Australia's political system and is knowledge that is quite rare among Australia's youth. In no other work place in Canberra will you find so many differing opinions having to work together to provide meaningful change for real people.

Yesterday's hydrotherapy discussion is a perfect example of politics done correctly, common sense governance with people from the community venturing into the political realm to let their voices be heard, their voices were heard and the amendment was made. As far as work experience go it is hard to imagine that there is a better learning opportunity than that.

The legislative assembly is a somewhat unknown machine of politics that is overlooked by a great number of Canberrans especially younger members of the community. The opportunity for knowledge and understanding of this system is available and yet still seemingly unattractive to young people and opening the doors and allowing a young person to have an in depth experience of the assembly and its functions has had a tremendous effect on this young person.

Confucius has been credited as saying “if you are the smartest person in the room, then you are in the wrong room”. While this quote does not stand up in all circumstances, for example a kindergarten teacher teaching their class should be the smartest person in the room it does have great meaning when applied to the context of work experience. At every point in a work experience placement there are opportunities to learn and discover more. The onus is on the young person to seek out these opportunities and grasp onto them, this is true also in the world outside of the school. If you see an opportunity for success or progress it is not simply given to you, things must be worked for and work experience teaches these qualities. Learning from people who have done so many impressive things both inside and outside the chamber is inspiring.

Work experience is an integral part of entering the work place and has been a consistently positive experience for students and young people who take part in it. Without work experience someone entering the work place for the first time is more likely to be unprepared and not ready for the office environment. Work experience creates more confident and competent workers that are ready to hit the ground running with previously gained knowledge and experience.

I compliment Michael Cooney on this speech. I came in this morning and said, “I can’t use the stuff on small business that you prepared for me. Can you write me an adjournment speech?” This was done in less than two hours, and I think he has a future in speechwriting as well. I compliment and thank Michael. I thank Canberra College for allowing his participation and I thank the Assembly education staff for the work they do in facilitating work experience in the Assembly.

### **Sporting facilities**

**MR MILLIGAN** (Yerrabi) (6.53): I am compelled to speak today because of the feedback I have received about the lack of sport and recreation facilities in our community. I could list many areas, but today I want to highlight the endless government reviews that just do not deliver. The 80s pop song *Mirror Man* comes to mind when I think of Barr-Labor government—I will say the words rather than sing them:

Here comes the mirror man  
Says he’s a people fan

If Mr Barr and his supporting ensemble want to claim they are supporters of our community, where is the indoor sports feasibility study they have promised since 2016? The process of reviewing, reflecting and never actually doing anything is starting to wear very, very, thin. We are all familiar with the tale of the ice rink. We were promised construction would commence within this term. Well, it took two years for the study to be released and now the clock is ticking.

Even more distant for the sporting community of Canberra are projects such as a new or upgraded stadium, a replacement dive pool, female change rooms, ovals for booming sports like soccer, the relocation of lawn bowls from Braddon to Gungahlin, and, of course, a broken election promise of a sports and recreation facility for Casey. Let’s not forget the shortage of indoor spaces for a broad range of sport and recreation across the territory including, again, Gungahlin. I could go on.



Whilst I have only been in this place for two years, this Labor government has had almost 20 years to get this stuff right, and it keeps on failing. For the past two years I have asked the government where the study is. I have been repeatedly told, “It’s coming soon,” “It will be released by the end of the year,” “It’s very close,” and even today I was told again, “It is coming soon.”

For years the communities of Gungahlin, Belconnen and Woden have asked where is the infrastructure they need. Since waiting for this report we have seen the rise of new communities like Molonglo Valley and Ginninderry. To say the ship has sailed is putting it mildly. Once again this government has developed land for building and then tries—and fails—to retrofit infrastructure. The established parts of Canberra are stuck with ageing and inadequate facilities.

I will keep on asking the question and I will keep advocating for greater sport and recreation in the ACT. What is the government doing? Announcing another review, another example of *Mirror Man*—looking into something but not producing anything positive for our community and not supporting our community. Now it is lawn bowls they are targeting. We all know how Mr Barr feels about seniors in the ACT—the largest group who participate in this sport. We also know how Mr Barr feels about developing recreational spaces into residential developments, and EPIC comes to mind.

I am very wary of the results this study will yield. Hopefully, the Canberra community does not have to wait as long for the lawn bowls study as they have for the indoor sports feasibility study. At least that way the current lawn bowls greens may stay and Mr Barr will not get his hands on that land.

Question resolved in the affirmative.

**The Assembly adjourned at 6.58 pm until Tuesday, 4 June 2019 at 10 am.**

## Schedules of amendments

### Schedule 1

#### Motor Accident Injuries Bill 2019

##### Amendments moved by the Leader of the Opposition

81

Clause 279 (3), note

Page 200, line 29—

*omit*

82

Clause 280 (2), note

Page 201, line 7—

*omit*

83

Clause 281

Page 202, line 2—

*[oppose the clause]*

84

Clause 429 (1)

Page 303, line 12—

*omit*

(whether or not the person has legal representation)

85

Proposed new clause 429 (1A)

Page 303, line 16—

*insert*

- (1A) However, if a person mentioned in subsection (1) has given the relevant insurer written notice that they have legal representation, and included in the notice the name and contact details of their legal representative, the relevant insurer must contact the person through their legal representative.

87

Clause 482

Page 347, line 2—

*omit clause 482, substitute*

#### **482 Referral fees**

- (1) If a lawyer representing an applicant for defined benefits or a claimant for a motor accident claim refers the applicant or claimant to another person for provision of a service in relation to the application or claim, the lawyer must not receive consideration for the referral.
- (2) A lawyer to whom a person injured in a motor accident is referred for the purposes of representing the person in relation to an application for defined benefits or a motor accident claim must not give consideration for the referral.
- (3) A lawyer is taken to have given or received consideration for a referral if a close associate of the lawyer gives or receives consideration for the referral.

(4) In this section:

**close associate**, of a lawyer, means—

- (a) an employer of the lawyer (including, if the employer is a corporation, a director of the corporation); or
- (b) a partner in a partnership in which the lawyer is also a partner; or
- (c) an employee or agent of the lawyer or of a person mentioned in paragraph (a) or (b); or
- (d) a family member of the lawyer.

**consideration** includes a fee or other financial benefit but does not include hospitality that is reasonable in the circumstances.

**family member**, of a lawyer, means—

- (a) a domestic partner of the lawyer; or
- (b) a parent, grandparent, child or step-child of the lawyer; or
- (c) a sibling, half-sibling or step-sibling of the lawyer; or
- (d) an aunt, uncle, cousin, niece or nephew of the lawyer.

## Schedule 2

### Motor Accident Injuries Bill 2019

#### Amendments moved by the Treasurer

48

**Clause 376 (1), penalty**

**Page 267, line 5—**

*omit the penalty, substitute*

Maximum penalty: 200 penalty units.

49

**Clause 378, penalty**

**Page 268, line 2—**

*omit the penalty, substitute*

Maximum penalty: 200 penalty units.

50

**Proposed new clause 466 (6) and (7)**

**Page 335, line 8—**

*insert*

- (6) However, the MAI commission must not publish information relating to a lawyer or stated service provider if publication of the information would disclose information that relates to the practices of the lawyer or service provider (**confidential information**).
- (7) Confidential information about the practices of a lawyer or stated service provider, including the practices of a partnership that includes a lawyer or stated service provider, is taken to be protected information for section 473 (Offences—use or divulge protected information).

51

Proposed new schedule 1A  
Page 358, line 11—

*insert*

## Schedule 1A Defined benefits—dispute resolution

(see s 183 and s 189)

### Part 1A.1 Internally reviewable decisions

column 1 item	column 2 section	column 3 decision
1	59 (2)	refuse late application because applicant does not have full and satisfactory explanation
2	62	refuse to pay applicant's expenses because not allowable expenses under MAI guidelines
3	65 (1)	reject liability for defined benefits
4	65 (1)	reject liability for defined benefits because applicant not a person mentioned in s 55 (1)
5	65 (1)	reject liability for defined benefits because application made on behalf of applicant by someone other than a person mentioned in s 55 (2)
6	66 (1)	not pay income replacement benefits because applicant not entitled to those benefits under s 89
7	66 (1)	not pay treatment and care benefits for expenses incurred for stated treatment and care because of 1 or more of the following reasons:  (a) treatment and care not reasonable and necessary; (b) treatment and care did not relate to personal injury sustained in motor accident; (c) injured person has not paid for the treatment and care and is not liable to pay for the treatment and care
8	66 (1)	not pay treatment and care benefits for domestic services expenses incurred by injured person in employing someone to provide domestic services to injured person's dependants because of 1 or more of the following reasons:  (a) expenses not reasonable and necessary; (b) injured person did not provide those services to dependants before the motor accident; (c) dependants are able to undertake those services
9	66 (1)	not pay treatment and care benefits for travel expenses incurred by injured person and a parent or other carer accompanying injured person because of 1 or both of the following reasons:  (a) expenses for travel and accommodation not reasonable and necessary; (b) travel not undertaken to undergo treatment and care

<b>column 1 item</b>	<b>column 2 section</b>	<b>column 3 decision</b>
10	66 (1)	not pay funeral benefits because applicant not entitled to funeral expenses under s 175
11	96	decision about amount of income replacement benefits injured person entitled to for first payment period
12	97	decision about amount of income replacement benefits injured person entitled to for second payment period
13	100 (1)	decision about injured person's post-injury earning capacity
14	101 (3) (b) (ii), (4) (b) (ii) or (5) (b) (ii)	refuse to make earlier payment of income replacement benefits to injured person who makes late application for defined benefits because not satisfied there are exceptional circumstances justifying earlier payment
15	103 (2)	refuse to pay injured person interim weekly payment
16	103 (4)	refuse to pay injured person lower interim weekly payment
17	105 (2)	suspend injured person's benefit payments
18	107 (1) (b)	reduce or stop paying income replacement benefit payments
19	121 (1)	make reasonable request to injured person to attend health practitioner for assessment of treatment and care needs
20	121 (3)	suspend payment of treatment and care benefits and income replacement benefits because injured person fails to comply with reasonable request to attend health practitioner
21	126 (2)	refuse to approve treatment and care not mentioned in injured person's recovery plan because treatment and care not reasonable and necessary in the circumstances and will not assist with injured person's recovery or management of person's injury
22	128 (2) (a) (i) (B)	refuse to make earlier payment of treatment and care expenses, domestic services expenses and travel expenses in relation to late application for period starting on date that is 13 weeks before date of application because insurer not satisfied that there are exceptional circumstances justifying earlier payment
23	129 (1)	not pay treatment and care expenses, domestic services expenses and travel expenses because of 1 or more of the following reasons:  (a) the expenses cannot be verified; (b) the expenses have not been incurred; (c) the insurer has previously paid the expenses; (d) for treatment and care expenses—the expenses were— (i) not approved by the insurer; or (ii) not set out in the injured person's recovery plan

<b>column 1 item</b>	<b>column 2 section</b>	<b>column 3 decision</b>
24	139 (2)	tell applicant for quality of life benefits that insurer believes person's injuries have stabilised but the person is not likely to have a permanent impairment as a result of the injuries
25	180 (2)	refuse to make periodic payments of treatment and care benefits and income replacement benefits because insurer not satisfied injured person intends to live outside Australia permanently or for an extended time
26	180 (2)	refuse to make periodic payments of treatment and care benefits and income replacement benefits because injured person has not lived outside Australia for at least eligibility period
27	181 (4) (a)	calculate amount of lump sum to be less than \$10 000

## **Part 1A.2                    ACAT reviewable decisions**

<b>column 1 item</b>	<b>column 2 section</b>	<b>column 3 decision</b>
1	59 (2)	refuse late application because applicant does not have full and satisfactory explanation
2	65 (1)	reject liability for defined benefits
3	65 (1)	reject liability for defined benefits because applicant not a person mentioned in s 55 (1)
4	65 (1)	reject liability for defined benefits because application made on behalf of applicant by someone other than a person mentioned in s 55 (2)
5	65 (1)	reject liability for death benefits or funeral benefits because person's death was not result of motor accident
6	66 (1)	not pay income replacement benefits because— (a) applicant is person mentioned in s 43 (1); and (b) none of the circumstances mentioned in s 43 (2) applies to the applicant
7	66 (1)	not pay quality of life benefits because— (a) applicant is person mentioned in s 43 (1); and (b) the circumstances mentioned in s 43 (3) do not apply to the applicant
8	66 (1)	not pay income replacement benefits because applicant is person mentioned s 46 (1)
9	66 (1)	not pay quality of life benefits because applicant is person mentioned in s 46 (1)

<b>column 1 item</b>	<b>column 2 section</b>	<b>column 3 decision</b>
10	66 (1)	not pay quality of life benefits and death benefits because person who died as a result of motor accident is person mentioned in s 46 (2)
11	66 (1)	not pay defined benefits because s 49 applies to the injured person or dead person but MAI commission has not notified insurer that motor accident caused by, or attributable to, act of terrorism
12	66 (1)	not pay income replacement benefits because applicant not entitled to those benefits under s 89
13	66 (1)	not pay treatment and care benefits for expenses incurred for stated treatment and care because of 1 or more of the following reasons: (a) treatment and care not reasonable and necessary; (b) treatment and care did not relate to personal injury sustained in motor accident; (c) injured person has not paid for the treatment and care and is not liable to pay for the treatment and care
14	66 (1)	not pay treatment and care benefits for domestic services expenses incurred by injured person in employing someone to provide domestic services to injured person's dependants because of 1 or more of the following reasons: (a) expenses not reasonable and necessary; (b) injured person did not provide those services to dependants before the motor accident; (c) dependants are able to undertake those services
15	66 (1)	not pay treatment and care benefits for travel expenses incurred by injured person and a parent or other carer accompanying injured person because of 1 or both of the following reasons: (a) expenses for travel and accommodation not reasonable and necessary; (b) travel not undertaken to undergo treatment and care
16	66 (1)	not pay death benefits because coroner finds dead person's conduct in relation to motor accident made up physical elements of conduct of serious offence or 2 or more driving offences
17	66 (1)	not pay funeral benefits because applicant not entitled to funeral expenses under s 175
18	96	decision about the amount of income replacement benefits an injured person is entitled to for first payment period

<b>column 1 item</b>	<b>column 2 section</b>	<b>column 3 decision</b>
19	97	decision about the amount of income replacement benefits an injured person is entitled to for second payment period
20	100 (1)	decision about injured person's post-injury earning capacity
21	101 (3) (b) (ii), (4) (b) (ii) or (5) (b) (ii)	refuse to make earlier payment of income replacement benefits to injured person who makes late application for defined benefits because not satisfied there are exceptional circumstances justifying earlier payment
22	105 (2)	suspend injured person's benefit payments
23	107 (1) (b)	reduce or stop paying income replacement benefit payments
24	121 (1)	make reasonable request to injured person to attend health practitioner for assessment of treatment and care needs
25	121 (3)	suspend payment of treatment and care benefits and income replacement benefits because injured person fails to comply with reasonable request to attend health practitioner
26	126 (2)	refuse to approve treatment and care not mentioned in injured person's recovery plan because treatment and care not reasonable and necessary in the circumstances and will not assist with injured person's recovery or management of person's injury
27	128 (2) (a) (i) (B)	refuse to make earlier payment of treatment and care expenses, domestic services expenses and travel expenses in relation to late application for period starting on date that is 13 weeks before date of application because insurer not satisfied that there are exceptional circumstances justifying earlier payment
28	158 (2)	amount of injured person's final offer WPI
29	180 (2)	refuse to make periodic payments of treatment and care benefits and income replacement benefits because insurer not satisfied injured person intends to live outside Australia permanently or for an extended time
30	180 (2)	refuse to make periodic payments of treatment and care benefits and income replacement benefits because injured person has not lived outside Australia for at least eligibility period
31	181 (4) (a)	calculate amount of lump sum to be less than \$10 000

52

Schedule 2, part 2.2

Amendment 2.13

Proposed new section 51 (3A) (aa)



**Page 364, line 20—***insert*

- (aa) if the claimant receives a notice under the *Motor Accident Injuries Act 2019*, section 141 (3B) (WPI assessment 4 years 6 months after motor accident)—the date that is 26 weeks after the date of the notice;

53

**Schedule 2, part 2.2****Amendment 2.32****Page 371, line 15—***omit the amendment, substitute***[2.32] Section 99 (4), note***substitute*

*Note* Under the *Motor Accident Injuries Act 2019*, the only damages that may be awarded for non-economic loss are damages for loss of quality of life (see that Act, s 239).

54

**Schedule 2, part 2.6****Amendment 2.69****Proposed new section 16AA, note****Page 380, line 20—***omit the note, substitute*

*Note 1* Under the *Motor Accident Injuries Act 2019*, s 163A, a person who has had a WPI assessment has 3 months from the latest of the following dates to make a motor accident claim:

- (a) if the person receives a notice under that Act, s 141 (3B)—the date that is 26 weeks after the date of the notice;
- (b) if the person receives a notice under that Act, s 155 (2) or s 166 (2)—the due date for the notice.

*Note 2* Under the *Motor Accident Injuries Act 2019*, s 217, a person who receives a notice under that Act, s 210 (4) has 3 months from the date of the notice to make a motor accident claim.

**Schedule 3****Working With Vulnerable People (Background Checking) Amendment Bill 2019**Amendments moved by the Minister for Community Services and Facilities

1

**Proposed new clauses 26A and 26B****Page 12, line 5—***insert***26A Section 21 heading***substitute*

- 21 Offences—applicant fail to disclose charge, conviction or finding of guilt for** disqualifying or relevant offence

**26B Section 21 (1) (c) and (2) (c)***before*

a relevant offence

*insert*

a disqualifying offence or

2

**Clause 27****Proposed new section 21A (3), definition of *relevant information*****Page 12, line 23—***omit the definition, substitute****relevant information***, about a person, means information about—

- (a) an allegation or investigation mentioned in section 18 (2) (ba); or
- (b) for a person who has applied for registration to engage in an NDIS activity—a matter mentioned in section 18A (1) (b).

3

**Proposed new clause 30A****Page 13, line 23—***insert***30A Meaning of *non-conviction information*  
Section 25***omit*

a relevant offence (or an alleged relevant offence)

*substitute*

a disqualifying offence or relevant offence (or an alleged disqualifying offence or relevant offence)

4

**Clause 31****Proposed new section 26A****Page 14, line 3—***omit proposed new section 26A, substitute***26A Meaning of *disqualifying offence* etc**

In this Act:

***class A disqualifying offence*** means an offence against a provision of a law mentioned in schedule 3, part 3.2, column 2, if the condition mentioned in column 4 is met.***class B disqualifying offence*** means an offence against a provision of a law mentioned in schedule 3, part 3.3, column 2, if the condition mentioned in column 4 is met.**disqualifying offence** means a class A disqualifying offence or class B disqualifying offence.

5

**Proposed new clauses 31A and 31B****Page 14, line 16—***insert*

**31A Risk assessment guidelines—content**  
**Section 28 (2) (a), note**

*before*

- relevant offences

*insert*

- disqualifying or

**31B Section 28 (2) (b), note**

*before*

- relevant offences

*insert*

- disqualifying or

**6**

**Proposed new clauses 52A and 52B**

**Page 23, line 18—**

*insert*

**52A Section 55 heading**

*substitute*

**55 Offences—registered person fail to disclose charge, conviction or finding of guilt for disqualifying or relevant offence**

**52B Section 55 (1) (b) and (2) (b)**

*before*

a relevant offence

*insert*

a disqualifying offence or

**7**

**Clause 71**

**Proposed new dictionary definitions of *class A disqualifying offence* and *class B disqualifying offence***

**Page 39, line 14—**

*omit the definitions, substitute*

*class A disqualifying offence*—see section 26A.

*class B disqualifying offence*—see section 26A.

**8**

**Clause 71**

**Proposed new dictionary definition of *disqualifying offence***

**Page 40, line 1—**

*omit the definition, substitute*

*disqualifying offence*—see section 26A.

## Answers to questions

### Answers to questions on notice—timeliness (Question No 2122)

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 15 February 2019:

- (1) In relation to the answer to question on notice No 1991, why did it take more than five hours to prepare an answer to this question.
- (2) How much time was spent on researching the answer to this question.
- (3) How much time was spent on drafting and editing the answer to signature-ready stage.
- (4) How many people, including staffing classifications, from (a) the Minister's office, (b) ACT Health, (c) Canberra Health Services and (d) other agencies, were involved in researching and preparing the answer.

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1) It took approximately 4.8 hours to research and seek information from relevant stakeholders to prepare an answer to Question on Notice No 1991. During the research and review phase, it was deemed that the information gathered was not relevant to the question asked.
- (2) Approximately 4.8 hours.
- (3) Approximately 30 minutes.
- (4) (a) Nil (excluding the clearance process)  
(b) Nil  
(c) Five  
(d) Nil.

---

### Canberra Hospital—electrical systems (Question No 2125)

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 15 February 2019:

- (1) What was the original budget for the works being undertaken to upgrade the main switchboard in building 2 at the Canberra Hospital.
- (2) How much has been spent on this work as at the date on which this question was published in the Questions on Notice Paper.
- (3) What is the estimated or forecast total actual cost.
- (4) If the figures given in the answers to parts (1) and (3) are different, why.

- (5) What was the original target completion date for this work.
- (6) What is the estimated or forecast completion date as at the date on which this question was published in the Questions on Notice Paper.
- (7) If the dates given in the answers to parts (5) and (6) are different, why.
- (8) To what extent has the scope of work actually undertaken varied from the scope of work that informed the original budget.

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1) The original budget for construction works, excluding planning, preliminary costs and contingency, associated with the Electrical Main Switch Board (EMSB) project (to upgrade both ageing Building 2 and 12 switchboards and associated cabling) was \$14.0M, funded under the Upgrading and Maintaining ACT Health Assets (UMAHA) budget appropriation.
- (2) To the end of January 2019, total expenditure for the construction works is \$18.7M.
- (3) The final figure is subject to further variation, to be determined as the project progresses. The current construction contract value (including GST) is \$41.9M.
- (4) The original scope of work was to replace ageing Building 2 and 12 EMSBs and associated electrical cabling in Building 2 that were identified as an extreme risk.

Through the development of the EMSB project the scope and associated costs has evolved to reflect the realities of this complex project and its impact on critical buildings across the Canberra Hospital Campus. Significant events (but not limited to) impacting the EMSB project scope, program and cost are summarised below:

- Requirement for Additional Work Packages:
  - Business Continuity Switchboards
  - Emergency Department electrical redundancy upgrades
  - Campus electrical load studies
- Mitigation of existing EMSB component failure during tender and design development phases of the project.
- Building 2 EMSB fire (5 April 2017) remediation and implementation of lessons learnt from this fire event.
- Changes to EvoEnergy switchboards standards and supply/manufacturing arrangements.
- Replacement of ageing non-compliant electrical cables.

- (5) September 2018.
- (6) December 2019.
- (7) Refer to response to Question 4.

(8) Refer to response to Question 4.

---

**ACT Health—infrastructure upgrade  
(Question No 2128)**

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 15 February 2019:

- (1) What was the original program of works established under the Upgrade and Maintain ACT Health Assets (UMAHA) program.
- (2) What was the original (a) budget and (b) completion timeline for each job.
- (3) What was the status of each job as to (a) cost and (b) completion timeline as at the date this question was published in the Questions on Notice Paper.
- (4) Which jobs (if any), as at the date this question was published in the Questions on Notice Paper, have been removed from the program, and why.
- (5) Up to date on which this question was published in the Questions on Notice Paper, which jobs (if any), have been added to the program, and for each new job (a) why was it added, (b) what is its budget and (c) what is its budgeted completion timeline.

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1) 149 infrastructure projects were contained within the original UMAHA program, comprising 3 extreme, 111 high, 16 medium and 19 low risks which were grouped by trade, size or location to create a series of work packages. See attached table for the work packages.
- (2) See attached table for the original budget and completion timeline.
- (3) See attached table for status of each package.
- (4) Elements of minor medical equipment procurement have been deferred based on UMAHA risk prioritisation and alignment with plant and equipment procurement priorities across Canberra Health Services. Additionally, elements of the minor works package associated with Gaunt Place buildings were removed given the planned demolition of five out of six buildings associated with the development of the Southside Community Step-Up Step- Down facility at Gaunt Place.
- (5) Building 11 Birthing Suite ensuites has been added to the UMAHA program.
  - a) In February 2016, water leaks were identified in the Birthing Suites. The source of the leaks is attributed to a lack of an installed waterproof seal and a leaking hot and cold shower tap spindle/extension assembly. The project was added to remediate the identified water leaks that involved a room rebuild, including the installation of a waterproof seal and a single shower mixer tap arrangement.
  - b) The estimated cost of this work is \$2.75m.
  - c) Completion of the remediation for the ensuites is November 2019.

Attachment: Table 1 – Works Package Project Summary

*(A copy of the attachment is available at the Chamber Support Office).*

---

**ACT Health—committees  
(Question No 2139)**

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 15 February 2019:

- (1) What committees, with the exception of assurance committees, are currently active in (a) ACT Health and (b) Canberra Health Services.
- (2) What are the responsibilities of each of these committees.
- (3) Who are the members of each of these committees.
- (4) Which of these committees (a) have a full complement of members and (b) is fully operational.
- (5) For any committees that do not have a full complement of members or are fully operation, why not.
- (6) How often does each committee meet.
- (7) To whom does each committee report and what information is reported.
- (8) What action is taken to implement any recommendations made by committees.
- (9) What service delivery innovations have been introduced to the ACT's health system as a result of the work of these committees during the 2014-15 to 2017-18 period.

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1)
  - (a) The following committees are active in the ACT Health Directorate:
    - The Directorate Leadership Committee;
    - The Corporate Executive Committee; and
    - The Health Policy Systems and Research Committee.
  - (b) As the nature of this request is resource intensive, please find attached (Attachment A) a list of all relevant high level Canberra Health Services committees. ACT Health Directorate and Canberra Health Services are in the process of reviewing and refining governance structures following the transition into two directorates.
- (2) The ACT Health Directorate Leadership Committee:
  - determines the strategic direction, priorities and objectives for the ACT Health Directorate and the Public Health System, as a whole;
  - ensures there is clear and effective governance, including discussion on new and emerging issues, opportunities and risks;

- facilitates information sharing and discussion of key issues affecting the organisation;
- considers issues around organisational leadership and culture;
- supports the Director-General to meet responsibilities stipulated within key legislation;
- ensures that the impact on safety and quality across the full spectrum of the Health System is considered in all decision making; and
- ensures alignment of work across the Directorate as well as whole of government and cross-directorate matters.

The ACT Health Directorate Corporate Executive Committee:

- provides oversight and leadership in relation to ACT Health's strategy and planning of health services across the ACT, in particular in areas of system wide service planning, infrastructure planning, digital strategy, commissioning of services and performance monitoring, revenue optimisation and financial sustainability of the system;
- provides oversight of ACT Health's corporate functions including finance, people and culture, ICT and procurement; and
- ensures that it provides strategic governance and risk management of the ACT Health Directorate corporate functions to enable effective stewardship of the ACT public health system.

The Health Systems, Policy and Research Executive Committee:

- provides oversight and leadership in relation to ACT Health's strategy and planning of health services across the ACT. It ensures decisions are appropriately informed; supports a continuum of health care from early intervention, preventive, primary, community and tertiary health services and facilitates engagement with a diversity of consumer voices at appropriate points in the strategic planning lifecycle;
- has responsibility for the alignment of new or proposed health services to the
- territory-wide strategic plan and the development, oversight and evaluation of the health system quality framework;
- delivery of the territory wide health plans, accreditation policies and governance of research; and
- ensures the achievement of ACT Health strategic, policy and research objectives.

(3) Membership of the ACT Health Directorate Leadership Committee:

- Director-General, ACT Health (Chair)
- Deputy Director-General, Corporate (Deputy Chair)
- Deputy Director-General, Health Systems Policy and Research (Deputy Chair)
- Coordinator General, Office for Mental Health and Wellbeing
- Chief Health Officer
- Chief Medical Officer
- ACT Chief Nursing and Midwifery Officer
- Chief Allied Health Officer
- Chief Psychiatrist

Membership of the ACT Health Directorate Corporate Executive Committee:

- Deputy Director-General (DDG) Corporate - Chair
- Deputy Director-General (DDG) Health Systems Policy and Research
- Executive Group Manager, Commissioning and Performance
- Executive Group Manager, Corporate and Governance



- Executive Group Manager, Strategic Infrastructure
- Chief Information Officer

Membership of the ACT Health Directorate Health Systems, Policy and Research Executive Committee:

- Deputy Director-General (DDG), Health Systems Policy and Research (Chair)
- Deputy Director-General (DDG) Corporate Services
- Executive Group Manager, Health System Planning and Evaluation
- Executive Group Manager, Preventative & Population Health
- Executive Group Manager, Health Policy, Partnerships and Programs
- Executive Group Manager, ACT Centre for Health and Medical Research
- Chief Health Officer
- Chief Medical Officer
- Chief Psychiatrist
- Chief Nursing and Midwifery Officer
- Chief Allied Health Officer

- (4) All ACT Health Directorate Committees have a full complement of membership and are fully operational.
- (5) For the ACT Health Directorate see question (4)
- (6) The ACT Health Directorate Leadership Committee meets monthly and the ACT Health Directorate Corporate Executive Committee, and Health Systems, Policy and Research Executive Committee meet monthly.
- (7) The ACT Health Directorate Leadership Committee is the peak leadership committee within the Directorate. The Corporate Executive Committee, and Health Systems, Policy and Research Executive Committee report to the Directorate Leadership Committee following each meeting on their activity.
- (8) For ACT Health Directorate, when actions are recommended by a Committee, responsible officers are identified, and progress on actions is reviewed at subsequent meetings. For Canberra Health Services, see Attachment A. Implementation of recommendations is managed in different ways for each committee.
- (9) These ACT Health Directorate committees represent a new committee governance structure that has been implemented following the establishment of the Directorate on 1 October 2018. As such these committees have not been part of decision making during the time period 2014-15 to 2017-18.

Not all Canberra Health Services committees are responsible for quality improvement initiatives and therefore not all have recommendations. See responses where applicable at Attachment A.

*(A copy of the attachment is available at the Chamber Support Office).*

---

### **Crime—infringement notices (Question No 2329)**

**Mr Coe** asked the Minister for Business and Regulatory Services, upon notice, on 22 February 2019:

- (1) What is the total number fines or infringement notices that have been issued for each of the last five financial years on (a) Mirrabai Drive, (b) Gundaroo Drive, (c) Horse Park Drive, (d) Anthony Rolfe Avenue and (e) Northbourne Avenue broken down by (i) type of fine or notice, (ii) average value of fine or notice and (c) total revenue collected from that type of fine or notice issued at each location.
- (2) In relation to part (1), what is the total number fines or infringement notices that have been issued but were later contested for each of the last five financial years on (a) Mirrabai Drive, (b) Gundaroo Drive, (c) Horse Park Drive, (d) Anthony Rolfe Avenue and (e) Northbourne Avenue broken down by (i) type of fine or notice, (b) average value of fine or notice and (c) total value of contested revenue from that type of fine or notice issued at each location.
- (3) In relation to part (2), what is the total number fines or infringement notices that have been issued but were later withdrawn for each of the last five financial years on (a) Mirrabai Drive, (b) Gundaroo Drive, (c) Horse Park Drive, (d) Anthony Rolfe Avenue and (e) Northbourne Avenue broken down by (i) type of fine or notice, (ii) average value of fine or notice and (iii) total value of revenue forgone from that type of fine or notice issued at each location.
- (4) In relation to parts (1) to (3), what is the total number fines or infringement notices issued for each of the last five financial years on (a) Mirrabai Drive, (b) Gundaroo Drive, (c) Horse Park Drive, (d) Anthony Rolfe Avenue and (e) Northbourne Avenue that were connected to roadworks or light rail construction, such as speeding fines in 40 km/hr zones, broken down by (i) type of fine or notice, (ii) average value of fine or notice and (iii) total value of revenue from that type of fine or notice issued at each location.

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

- (1) Please see Attachment A.
- (2) Please see Attachment A. The number of infringements contested is not recorded in the database. The numbers provided in response to this question identify the total number of infringements placed on hold awaiting assessment (as a result of a dispute or withdrawal request) as compared to the final action taken.
- (3) Please see Attachment A.
- (4) Access Canberra captures information in relation to infringements connected only to roadworks. Please refer to Attachment A.

*(A copy of the attachment is available at the Chamber Support Office).*

---

### **Children and young people—community groups (Question No 2342)**

**Mrs Kikkert** asked the Minister for Children, Youth and Families, upon notice, on 22 February 2019:

What is the total number of community groups/organisations known to the ACT Government in the ACT, and what are their names in relation to (a) children, (b) youth and (c) families.

**Ms Stephen-Smith:** The answer to the member's question is as follows:

- (1) The ACT Government works with a broad range of community groups/organisations and stakeholders to support vulnerable children, young people and families within the Territory.

The ACT region is supported by many community groups/organisations, not all of which receive funding from the ACT Government. The ACT Government encourages community groups and organisations to foster partnerships with other funded and unfunded providers, including local businesses. As a result, the reach of local community groups and organisations is greater than the ACT Government can specifically account for. For example, the Community Services Directorate's, Child, Youth and Family Services Program includes four Network Coordinators that aim to build and support collaborative practice between service providers. The Network Coordinators have built a broad base of relationships with community groups and organisations that support children, young people and families, such as ACT Little Athletics, Apprenticeship Support Australia, Ginninderra Lions Club, Refugee Support Group, Kookaburra Kids, The Cancer Council and Variety the Children's Charity.

There are also a range of organisations that provide support to children, youth and families at ACT Public schools that may not be listed in the following. Supports provided include mental health, curriculum, health and wellbeing support and sporting and cultural activities. In addition, the following list does not include all early childhood education and care providers in the ACT.

Several registers and portals exist to assist ACT Government employees to direct people to additional support services that they may require. For example, the Director-General, Community Services Directorate is required to maintain a publicly accessible register of organisations that have been approved under Section 63 of the *Children and Young People Act 2008* as being suitable to be a care and protection organisation for a stated purpose. The Care and Protection Organisation Register can be located via the directorate's website (<https://www.communityservices.act.gov.au/quality-complaints-and-regulation/care-and-protection-organisation-register>).

Relevant ACT Government employees are encouraged to use the online tool, My Community Directory. The directory is searchable by target group and provides up to date information for community groups and organisations that provide services in the Canberra area. The directory can be accessed at: [https://vc-act.mycommunitydirectory.com.au/Australian\\_Capital\\_Territory/Canberra](https://vc-act.mycommunitydirectory.com.au/Australian_Capital_Territory/Canberra). Due to delivering holistic, wrap-around supports to the Canberra community, several organisations work across all cohorts, including children, young people and families. As such, organisations may be reflected in all three domains of the response below. It should also be noted that this is not an exhaustive list of all community organisations known across the ACT public service and may inadvertently have omitted some organisations. While best endeavours have been made, further work to respond would represent an unreasonable diversion of resources.

- (a) To support children in the ACT region, the following community groups/organisations are known to the ACT Government:

1.	A Gender Agenda
2.	Aboriginal Legal Service NSW/ACT
3.	ACT Bilingual Education Alliance
4.	ACT Community Language Schools and Association
5.	ACT Down Syndrome Association
6.	ACT Little Athletics Association
7.	ACT Neighbourhood Watch
8.	ACT Playgroups Association Inc
9.	ACT Storytellers Guild
10.	ACT Together
11.	ACT Women's Health
12.	ACT Writers' Centre
13.	AIDS Action Council ACT
14.	Anglicare NSW South NSW West and ACT
15.	Australian Childhood Foundation
16.	Australian National University
17.	Australian Red Cross Society
18.	Ausdance ACT
19.	Autism Spectrum Australia (ASPECT)
20.	Awards ACT
21.	Barnardos Australia
22.	Belconnen Arts Centre
23.	Belconnen Community Service Inc
24.	Beryl Women
25.	Breastfeeding Association Australia
26.	Burrunju Aboriginal Corporation
27.	Canberra Glassworks
28.	Canberra Institute of Technology
29.	Canberra Police Community Youth Club
30.	Canberra Potters Society
31.	Canberra Symphony Orchestra
32.	Canberra Writers' Festival
33.	Canberra Youth Theatre
34.	Capital Health Network
35.	Care Inc
36.	Carers ACT
37.	Cerebral Palsy Alliance
38.	CatholicCare
39.	Children Australia Inc: OzChild
40.	Children's Book Council of Australia
41.	Communities@Work Ltd
42.	Community Options
43.	Community Services #1
44.	Companion House
45.	Conflict Resolution Service
46.	CREATE Foundation Limited
47.	Domestic Violence Crisis Service
48.	Doris Women's Refuge
49.	Early Childhood Intervention Services (EACH)
50.	Every Chance to Play Foundation

51.	Foundations Care Ltd
52.	Girl Guides Association
53.	GIVIT
54.	Greening Australia
55.	Gugan Gulwan Youth Aboriginal Corporation
56.	Healthy Schools Network
57.	Imagine More
58.	Karinya House and Home for Mothers and Babies
59.	Karralika
60.	Kids Helpline
61.	KidsSafe
62.	Kookaburra Kids
63.	Koori preschools
64.	Left Lane Outreach Theatre
65.	Legal Aid
66.	Lifeline Canberra
67.	Mandarin for Fun Playgroup
68.	Manuka Occasional Childcare Centre Association
69.	Marathon Health
70.	Marymead Child and Family Centre
71.	MensLink
72.	Migrant and Refugee Settlement Services of the ACT Inc.
73.	Music for Canberra
74.	Nannies Group
75.	National Centre for Australian Children's Literature
76.	Noah's Ark Resource Centre Inc
77.	North Belconnen Community Association Inc
78.	Northside Community Service Limited
79.	Nutrition Australia (ACT)
80.	OneLink
81.	OzCode Academy
82.	Post and Ante Natal Depression Support and Information Inc. (PANDSI)
83.	Parentlink
84.	Pegasus
85.	Physical Activity Foundation
86.	Premier Youthworks
87.	Pro Musica
88.	QL2 Dance
89.	Rebus Theatre
90.	Relationships Australia
91.	Robogals
92.	Sanctuary Aus
93.	Scout Association of Australia
94.	Shepherd Centre for Deaf Children
95.	SIDS and Kids
96.	Siblings Australia
97.	Society of Children's Book Writers and Illustrators
98.	Society of St Vincent De Paul
99.	Story Dogs
100.	Strathnairn Arts

101.	Supportlink
102.	TADACT
103.	Ted Noffs Foundation
104.	The Cancer Council
105.	The Salvation Army
106.	The Smith Family
107.	Tjillari Justice Aboriginal Corporation
108.	Toora Women Inc.
109.	Tuggeranong Community Arts Association
110.	United Ngunnawal Elders Council
111.	UnitingCare Kippax
112.	Uniting NSW/ACT
113.	Variety the Childrens Charity
114.	Warehouse Circus
115.	Winnunga Nimmityjah Aboriginal Health and Community Services
116.	Woden Community Service
117.	Women's Legal Centre ACT
118.	Young Men's Christian Association
119.	YWCA Canberra

- (b) The following community groups/organisations are known to the ACT Government in relation to their work in supporting young people:

1.	ACT Brumbies
2.	A Gender Agenda
3.	Aboriginal Legal Service NSW/ACT
4.	ACT Bilingual Education Alliance
5.	ACT Community Language Schools and Association
6.	ACT Down Syndrome Association
7.	ACT Little Athletics Association
8.	ACT Neighbourhood Watch
9.	ACT Storytellers Guild
10.	ACT Together
11.	ACT Writers' Centre
12.	AIDS Action Council ACT
13.	Alcohol Tobacco and Other Drug Association ACT (ATODA)
14.	Anglicare NSW South NSW West and ACT
15.	Apprenticeship Support Australia
16.	Australian Childhood Foundation
17.	Australian Red Cross Society
18.	Ausdance ACT
19.	Autism Spectrum Australia (ASPECT)
20.	Awards ACT
21.	Barnardos Australia
22.	Belconnen Arts Centre
23.	Belconnen Community Service Inc
24.	Burrumbidgee Aboriginal Corporation
25.	Canberra Blind Society
26.	Canberra Community Law
27.	Canberra Glassworks
28.	Canberra Institute of Technology

29.	Canberra Police Community Youth Club
30.	Canberra Potters Society
31.	Canberra Raiders
32.	Canberra Rape Crisis Centre
33.	Canberra Refugee Support
34.	Canberra Symphony Orchestra
35.	Canberra Writers' Festival
36.	Canberra Youth Theatre
37.	Care Inc
38.	Carers ACT
39.	CatholicCare
40.	Children Australia Inc: OzChild
41.	Children's Book Council of Australia
42.	CIT Yuranna
43.	Communities@Work Ltd
44.	Community Services #1
45.	Companion House
46.	Conflict Resolution Service
47.	CREATE Foundation
48.	Directions ACT
49.	Domestic Violence Crisis Service
50.	Every Chance to Play Foundation
51.	Foundations Care Ltd
52.	Ginninderra Lions Club
53.	Girl Guides Association
54.	GIVIT
55.	Gugan Gulwan Youth Aboriginal Corporation
56.	Gungahlin Lions Club
57.	Headspace
58.	Imagine More
59.	Healthy Schools Network
60.	Karinya House Home for Mothers and Babies Inc
61.	Kids Helpline
62.	Kookaburra Kids
63.	Koomarri
64.	Koori preschools
65.	Left Lane Outreach Theatre
66.	Lifeline Canberra
67.	Marathon Health
68.	Marymead
69.	Menslink
70.	Migrant and Refugee Settlement Services of the ACT Inc
71.	Music for Canberra
72.	Nannies Group
73.	National Centre for Australian Children's Literature
74.	Northside Community Service Limited
75.	Nutrition Australia (ACT)
76.	Oasis Youth Services
77.	OCTEC Limited (Transition to Work)
78.	OneLink
79.	OzCode Academy

80.	PANDSI
81.	Parentlink
82.	Pegasus
83.	Physical Activity Foundation
84.	Pro Musica
85.	QL2 Dance
86.	Queanbeyan Multilingual Centre (Multicultural Youth Services)
87.	Refugee Support Group
88.	Relationships Australia
89.	Robogals
90.	Rotary Clubs
91.	Sanctuary Aus
92.	Scout Association of Australia
93.	Shepherd Centre for Deaf Children
94.	Siblings Australia
95.	Society of Children's Book Writers and Illustrators
96.	Society of St Vincent De Paul
97.	Soroptomists International of Canberra
98.	St John's Care - YouthCARE Canberra
99.	Story Dogs
100.	Street Law
101.	TADACT
102.	Ted Noffs Foundation
103.	The Cancer Council
104.	The Salvation Army
105.	The Smith Family
106.	Tjillari Justice Aboriginal Corporation
107.	Toora Women Inc.
108.	Tuggeranong Community Arts Association
109.	Tuggeranong Lions
110.	United Ngunnawal Elders Council
111.	Uniting Care Kippax
112.	Uniting NSW/ACT
113.	Variety the Childrens Charity
114.	Warehouse Circus
115.	WellWays Australia Limited - Youth Step Up Step Down Program
116.	Winnunga Nimmityjah Aboriginal Health and Community Services
117.	Woden Community Service
118.	Women with Disability
119.	Women's Legal Centre ACT
120.	Young Men's Christian Association
121.	Youth Coalition of the ACT
122.	YWCA Canberra

- (c) Community groups/organisations known to the ACT Government that provide services to families including specialist disability service providers, community housing providers, and care and protection organisations include:

1.	A Gender Agenda
2.	A Ripple Effect - Circles of Support
3.	Abbeyfield Australia Ltd



4.	Ability Matters
5.	Ability Options Limited
6.	Ability Seer
7.	Able Australia
8.	Aboriginal and Torres Strait Islander Elected Body
9.	Aboriginal and Torres Strait Islander Practice Centre
10.	Aboriginal Dreamings Office
11.	Aboriginal Hostels
12.	Aboriginal Legal Service NSW/ACT
13.	Access Lifecare Pty Ltd
14.	ACT Aboriginal and Torres Strait Islander Education Consultative Group
15.	ACT Bilingual Education Alliance
16.	ACT Community Language Schools and Association
17.	ACT Council of Social Service Inc.
18.	ACT Deafness Resource Centre
19.	ACT Disability Aged and Carers Advocacy Service Inc
20.	ACT Down Syndrome Association
21.	ACT Leisure Program Pty Ltd
22.	ACT Neighbourhood Watch
23.	ACT Playgroups Association Inc
24.	ACT Shelter
25.	ACT Storytellers Guild
26.	ACT Time Out Learning Centre Inc
27.	ACT Together
28.	ACT Torres Strait Islanders Corporation
29.	ACT Women and Prisons Group
30.	ACT Writers' Centre
31.	Acumen Consulting Services
32.	Adriana McCulloch
33.	Adult Speech Pathology Services ACT
34.	Advocacy for Inclusion
35.	AFA (Assistance for All) Support Co-ordination
36.	AIDS Action Council ACT
37.	Alana Care Services
38.	Alive4Life
39.	Amanda Morrison
40.	Amax Care Services
41.	Anglicare NSW South NSW West and ACT
42.	Antonia Isaacson - Mozaiko Momenta
43.	Apprenticeship Support Australia
44.	Argyle Community Housing Ltd
45.	Arki Link
46.	Arthritis Foundation of the ACT Incorporated
47.	Aspirations 2 Live
48.	Assessments Australia (regulated subsidiary of Max Employment)
49.	Australian Childhood Foundation
50.	Australian Red Cross Society
51.	Autism Spectrum Australia
52.	Bala Ram Adhikari (T/A AAA Associates)
53.	Baptist Care
54.	Barnardos Australia

55.	Belconnen Arts Centre
56.	Belconnen Community Service Inc
57.	Belinda Waters (T/A Capital Behaviour Support)
58.	Beryl Women's Refuge
59.	Bloomfield Support Solutions Pty Ltd
60.	Breaking Boundaries
61.	Breastfeeding Association Australia
62.	Burrundju Aboriginal Corporation
63.	Buru Ngunnawal Aboriginal Corporation
64.	Can Speak Canberra Speech Pathology
65.	Canberra and District NAIDOC Aboriginal Corporation
66.	Canberra Blind Society
67.	Canberra Community Law
68.	Canberra Institute of Technology
69.	Canberra Police Community Youth Club
70.	Canberra Raiders
71.	Canberra Rape Crisis Centre
72.	Canberra Speech and Language
73.	Canberra Symphony Orchestra
74.	Canberra Writers' Festival
75.	Capital Health Network
76.	Care 4 Life Pty Ltd
77.	Care Inc
78.	Care Plus Services Pty Ltd
79.	Care Support Network
80.	Care4all Pty Ltd
81.	Carers ACT
82.	Caring Approach
83.	CatholicCare
84.	Centre for Positive Behaviour Support
85.	Cerebral Palsy Alliance
86.	Children Australia Inc: OzChild
87.	Children's Book Council of Australia
88.	Circles of Life Disability Support Solutions (COLDSS)
89.	CIT Yuaranna
90.	ClubMates Travel Pty Ltd
91.	Communities 4U Ltd
92.	Communities@Work Ltd
93.	Community Connections Inc
94.	Community Housing Canberra Ltd
95.	Community Options Inc
96.	Community Programs Association Inc (LEAD)
97.	Community Services #1
98.	Companion House
99.	Conflict Resolution Service
100.	Connections Case Management
101.	Courage Wisdom Change (Fiona Langford)
102.	CREATE Foundation Limited
103.	Daargun Aboriginal Corporation
104.	Darryl's Den Inc
105.	Deaf Children Australia

106.	Deaf Society of NSW
107.	Dementia Australia
108.	Dhurrawang Legal Service
109.	Directions ACT
110.	Disability Aging and Community Care Services
111.	Disability Services Australia Limited
112.	Domestic Violence Crisis Service
113.	Doris Womens Refuge Inc
114.	Drake Medox
115.	DUO Services Australia
116.	Early Childhood Intervention Services (EACH)
117.	Eat Speak Learn Pty Ltd
118.	Eaton House
119.	Eden O'Mara (Eden's Learning for Life)
120.	Empower Care Services Pty Ltd
121.	Empower Living
122.	Enabled4Life
123.	Encompass Community Services Inc
124.	Endeavour Foundation
125.	Environmental Collective Housing Organisation Inc
126.	Epic Assist
127.	Epilepsy Association
128.	EveryMan Australia Inc.
129.	Evolve Support Services
130.	FABIC Pty Ltd
131.	Families ACT
132.	FerosCare
133.	Focus ACT Incorporated
134.	Forward to the Future
135.	Foundations Care Ltd
136.	Funnyworks OZ
137.	Ginninderra Lions Club
138.	GIVIT
139.	Good Hope Nursing Companions
140.	Gordon Community Centre
141.	Greening Australia
142.	GreenLeaf
143.	Grey Army
144.	Gugan Gulwan Youth Aboriginal Corporation
145.	Guide Dogs NSW/ACT
146.	Gungahlin Lions Club
147.	Hartley Lifecare Incorporated
148.	Havelock Housing Association Incorporated
149.	Headspace
150.	Health Solutions Group Australia (Australian Business Recruitment Solutions Group PL)
151.	Healthcall Pty Ltd ATF The Healthcall Unit Trust
152.	Healthy Schools Network
153.	Hear For You
154.	Heartglow
155.	HelpStreet Medical Centre

156.	Holistic Health Group Canberra
157.	Hope and Proud Pty Ltd
158.	House With No Steps
159.	Imagine More
160.	Impact Alcohol
161.	Indigenous Allied Health Australia
162.	Indigenous Community Volunteers Limited
163.	Initiatives for Women in Need (iWin)
164.	InkBrush Art Therapy
165.	Integrated Care Pty Ltd
166.	Integrity Care Services (Stephen Jovensio)
167.	JA and JS FENECH
168.	Jabez Disability Care
169.	JB Community Care Services
170.	JH Psychotherapy & Counseling Services Pty Ltd
171.	Job Centre Australia
172.	Journey Counselling & Life Skills
173.	Journey of Healing
174.	Kalinga Australia Pty Ltd
175.	Kara Buai Torres Strait Islander Corporation
176.	Karen Stewart - Clarity of Self Counselling & Psychotherapy
177.	Karinya House Home for Mothers and Babies Inc
178.	Karralika
179.	KidSafe
180.	KinCare
181.	King Brown Tribal Group
182.	Kirinari Community Services
183.	Kookaburra Kids
184.	Koomarri
185.	Koori preschools
186.	Lantern Claims Pty Ltd
187.	L'Arche Genesaret Inc
188.	Leap In
189.	Leapfrog Adventures
190.	Left Lane Outreach Theatre
191.	Legal Aid
192.	Leisure Options Pty Ltd
193.	Life Without Barriers
194.	Lifeline Canberra
195.	Lifestyle Solutions (Aust) Ltd
196.	Lighthouse Business Innovation Centre
197.	Lisa Grant
198.	Lismar Trust & Others (T/A Ideal Plan Management)
199.	Little Gudgenby River Tribal Council
200.	Liveability Australia Pty Ltd
201.	Living Great Lives
202.	Living My Way Brokers Limited
203.	Lone Father's Association
204.	MAC Healthcare Services Pty Ltd
205.	Maia Koleva (T/A Autism Therapy & Beyond)
206.	Majura Park Speech Pathology

207.	Majura Women's Group
208.	Making Connections Together
209.	Malaya Support Services
210.	Mandarin for Fun Playgroup
211.	Manmaid Care Pty Limited
212.	Manuka Occasional Childcare Centre Association
213.	Marathon Health
214.	Mary Anne Apps (The Apps Learning Centre)
215.	Marymead Child and Family Centre
216.	MAX Solutions Pty Ltd
217.	Menslink
218.	Mental Health Foundation (ACT) Inc
219.	MHHT Hybrid Trust
220.	Migrant and Refugee Settlement Services of the ACT Inc.
221.	More Choice
222.	Motor Neurone Disease Association
223.	Multicultural Employment Services
224.	Multiple Sclerosis Ltd
225.	My Choice My Support
226.	My Plan Manager
227.	Nannies Group
228.	National Association for Prevention of Child Abuse and Neglect ACT Inc (NAPCAN)
229.	National Centre for Australian Children's Literature
230.	National Community Care
231.	New Leaf
232.	Nexus Human Services Inc
233.	Ngambri Local Aboriginal Land Council
234.	Ngarigu Currawong Clan
235.	Ngunnawal Bush Healing Farm
236.	Noah's Ark Resource Centre Inc
237.	North Belconnen Community Association Inc
238.	Northcott Society
239.	Northside Community Service Limited
240.	Nutrition Australia (ACT)
241.	Nutrition Australia ACT Inc.
242.	OCTEC Limited (Transition to Work)
243.	One Door Mental Health
244.	OneLink
245.	Open Art Creative Therapies
246.	Open Circles
247.	Optimal Health Performance
248.	OzCode Academy
249.	OzHarvest
250.	PANDSI
251.	ParaQuad
252.	Parentlink
253.	Pegasus Riding for the Disabled of the ACT Inc
254.	Personal Centred Support Pty Ltd
255.	Physical Activity Foundation
256.	Pipeline Holidays (T/A Pipeline Respite Supported Holidays and Tours)

257.	Plan Management Partners Pty Ltd, ACT/NSW
258.	Positivity
259.	Premium Care Services
260.	Prisoners Aid
261.	Project Independence Ltd
262.	Providence: Disability and Ageing Support Services Pty Ltd
263.	Quality Disability Management Services
264.	Queanbeyan Multilingual Centre (Multicultural Youth Services)
265.	Queanbeyan Special Needs Services
266.	Quest Employment Solutions Pty Ltd
267.	Refugee Support Group
268.	Rehabco
269.	Relationships Australia Canberra and Region
270.	Rhythm Village
271.	Richmond Fellowship
272.	Robogals
273.	Royal Institute for Deaf and Blind Children
274.	Samy Care Services
275.	Sanctuary Aus
276.	SchemeWise
277.	SDN Children's Service
278.	Sexual Health and Family Planning ACT Incorporated
279.	Sharing Places Inc
280.	Siblings Australia
281.	SIDS and Kids
282.	Sisters in Spirit
283.	Skipper Care
284.	Smallest of Steps Therapy
285.	Society of Children's Book Writers and Illustrators
286.	Society of St Vincent de Paul
287.	SP Specialist Education Services/SP Specialist Inclusion Services Pty Ltd
288.	Spinal Cord Injuries Australia
289.	Spinal ACT
290.	Story Dogs
291.	Strathnairn Arts
292.	Sunnyfield
293.	Supportlink
294.	Tamil Senior Citizen Association (ACT) Inc
295.	Technology for Ageing and Disability ACT (TADACT)
296.	The Benevolent Society
297.	The Cancer Council
298.	The Disability Trust
299.	The ORS Group
300.	The Rehabilitation Specialists
301.	The Salvation Army
302.	The Shepherd Centre for Deaf Children
303.	The Smith Family
304.	Therapy 4 Kids
305.	Tjillari Justice Aboriginal Corporation
306.	Toora Women Inc.
307.	Trend Care Solutions

308.	Tuggeranong Community Arts Association
309.	Tuggeranong Community Council
310.	Tuggeranong Link of Community Houses and Centres Inc
311.	Tuggeranong Lions
312.	Tuggeranong Netball Association
313.	United Ngunnawal Elders Council
314.	United Vietnamese Buddhist Congregation of Canberra & Surrounding Districts
315.	Uniting
316.	Uniting Care NSW/ACT Disability Services
317.	UnitingCare Kippax
318.	Uniting Children and Families
319.	Uniting Church
320.	Unity Speech Pathology
321.	Untroubled Minds
322.	Valmar Support Services Ltd
323.	Variety the Childrens Charity
324.	Vision Australia
325.	Volunteering and Contact ACT Incorporated
326.	Warriors Basketball
327.	Wattle Speech Pathology
328.	Well Care Australia
329.	Well Movement Pty Ltd
330.	Wellways
331.	WhISPers Aboriginal and Torres Strait Islander Softball Corporation
332.	Willows Care Pty. Ltd.
333.	Winnunga Nimmityjah Aboriginal Health and Community Services
334.	Winnunga Warriors
335.	Woden Community Service
336.	Women's Legal Centre ACT
337.	Woodlands and Wetlands Trust
338.	Workways Australia/Advance Personnel Canberra
339.	Yedding Mura Aboriginal Corporation
340.	Young Men's Christian Association
341.	Your Helpers
342.	Your Well Being Care Services Pty Ltd
343.	YWCA Canberra

---

**Environment—carbon emissions  
(Question No 2346)**

**Ms Lee** asked the Minister for Climate Change and Sustainability, upon notice, on 22 March 2019:

- (1) What action is the Government taking in relation to natural gas or synthetic gas use to offset growing transport emissions and to meet the government's own target by 2020.
- (2) Has any assessment been done on the emissions created by increased traffic held up due to road work/light rail works; if yes, what steps is the Government taking to address traffic created emissions; if not, why not.

- (3) What research has the Government undertaken to (a) identify and (b) reduce fugitive emissions.
- (4) How will the Government offset emissions from fugitive emissions.
- (5) What methods can it pursue to offset emissions in relation to fugitive emissions; if not offsetting emissions, why not.
- (6) Does the Government collect data on non-transport use of liquefied petroleum gas by businesses and households; if so, where is it published; if not, why not.
- (7) Does the Report on the 2017-18 Greenhouse Gas Inventory note that during 2017-18 the total volume of commercial and residential waste going to landfill was slightly higher than the previous year; if so what impact will this have on emissions in future years.
- (8) What modelling has been done on the likely volumes of commercial and residential waste going to landfill in the next five years.
- (9) What was the total volume of commercial and residential waste going to landfill in (a) 2013-14, (b) 2014-15, (c) 2015-16, (d) 2016-17 and (e) 2017-18.
- (10) What was the total emissions from the waste sector (kilotonnes CO<sub>2</sub>-e) as well as the percentage it made up of total emissions in (a) 2013-14, (b) 2014-15, (c) 2015-16, (d) 2016-17 and (e) 2017-18.
- (11) What impact will increased emissions have on the ACT's 2020 objective.

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

- (1) The ACT has a target of reducing greenhouse gas emissions to 40% below 1990 levels by 2020 and to net zero emissions by 2045. The government already has a range of measures in place that reduce natural gas use include the Energy Efficiency Improvement Scheme, Actsmart programs, support for efficiency upgrades to public housing and reducing emissions from government operations.

Industrial emissions, including synthetic gases, are accounted for at the national level, and attributed to the ACT on a population basis. Policy at the national level will target reductions in this sector.

A new climate change policy is currently being considered for the ACT that will focus on further reducing emissions, especially in relation to natural gas and transport as the major emitting sources post-2020, accounting for over 80% of emissions. Ongoing development of climate change policies and programs will consider effective abatement options in all sectors.

- (2) Transport emissions are reported annually in the ACT Greenhouse Gas Inventory. The ACT's calculated transport emissions are based on estimates of total fuel consumption and not individualised to roads or projects. The Transport for Canberra policy includes a range of actions that the Government is taking with the objective of reducing the city's transport emissions.



- (3) Fugitive emissions are accounted for in the ACT Greenhouse Gas inventory, which is prepared annually by an independent consultant. Fugitive emissions for the ACT are calculated based on “Unaccounted Gas” from the distribution network, currently estimated as 1.7% of natural gas consumption. This is detailed in section 5.6 of the Climate Change and Greenhouse Gas Reduction (Greenhouse Gas Emissions Measurement Method) Determination 2017. These emissions form a relatively small component of the total 2017-18 Greenhouse Gas Inventory (0.9%).

Evoenergy actively monitors leakage of natural gas from the distribution network on a monthly basis. Reductions in natural gas consumption through Government programs will likely result in a further decline in fugitive emissions.

- (4) Fugitive emissions are included as part of the ACT Greenhouse Gas Inventory along with other sources of emissions. Ongoing climate change policy development identifies measures to reduce all emissions in the manner deemed to have the greatest benefits to the ACT community.
- (5) The Government will target fugitive emissions through measures that reduce overall natural gas consumption in the ACT.
- (6) The Government does not currently collect data on non-transport use of liquefied petroleum gas. However, the potential to use consumption data in preparation of the 2018-19 Greenhouse Gas Inventory will be considered.
- (7) The 2017-18 Greenhouse Gas Inventory states that the commercial and residential waste going to landfill was slightly higher than 2016-17.

Waste to landfill data is from weighbridge records and there was an 8% increase from commercial, and a reduction of 3% from households:

In tonnes	2016-17	2017-18
Commercial and industrial	108,496t	117,269t
Households	122,102t	118,258t
<b>Total from commercial and industrial, and households</b>	<b>230,598t</b>	<b>235,527t</b>

In addition to these waste streams, there was a reduction in construction and demolition waste:

In tonnes	2016-17	2017-18
Demolition waste from Mr Fluffy	201,972t	89,954t
Construction and demolition waste (excluding Mr. Fluffy)	78,721t	15,449t

Despite slight increases in the amount of solid waste going to landfill, emissions from solid waste disposal have been decreasing in recent years due to continued increases in the volume of landfill gas captured and burnt at the Mugga Lane and Belconnen landfill gas generators.

- (8) No modelling has been undertaken on projected tonnes to landfill for the next five years. The implementation of the *Waste Management and Resource Recovery Act 2016* (Waste Act) commenced on 1 July 2017. In 2018-19 ACT NoWaste will continue its efforts on licensing all ACT-based waste management facilities, registering all businesses that transport waste in the ACT. The first full year reporting of waste data by all waste facilities and transporters will occur in 2019-20.

- (9) Total volumes of waste going to landfill, as provided by Transport Canberra and City Services Directorate, are as follows:

Commercial and industrial and household waste:

In tonnes	(a) 2013-14	(b) 2014-15	(c) 2014-15	(d) 2016-17	(e) 2017-18
Commercial and industrial	114,275t	111,542t	109,007t	108,496t	117,269t
Households	102,852t	111,156t	119,701t	122,102t	118,258t
<b>Total from commercial and industrial, and households</b>	<b>217,127t</b>	<b>222,698t</b>	<b>228,708t</b>	<b>230,598t</b>	<b>235,527t</b>

Construction and demolition waste:

In tonnes	2013-14	2014-15	2014-15	2016-17	2017-18
Mr Fluffy Construction and demolition waste	-	1,766t	79,202t	201,972t	89,954t
Construction and demolition waste (excluding Mr. Fluffy)	21,178 t	19,330t	11,399t	78,721t	15,449t

- (10) Total emissions from the waste sector from 2013-14 to 2017-18, as calculated by the independent consultant as part of the 2017-18 ACT Greenhouse Gas Inventory, and the corresponding percentage of total emissions per year are as follows:
- a) 105.6 kt CO<sub>2</sub>-e (2.7%)
  - b) 116.4 kt CO<sub>2</sub>-e (2.9%)
  - c) 116.7 kt CO<sub>2</sub>-e (2.8%)
  - d) 99.9 kt CO<sub>2</sub>-e (2.5%)
  - e) 72.4 kt CO<sub>2</sub>-e (2.1%)
- (11) The 40% reduction target is measured through emissions across all sectors, recognising that different sectors will change at different rates. The new climate change strategy, currently under development, will contain actions with a focus on the natural gas and transport sectors. These will be the two largest emitting sectors beyond 2020.

---

### Hospitals—patient data (Question No 2347)

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 22 March 2019:

- (1) At any time since January 2017, was any medical imaging department patient data in existence that could not be matched to the patient's name ("orphan" data); if so, how many such instances were identified during that period and of those (a) how many were matched to patient names, (b) what process was employed to make the matches, (c) what was the shortest time period for those matchings to be made and (d) what was the longest time period, for those matchings to be made.
- (2) How did it occur that "orphan" data came into existence.
- (3) Were any "orphan" data in existence as at the date on which this question was published in the questions on notice paper; if yes (a) how many and (b) why.

- (4) What assessment has been made as to the risk to patient health or safety as a result of instances of “orphan” data.
- (5) What processes are in place to ensure there is no chance that “orphan” data may come into existence in future.
- (6) Have there been instances of “orphan” data in any other department of any public hospital in the ACT; if so, in which departments and hospitals.

**Ms Fitzharris:** The answer to the member’s question is as follows:

- (1) (a) Since January 2017 there have been 10 “orphaned” studies (sets of images) that have required manual matching processes. All 10 studies have been successfully matched.  
(b) A manual process is undertaken by the ICT team that supports the medical imaging system to investigate each image that is “orphaned”.  
(c) The shortest period of time that it took to resolve an “orphaned” study was four minutes.  
(d) The longest period of time that it took to resolve an “orphaned” study was three days.
- (2) Often “orphaned” studies are created in time critical cases from the Emergency Department or post a Medical Emergency Team call where the scans are very urgent. During these circumstances’ images are commonly reviewed by the clinical team at the time the image is taken to assist with quick decision making for the specific patient.
- (3) There were no instances of “orphan” images or studies on 22 March 2019.
- (4) Work is actively and regularly done to ensure that there is no risk to patient health or safety as a result of “orphan” images. The ICT team that supports the medical imaging system have managed over 1.2 million studies or 275 million images over a 10 year period with the Siemens Radiology Information System.
- (5) The thorough processes that have been in place continue to ensure that a minimal number of “orphaned” images or studies occur, and if they are to occur, that a minimal amount of manual intervention is required to address the “orphaned” image or study within a very tight timeframe.
- (6) Data on the prevalence of “orphan” data is not routinely collected as it is managed on a case by case basis by individual system administrators.

---

**Mental health—office for mental health and wellbeing  
(Question No 2348)**

**Mrs Dunne** asked the Minister for Mental Health, upon notice, on 22 March 2019:

- (1) How many FTE staff equivalents are employed in the Office of Mental Health and Wellbeing.
- (2) What is the staffing structure by classification and FTEs in each classification.

- (3) Are all of the positions filled.
- (4) What is the operating budget for 2018-19 and each of the out years in the 2018-19 budget cycle.
- (5) For each year in part (4), what are the budget allocations for (a) employee costs, (b) contracts and consultancies and (c) supplies and services.
- (6) What are the Office's (a) responsibilities, (b) aims and objectives, (c) work plans for each of 2018-19 and 2019-20 and (d) KPIs for each of 2018-19 and 2019-20.
- (7) Are the work plans and KPIs on track; if not, why.
- (8) Is actual expenditure for 2018-19 running to budget; if not (a) how much is the difference and (b) why.
- (9) What active role will the Office play in addressing mental health issues in the ACT Government such as, but not limited to, bullying and assaults in the health and education directorates, and mental health issues such as post traumatic stress disorder in police and emergency services.

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

- (1) Total FTE: 4.0

- (2)

Position	FTE
SESB 3.2	1.00
SOG B	2.00
ASO 5	1.00

- (3) Yes. All positions are currently filled.

- (4)

2018-19	2019-20	2020-21
\$782,000	\$798,000	\$814,000

- (5)

	2018-19	2019-20	2020-21
(a) Employee Costs	723,747	738,556	753,364
(b) Contracts and Consultancies	18,389	18,764	19,141
(c) Supplies and Services	39,864	40,680	41,495
Total Budget	<b>\$782,000</b>	<b>\$798,000</b>	<b>\$814,000</b>

- (6)

- a) The Office for Mental Health and Wellbeing is responsible for working on issues across the whole-of-Government and will collaborate closely with other agencies, including health services, primary care, housing and employment, community services, justice, police, education, and promote social inclusion.
- b) The Office will:
  - provide strategic oversight of the delivery of mental health services across the ACT, including how they intersect with other government directorates;

- ensure our mental health services are person-centric and meet the needs of people;
  - improve access to mental health services by managing the coordination, integration and targeting of services and facilities through a mental health and wellbeing framework;
  - focus on coordinating services along the entire continuum of mental health; and
  - help ensure that people experiencing poor mental health can access the most appropriate services and supports at the right place and at the right time.
- c) The Office has developed a Work Plan for 2019-2021. This Work Plan will be available for public release following Cabinet approval.
- d) The KPIs will be developed following Cabinet approval of the Work Plan.
- (7) The Office Work Plan is on track and the KPI's will be developed following Cabinet approval of the Work Plan.
- (8) Yes, the Office expenditure is running to budget.
- (9) The Office will work with lead agencies on issues relating to mental health and wellbeing and will coordinate services along the entire continuum of mental health and alcohol and other drug issues (from health promotion and prevention strategies through early intervention and support through acute service provision to recovery). This work will be determined following the release of the Office Work Plan.

### **Canberra Hospital—electrical systems (Question No 2350)**

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 22 March 2019:

- (1) What other ancillary, tangential, or related works were identified as requiring to be completed at The Canberra Hospital (TCH) subsequent to beginning the project to replace the main electrical switchboard in building 12.
- (2) What is the (a) budget and (b) timeline, for those other works.
- (3) Who has been contracted to undertake those other works.
- (4) What other infrastructure works were in progress at TCH, whether for new or existing infrastructure, as at the date on which this question was published in the questions on notice paper.
- (5) For each project (a) what is the budget, (b) who is the lead contractor, (c) what areas of the hospital have been closed to allow those works to be completed and (d) what is the completion timeline.

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1) The original scope of work for the Electrical Main Switchboard Board (EMSB) project was to replace ageing Building 2 and 12 switchboards and associated electrical cabling in Building 2 that were identified as high or extreme risk. At the time the

exact condition and suitability of the ageing electrical equipment and cabling was unknown and not able to be quantified prior to commencement of construction works.

Other ancillary, tangential or related works associated with the Building 12 EMSB include, but not limited to:

- Increased electrical distribution system redundancy
- Replacement of overheating circuit breaker in existing Building 12 EMSB
- Business Continuity Boards
- Evo Energy substation upgrades
- Electrical load studies
- Generator system upgrades to complement improved electrical system redundancy.
- Building works associated with additional project scope.
- Electrical connectivity for new plant and equipment installed in Building 12 during design and construction phases of the EMSB project eg:
  - Pre-Rinse Sterilising Upgrades
  - Single Photon Emission Computed Tomography machine installation

(2a) The current construction contract value for the project is \$41.9 million (including GST) (for Building 2 and Building 12 EMSB) and reflects the increase in project scope to address significant associated risks with ageing infrastructure that were not able to be quantified prior to commencement of construction works.

(2b) December 2019.

(3) Shaw Building Group.

(4) There is an ongoing program of infrastructure works across Canberra Hospital to upgrade and maintain critical health assets that involve a number of contractors and subcontractors working across the Canberra Hospital campus. Public information on contracts awarded by Canberra Health Services is available from the Contracts Register at <https://tenders.act.gov.au/ets/contract/list.do?action=contract-search&sel=contractssearch> which includes the contract name, contract amount, supplier name, contract execution date, contract expiry date and status.

(5) Refer to response to Question four.

---

### **ACT Health—service funding agreements (Question No 2351)**

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 22 March 2019:

Is the government contemplating or undertaking a general review of service funding agreements in ACT Health and/or Canberra Health Services; if so, (a) what are the terms of reference, (b) what is the timeline, (c) what is planned for consultation with current service providers, (d) will a final report be prepared; if no, why and (e) will the report be made public; if no, why.

**Ms Fitzharris:** The answer to the member's question is as follows:

Neither ACT Health Directorate or Canberra Health Services are undertaking a general review of service funding agreements.

---

**ACT Health—invoices  
(Question No 2353)**

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 22 March 2019:

- (1) What goods and/or services were provided for the payment of \$656 861.58 on 6 December 2018 to Brookfield Global Integrated Solutions Pty Ltd.
- (2) What goods and/or services were provided for the payment of \$359 502.00 on 20 December 2018 to Siemens Healthcare Pty Ltd.
- (3) What clinical services were provided by Calvary John James Hospital for the various payments totalling \$1 170 341.02, made during December 2018.
- (4) In relation to the payment of \$2 509 022.06 on 20 December 2018 to Shaw Building Group Pty Ltd (Shaw) described as “The Canberra Hospital Building 2 main switchboard upgrade” (or similar), (a) how much had previously been paid to Shaw for this project, (b) how much remains to be paid to Shaw for this project, (c) what was the original total budget for this project, (d) if there is a variance between the total that has been and remains to be paid to Shaw and the original total budget, why and (e) what goods and/or services are Shaw providing for this project.
- (5) What was the purpose of any payment made to any provider of goods and/or services in the period between the date on which the University of Canberra Public Hospital (UCPH) opened and 31 January 2019 that were described as “UCPH Design Specification and Documentation” (or similar), and on what date/s were those goods and/or services provided.

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1) The payment made to Brookfield Global Integrated Solutions on 6 December 2018 was for the provision of non-clinical support services provided at the University of Canberra Hospital.
- (2) Siemens Healthcare Pty Ltd has been contracted to provide the Medical Imaging IT (RIS/PACS) performance plan including hardware and software configuration.
- (3) Calvary John James Hospital has been contracted to perform elective orthopaedic surgery removals as part of the Elective Joint Replacement Program.
- (4) (a) The total amount paid up to and including the invoice of 20 December 2018 was \$17.9 million (incl. GST).  
(b) The amount that has been paid as of 29 March 2019 is \$25.3 million (incl. GST) and therefore the amount remaining to be paid is \$16.6 million (incl. GST).

(c) The original budget for construction works associated with the electrical main switchboard board project was \$14.0 million (incl. GST).

(d) The Shaw Building Group contract is currently \$41.9m (incl. GST) which differs from the original budget for the following reason:

The original scope of work was to replace ageing Building 2 and 12 switchboards and associated electrical cabling that were identified as high or extreme risk. The difference between the original budget and the current contract amount reflects the increase in project scope linked to the following areas:

- to address significant associated risks with ageing infrastructure that were not able to be quantified prior to commencement of the construction works.
- to address the risk of failure during the works from disturbing the ageing electrical infrastructure including the replacement of new submain cables and reticulation infrastructure, business continuity switchboards, submain upgrade and hire of additional backup generators to reduce the risk of further unplanned outages until the project was completed.
- to provide an increased level of electrical supply redundancy to support Canberra Hospital's status as the only Tertiary level hospital in the region requiring continuity of electrical service supply at all times.

(e) Design (to the extent specified) and Construction of Canberra Hospital Main Electrical Switchboards Replacement

(5) Details of notifiable invoices for "UCPH Design Specification and Documentation" between go live (July 2018) and 31 January 2019 are:

#### July 2018

- Nil

#### August 2018

- Progress claim on post completion changes and the supply and installation of a Car Park Guidance System
- Temporary traffic management measures during construction of the Multi Storey Car Park

#### September 2018

- Progress claim on post completion changes
- Supply and installation of additional storage and changes to the Clean Utility Rooms
- Progress claim for the supply and installation of a Car Park Guidance System
- Supply and installation of building identification signage

#### October 2018

- Nil

#### November 2018

- Progress claim on post completion changes and the supply and installation of a Car Park Guidance System
- Progress claim for the fit out of the Medical Imaging Room



December 2018

- Nil

January 2019

- Majura Ward and Stromlo Ward wayfinding colour swap
- Brindabella Ward room number changes
- Progress claim for the fit out of the Medical Imaging Room
- Final payment to Multiplex for the Design and Construction contract

**Government—invoices**  
**(Question No 2354)**

**Mr Wall** asked the Treasurer, upon notice, on 22 March 2019 (*redirected to the Minister for Government Services and Procurement*):

- (1) What is the total number of invoices paid by the ACT Government within 30 days of issue, in the financial years (a) 2014-15, (b) 2015-16 (c) 2016-17 and (d) 2017-18 to date.
- (2) What is the total number of invoices paid by the ACT Government beyond 30 days of issue, but within 60 days of issue, in the financial years (a) 2014-15, (b) 2015-16 (c) 2016-17 and (d) 2017-18 to date.
- (3) What is the total number of invoices paid by the ACT Government beyond 60 days of issue, in the financial years (a) 2014-15, (b) 2015-16 (c) 2016-17 and (d) 2017-18 to date.
- (4) What is the total value of invoices identified in parts (1), (2) and (3).

**Ms Stephen-Smith:** The answer to the member's question is as follows:

- (1) The total number of invoices paid by the ACT Government within 30 days of issue in the financial years (a) 2014-15, (b) 2015-16 (c) 2016-17 and (d) 2017-18 to date are shown as below:
  - (a) 2014-15 - 284,295
  - (b) 2015-16 - 287,259
  - (c) 2016-17 - 274,165
  - (d) 2017-18 - 269,591
  - 2018-19 (to 25 March 2019) - 202,269
- (2) The total number of invoices paid by the ACT Government beyond 30 days of issue, but within 60 days of issue, in the financial years (a) 2014-15, (b) 2015-16 (c) 2016-17 and (d) 2017-18 to date are shown as below:
  - (a) 2014-15 - 41,137
  - (b) 2015-16 - 38,065
  - (c) 2016-17 - 39,598
  - (d) 2017-18 - 36,421
  - 2018-19 (to 25 March 2019) - 24,787

- (3) The total number of invoices paid by the ACT Government beyond 60 days of issue, in the financial years (a) 2014-15, (b) 2015-16 (c) 2016-17 and (d) 2017-18 to date are shown as below:

- (a) 2014-15 - 24,881  
 (b) 2015-16 - 26,088  
 (c) 2016-17 - 23,310  
 (d) 2017-18 - 23,902  
 2018-19 (to 25 March 2019) - 17,317

- (4) The total value of invoices identified in parts (1), (2) and (3) are shown as below:

Within 30 days of issue:

2014-15	2015-16	2016-17	2017-18	2018-19 YTD
\$3,276,972,738	3,512,755,439	3,567,636,412	\$3,408,138,322	\$2,334,110,049

Beyond 30 days of issue, but within 60 days of issue:

2014-15	2015-16	2016-17	2017-18	2018-19 YTD
\$452,889,218	\$482,873,797	\$466,113,189	\$510,096,688	\$383,743,287

Beyond 60 days of issue:

2014-15	2015-16	2016-17	2017-18	2018-19 YTD
\$195,367,686	\$175,213,560	\$279,237,376	\$244,967,917	\$132,156,814

---

### **Employment—portable long service leave scheme (Question No 2355)**

**Mr Wall** asked the Minister for Employment and Workplace Safety, upon notice, on 22 March 2019:

- (1) What was the total amount of contributions made to the Long Service Leave Authority, via the portable long service leave scheme, that were received from privately operated aged care facilities in the (a) 2017-18 financial year and (b) 2018 – to date.
- (2) How many eligible claims were made by workers exiting privately operated aged care facilities in the (a) 2017-18 financial year and (b) 2018 – to date, and what was the total value for each year.
- (3) How many ineligible claims were made by workers exiting privately operated aged care facilities in the (a) 2017-18 financial year and (b) 2018 – to date, and what was the total value for each year.

**Ms Stephen-Smith:** The answer to the member's question is as follows:

- (1) Under the *Long Service Leave (Portable Schemes) Act 2009 (the Act)*, the Long Service Leave Authority (the Authority) collects levy payments made by entities engaged in the community sector industry providing residential aged care and community aged care services. The total amount of contributions to the Authority from entities offering aged care services is:

(a) for the 2017-18 financial year—\$1,970,290; and

(b) for the 2018-19 financial year to date—\$820,405.

As the Authority does not record the corporate status of entities paying contributions, the amounts stated above reflect contributions paid by all aged care providers regardless of whether they are operated on a for profit or other basis.

In addition, the amounts stated above do not reflect contributions that may have been paid to the Authority by community sector entities that offer a range of services, including aged care, as levies paid by a single entity are not disaggregated to this level.

- (2) Residential aged care and community aged care services were listed under the community sector industry portable long service leave scheme from 1 July 2016. A five year qualifying period for recognised service applies and consequently aged care workers are unable to make a claim for payment of portable long service leave until after 1 July 2021.

Where an employee has accrued an entitlement through service covered by a combination of the *Long Service Leave ACT 1976* and the *Long Service Leave (portable Schemes) Act 2009*, the payment to the employee is made by the employer.

The employer may apply to the Authority for reimbursement for the portion of the payment that relates to the service since the commencement of the relevant portable long service leave scheme.

- (3) Residential aged care and community aged care services were listed under the community sector industry portable long service leave scheme from 1 July 2016. A five year qualifying period for recognised service applies and consequently aged care workers are unable to make a claim for payment of portable long service leave until after 1 July 2021.

---

### **Schools—heating and cooling (Question No 2357)**

**Ms Lee** asked the Minister for Education and Early Childhood Development, upon notice, on 22 March 2019:

- (1) Which ACT Government pre-schools, primary schools, high schools, and colleges have heating and cooling systems in every classroom; if heating and cooling systems are not in every classroom, what are the numbers of classrooms not temperature controlled and in what schools are they located.
- (2) Which ACT Government pre-schools, primary schools, high schools, and colleges have heating and cooling systems in their (a) libraries and (b) administration areas.

**Ms Berry:** The answer to the member's question is as follows:

- (1) All ACT Government pre-schools, primary schools, high schools and colleges have heating in every classroom.

The following ACT Government schools have cooling systems in every classroom:

a) Pre-schools – All

b) Primary Schools:

- i. Bonython Primary School;
- ii. Caroline Chisholm School - Junior campus;
- iii. Chapman Primary School;
- iv. Charles Conder Primary School;
- v. Charles Weston School;
- vi. Charnwood Dunlop Primary School;
- vii. Cranleigh School;
- viii. Evatt Primary School;
- ix. Fadden Primary School;
- x. Florey Primary School;
- xi. Forrest Primary School;
- xii. Franklin Early Childhood School;
- xiii. Fraser Primary School;
- xiv. Garran Primary School;
- xv. Hawker Primary School;
- xvi. Hughes Primary School;
- xvii. Kaleen Primary School;
- xviii. Lyons Early Childhood School;
- xix. Malkara School;
- xx. Margaret Hendry School;
- xxi. Maribyrnong Primary School;
- xxii. Miles Franklin Primary School;
- xxiii. Monash Primary School;
- xxiv. Namadgi School;
- xxv. Neville Bonner Primary School;
- xxvi. O'Connor Co-Operative School;
- xxvii. Palmerston Primary School;
- xxviii. Richardson Primary School;
- xxix. Taylor Primary School;
- xxx. Theodore Primary School;
- xxxi. Wanniasa Hills Primary School; and
- xxxii. Wanniasa School – Junior campus.

c) High Schools:

- i. Black Mountain School;
- ii. Melba Copland Secondary School – High School Campus;
- iii. UC Kaleen High;
- iv. Wanniasa School – Senior campus;
- v. The Woden School;

d) Colleges:

- i. Canberra College;
- ii. Erindale College;
- iii. Hawker College;
- iv. Melba Copland Secondary School – College Campus.

The remaining 48 school sites have a mixture of passive and mechanical cooling systems throughout their buildings but this does not extend to every classroom. Information on specific classrooms without mechanical cooling is only held at a school level and is not readily available.

- (2) All ACT Government schools have heating and cooling systems in their (a) libraries and (b) administration areas except for cooling in the Ainslie Primary School administration area. This school requested that cooling be installed in some of their classrooms as it was not necessary in the front office area due to high levels of passive cooling in this building.

---

**Government—university funding  
(Question No 2358)**

**Ms Lee** asked the Treasurer, upon notice, on 22 March 2019 (*redirected to the Minister for Higher Education*):

Has the Chief Minister, Treasury and Economic Development Directorate had correspondence with the Australian National University regarding the management of ACT government funding of ANU programmes, between 31 October 2016 to date; if so, can the Treasurer provide a schedule of correspondence between the directorate and the ANU.

**Ms Fitzharris:** The answer to the member's question is as follows:

The following directorates have had correspondence with the Australian National University (ANU) regarding the management of government funding of ANU programs from 31 October 2016 to date:

- Chief Minister, Treasury and Economic Development Directorate
- Environment, Planning and Sustainable Development Directorate
- Education Directorate
- Health Directorate

A schedule of correspondence for these four directorates is at Attachment A.

(A copy of the attachment is available at the Chamber Support Office).

---

**Government—university funding  
(Question No 2359)**

**Ms Lee** asked the Minister for Health and Wellbeing, upon notice, on 22 March 2019 (*redirected to the Minister for Higher Education*):

Has the Health Directorate had correspondence with the Australian National University regarding the management of ACT government funding of ANU programmes, between 31 October 2016 to date; if so, can the Minister provide a schedule of correspondence between the directorate and the ANU.

**Ms Fitzharris:** The answer to the member's question is as follows:

The following directorates have had correspondence with the Australian National University (ANU) regarding the management of government funding of ANU programs from 31 October 2016 to date:

- Chief Minister, Treasury and Economic Development Directorate
- Environment, Planning and Sustainable Development Directorate
- Education Directorate
- Health Directorate

A schedule of correspondence for these four directorates is at [Attachment A](#).

*(A copy of the attachment is available at the Chamber Support Office).*

---

### **Government—university funding (Question No 2360)**

**Ms Lee** asked the Minister for Community Services and Facilities, upon notice, on 22 March 2019 (*redirected to the Minister for Higher Education*):

Has the Community Services Directorate had correspondence with the Australian National University regarding the management of ACT government funding of ANU programmes, between 31 October 2016 to date; if so, can the Minister provide a schedule of correspondence between the directorate and the ANU.

**Ms Fitzharris:** The answer to the member's question is as follows:

The following directorates have had correspondence with the Australian National University (ANU) regarding the management of government funding of ANU programs from 31 October 2016 to date:

- Chief Minister, Treasury and Economic Development Directorate
- Environment, Planning and Sustainable Development Directorate
- Education Directorate
- Health Directorate

A schedule of correspondence for these four directorates is at [Attachment A](#).

*(A copy of the attachment is available at the Chamber Support Office).*

---

### **Government—university funding (Question No 2361)**

**Ms Lee** asked the Minister for the Environment and Heritage, upon notice, on 22 March 2019 (*redirected to the Minister for Higher Education*):

Has the Environment, Planning and Sustainable Development Directorate had correspondence with the Australian National University regarding the management of ACT government funding of ANU programmes, between 31 October 2016 to date; if so, can the Minister provide a schedule of correspondence between the directorate and the ANU.

**Ms Fitzharris:** The answer to the member's question is as follows:

The following directorates have had correspondence with the Australian National University (ANU) regarding the management of government funding of ANU programs from 31 October 2016 to date:

- Chief Minister, Treasury and Economic Development Directorate
- Environment, Planning and Sustainable Development Directorate
- Education Directorate
- Health Directorate

A schedule of correspondence for these four directorates is at [Attachment A](#).

*(A copy of the attachment is available at the Chamber Support Office).*

---

### **Government—university funding (Question No 2362)**

**Ms Lee** asked the Attorney-General, upon notice, on 22 March 2019 (*redirected to the Minister for Higher Education*):

Has the Justice and Community Safety Directorate had correspondence with the Australian National University regarding the management of ACT government funding of ANU programmes, between 31 October 2016 to date; if so, can the Minister provide a schedule of correspondence between the directorate and the ANU.

**Ms Fitzharris:** The answer to the member's question is as follows:

The following directorates have had correspondence with the Australian National University (ANU) regarding the management of government funding of ANU programs from 31 October 2016 to date:

- Chief Minister, Treasury and Economic Development Directorate
- Environment, Planning and Sustainable Development Directorate
- Education Directorate
- Health Directorate

A schedule of correspondence for these four directorates is at [Attachment A](#).

*(A copy of the attachment is available at the Chamber Support Office).*

---

### **Government—university funding (Question No 2363)**

**Ms Lee** asked the Minister for Transport, upon notice, on 22 March 2019 (*redirected to the Minister for Higher Education*):

Has the Transport Canberra and City Services Directorate had correspondence with the Australian National University regarding the management of ACT government funding of ANU programmes, between 31 October 2016 to date; if so, can the Minister provide a schedule of correspondence between the directorate and the ANU.

**Ms Fitzharris:** The answer to the member's question is as follows:

The following directorates have had correspondence with the Australian National University (ANU) regarding the management of government funding of ANU programs from 31 October 2016 to date:

- Chief Minister, Treasury and Economic Development Directorate
- Environment, Planning and Sustainable Development Directorate
- Education Directorate
- Health Directorate

A schedule of correspondence for these four directorates is at [Attachment A](#).

*(A copy of the attachment is available at the Chamber Support Office).*

---

### **Government—university funding (Question No 2364)**

**Ms Lee** asked the Minister for Education and Early Childhood Development, upon notice, on 22 March 2019 (*redirected to the Minister for Higher Education*):

Has the Education Directorate had correspondence with the Australian National University regarding the management of ACT government funding of ANU programmes, between 31 October 2016 to date; if so, can the Minister provide a schedule of correspondence between the directorate and the ANU.

**Ms Fitzharris:** The answer to the member's question is as follows:

The following directorates have had correspondence with the Australian National University (ANU) regarding the management of government funding of ANU programs from 31 October 2016 to date:

- Chief Minister, Treasury and Economic Development Directorate
- Environment, Planning and Sustainable Development Directorate
- Education Directorate
- Health Directorate

A schedule of correspondence for these four directorates is at [Attachment A](#).

*(A copy of the attachment is available at the Chamber Support Office).*

---

### **Business—secure local jobs code (Question No 2365)**

**Mr Wall** asked the Minister for Employment and Workplace Safety, upon notice, on 22 March 2019:

- (1) How many businesses in the (a) construction sector, (b) cleaning sector, (c) traffic management sector, (d) security sector and (e) other industry sectors, have applied for a Secure Local Jobs Code Certificate.



- (2) How many applications identified in part (1) have not been approved and what was the reason for non approval.
- (3) How many applications identified in part (1) have been approved.
- (4) How many applications identified in part (1) are currently pending approval.
- (5) What was the (a) minimum, (b) median, (c) average and (d) maximum amount of time it took to process or approve applications for a Secure Local Jobs Code Certificate.
- (6) How many applications identified in part (1) have Unions ACT or a trade union provided advice on.
- (7) How many non approved applications identified in part (2) have been the subject of review.

**Ms Stephen-Smith:** The answer to the member's question is as follows:

1. As at 28 March 2019, the Secure Local Jobs Code Registrar has received 462 applications (with an audit report from an Approved Auditor) for a Secure Local Jobs Code certificate. The Registrar does not track applications before an audit report is completed. The applications are distributed amongst the industry sectors as follows:
  - a. 398 construction;
  - b. 17 cleaning;
  - c. six traffic management;
  - d. five security; and
  - e. nil in other industry sectors.
2. One application has been refused due to a failure to disclose relevant information about past compliance with industrial law.
3. As at 28 March 2019, 426 applications have been approved.
4. As at 28 March 2019, there are 35 applications received by the Secure Local Jobs Registrar currently pending approval.
5. The processing times for certificates are as follows:
  - a. the minimum processing time is same day;
  - b. the median processing time is five days;
  - c. the average processing time is six days; and
  - d. the maximum processing time is 58 days.
6. Unions ACT or trade unions have no formal role in providing advice on applications. However, given the requirements of applicants to comply with relevant laws, unions have provided comments on eight entities that have applied for a certificate.

7. No applications identified in part (2) have been the subject of review.

---

**Motor vehicles—inspections  
(Question No 2366)**

**Mr Wall** asked the Minister for Business and Regulatory Services, upon notice, on 22 March 2019:

- (1) How many authorised vehicle inspection stations were in operation in (a) 2014-15, (b) 2015-16, (c) 2016-17, (d) 2017-18 and (e) 2018 to date.
- (2) How many authorised vehicle inspectors were in operation in (a) 2014-15, (b) 2015-16, (c) 2016-17, (d) 2017-18 and (e) 2018 to date.
- (3) How many vehicle inspections slips were issued in (a) 2014-15, (b) 2015-16, (c) 2016-17, (d) 2017-18 and (e) 2018 to date.
- (4) How many authorised inspection stations have had their accreditation (a) suspended, (b) restricted and (c) cancelled, and for what (i) reasons and (ii) duration, in (A) 2014-15, (B) 2015-16, (C) 2016-17, (D) 2017-18 and (E) 2018 to date.
- (5) How many authorised vehicle inspectors have had their accreditation (a) suspended, (b) restricted, and (c) cancelled, and for what (i) reasons and (ii) duration, in (A) 2014-15, (B) 2015-16, (C) 2016-17, (D) 2017-18 and (E) 2018 to date.
- (6) How many vehicle inspections were undertaken by Access Canberra motor vehicle inspection stations (or previous facilities operated by the ACT Government) for roadworthiness in (a) 2014-15, (b) 2015-16, (c) 2016-17, (d) 2017-18 and (e) 2018 to date.

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

- (1) (a) 2014-15 – 77  
(b) 2015-16 – 83  
(c) 2016-17 – 88  
(d) 2017-18 – 84  
(e) 2019 (as at 3 April 2019) – 63
- (2) (a) 2014-15 – 163  
(b) 2015-16 – 167  
(c) 2016-17 – 163  
(d) 2017-18 – 162  
(e) 2019 (as at 3 April 2019) – 111
- (3) (a) 2014-15 – 67,605  
(b) 2015-16 – 69,892  
(c) 2016-17 – 72,583  
(d) 2017-18 – 73,918  
(e) 2019 (as at 3 April 2019) – 54,565

- (4) (a) (i) (a) 2014-15 – *Nil*  
 (b) 2015-16 – *Nil*  
 (c) 2016-17 – *Nil*  
 (d) 2017-18 – *Nil*  
 (e) 2019 (as at 3 April 2019) – Nil
- (ii) (a) 2014-15 – *Nil*  
 (b) 2015-16 – *Nil*  
 (c) 2016-17 – *Nil*  
 (d) 2017-18 – *Nil*  
 (e) 2019 (as at 3 April 2019) – Nil
- (b) (i) (a) 2014-15 – *Nil*  
 (b) 2015-16 – *Nil*  
 (c) 2016-17 – *Nil*  
 (d) 2017-18 – *Nil*  
 (e) 2019 (as at 3 April 2019) – Nil
- (ii) (a) 2014-15 – *Nil*  
 (b) 2015-16 – *Nil*  
 (c) 2016-17 – *Nil*  
 (d) 2017-18 – *Nil*  
 (e) 2019 (as at 3 April 2019) – Nil
- (c)(i) (a) 2014-15 – *Nil*  
 (b) 2015-16 – *Nil*  
 (c) 2016-17 – *Nil*  
 (d) 2017-18 – *Nil*  
 (e) 2019 (as at 3 April 2019) – Nil
- (ii) (a) 2014-15 – *Nil*  
 (b) 2015-16 – *Nil*  
 (c) 2016-17 – *Nil*  
 (d) 2017-18 – *Nil*  
 (e) 2019 (as at 3 April 2019) – Nil
- (5)
- (a) (i) (a) 2014-15 – 1  
 (b) 2015-16 – *Nil*  
 (c) 2016-17 – *Nil*  
 (d) 2017-18 – *Nil*  
 (e) 2019 (as at 3 April 2019) – 2
- (ii) (a) 2014-15 – 6 month suspension  
 (b) 2015-16 – *Nil*  
 (c) 2016-17 – *Nil*  
 (d) 2017-18 – *Nil*  
 (e) 2019 (as at 3 April 2019) – Both 6 months suspension
- (b) (i) (a) 2014-15 – *Nil*  
 (b) 2015-16 – *Nil*  
 (c) 2016-17 – *Nil*  
 (d) 2017-18 – *Nil*

(e) 2019 (as at 3 April 2019) – Nil

(ii) (a) 2014-15 – Nil

(b) 2015-16 – Nil

(c) 2016-17 – Nil

(d) 2017-18 – Nil

(e) 2019 (as at 3 April 2019) – Nil

(c) (i) (a) 2014-15 – 12 Non-compliant matters

(b) 2015-16 – 2 Non-compliant matters

(c) 2016-17 – 5 Non-compliant matters

(d) 2017-18 – 4 Non-compliant matters

(e) 2019 (as at 3 April 2019) – 2 Non-compliant matters

(ii) (a) 2014-15 – 8 cancelled for 2 years / 4 cancelled for 1 year

(b) 2015-16 – 1 cancelled for 1 year / 1 cancelled for 2 years

(c) 2016-17 – 5 cancelled for 2 years

(d) 2017-18 – 1 cancelled for 2 years / 2 cancelled for 3 years

(e) 2019 (as at 3 April 2019) – 2 cancelled for 1 year

(6)

(a) 2014-15 – 12,872

(b) 2015-16 – 13,031

(c) 2016-17 – 11,879

(d) 2017-18 – 12,072

(e) 2019 (as at 3 April 2019) – 8,895

### **Schools—safe and supportive schools advisory committee (Question No 2367)**

**Ms Lee** asked the Minister for Education and Early Childhood Development, upon notice, on 22 March 2019:

- (1) Will the Safe and Supportive Schools Advisory Committee undertake interstate travel to assess evidence and approaches in other education jurisdictions under their Terms of Reference; if not, how will that evidence be collected.
- (2) How will the Advisory Committee collect evidence to provide advice on the appropriateness of school vs system level accountability, as per the Terms of Reference, given the data is not collected centrally.
- (3) How will teachers and parents contribute to the work of the Advisory Committee.

**Ms Berry:** The answer to the member's question is as follows:

- (1) As outlined in the Terms of Reference, the Advisory Committee will determine how they will collect information and who they would like to seek information from in order to fulfil their role and functions. I have encouraged the Advisory Committee to engage external advice as required.
- (2) As outlined in the Terms of Reference, the Advisory Committee will determine how they will collect information and who they would like to seek information from in

order to fulfil their role and functions. The Advisory Committee will have access to all data available upon request including the provision of various case studies to ensure the focus is on strengthening the system as a whole.

- (3) The Advisory Committee includes a cross-cutting membership of several well-respected experts including the President of the ACT Council of Parents and Citizen's Association and a local teacher. The Advisory Committee will look at issues that have been brought to the Minister's and Directorate's attention over recent months. It is open to the committee to further engage with teachers and parents if they deem it necessary to fulfil their terms of reference.

---

### **Hospitals—mental health services (Question No 2368)**

**Mrs Dunne** asked the Minister for Mental Health, upon notice, on 22 March 2019:

- (1) When will the revamp of the adult mental health unit at Calvary Bruce Public Hospital start.
- (2) What is the projected completion date.
- (3) What is the estimated cost for the works.
- (4) What will be the cost for (a) 2018-19 and (b) 2019-20.
- (5) Will the capacity of the Calvary Bruce Public Hospital be reduced at any stage while the works proceed; if so (a) when will the adult mental health unit at Calvary Bruce Public Hospital have reduced capacity and (b) to what extent will the capacity be reduced.
- (6) Is the work on removing ligature points in the Canberra Hospital adult mental health unit complete; if not (a) why and (b) when will it be.
- (7) Will the Canberra Hospital adult mental health unit have reduced capacity at any stage during the rest of 2019; if so (a) when and (b) by how much.
- (8) What actions will the government take to keep the community informed of any reduced capacity in the Canberra Hospital and/or Calvary Bruce Public Hospital during 2019.

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

- (1) Early planning and design works at the Calvary Adult Mental Health Unit commenced in July 2018. A request for tender for the construction management is expected to be finalised in the first quarter of the 2019 fiscal year with construction to soon follow.
- (2) The expected construction completion date for the Calvary Adult Mental Health Unit is September 2019.
- (3) \$4.1 million is the estimated cost for the Calvary Adult Mental Health Unit.
- (4) Forecast cost 2018-19 is \$2.8 million, Forecast cost 2019-20 is \$1.3 million.

- (5) One high-dependency bed in Calvary's Older Persons Mental Health Unit will be unavailable for six weeks while work is undertaken in that area. The date of this cannot be specified at this time.
- (6) No.
- (a) There are particular challenges with planning and undertaking building works and retrofitting ligature minimisation components in an operating environment within a mental health facility that is at full capacity.
- (b) June 2019, subject to clinical operational constraints and latent conditions.
- (7) Yes. While works have being scheduled to minimise the operational impact on the facility, the 40-bed capacity will be maintained throughout the program of works with the exception of a short-period (approximately 2 weeks) whereby capacity will be reduced by one bed only. This is required to enable the physical completion of the works and maintain these acute inpatient services wholly within the Adult Mental Health Unit. To minimise disruption, additional temporary beds are being created within the facility.
- (8) Letters will be sent to key stakeholders, unions and oversight bodies to advise of the temporary changes to the Adult Mental Health Unit during the ligature minimisation works. The letters articulate the purpose, arrangements, extent and timeframes for the remedial works and provide a contact within Mental Health, Justice Health and Alcohol & Drug Services to seek further information. Key stakeholders will also be invited to an information session which will provide further opportunity to discuss the temporary changes, details of the information session will be included in the letters.

Calvary will follow usual notification processes if and when required.

---

### **Calvary Hospital—construction works (Question No 2369)**

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 22 March 2019:

- (1) When will the works on the Calvary Bruce Hospital emergency department begin.
- (2) When are these works due for completion.
- (3) How much are these works estimated to cost.
- (4) How much expenditure will occur in (a) 2018-19 and (b) 2019-20.
- (5) What works will be undertaken.
- (6) What impact will these works have on the capacity of the Calvary Bruce Public Hospital emergency department (a) during construction and (b) once the works are completed and commissioned to service.

- (7) What impact will these works have on other areas of the Calvary Bruce Public Hospital (a) during construction and (b) once the works are completed and commissioned to service.
- (8) What improvements to emergency department (a) services and (b) wait times, are forecast once the new works are commissioned to service.

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1) Early planning and design works for the Expansion of the Calvary Emergency Department (ED) commenced in July 2018. A request for tender for the construction is expected to be finalised in the first quarter of 2019 fiscal year with construction to follow.
- (2) The expected date for constructions completion of the Expansion of the Calvary ED is December 2019.
- (3) The estimated cost is \$6.3 million.
- (4) The forecast cost in 2018-19 is \$0.8 million, and \$5.51 million in 2019-20.
- (5) Expansion of the ED short stay unit to include 8 new beds (this is inclusive of four paediatric beds); these works will consume the existing ED administration and office zones; Construction of a new entrance, triage and waiting area; Refurbishment of the adjacent ambulatory care and existing adult mental health ward to accommodate an expanded ED see and treat area and ED administration office zones; and minor works within the existing ED acute zone.
- (6) All works are being staged to maintain existing ED assessment and treatment capacity. Capacity within the ED will be increased on completion of works; this is inclusive of increased triage capacity, additional see and treat consult rooms and eight new short stay beds. The Calvary Expansion of ED Management Team will address any projected or unexpected circumstances when building works potentially or actually temporarily impede on normal services.
- (7) During construction of the new entrance, triage and waiting area, a temporary entrance will be established adjacent to the existing ED entry. Signage will also be in place to advise alternate access to the eastern end of the hospital via the adjacent Keaney Building. There is no impact to the main hospital entry or other areas during construction. Calvary staff and ACT Emergency Services will be informed and orientated to the new areas. The public will be informed via media activities and temporary signage as necessary.
- (8) The project is intended to improve patient access and flow and this is expected to create multiple benefits for patients, their family and support persons, and Calvary staff.

---

### **Canberra Hospital—accommodation (Question No 2370)**

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 22 March 2019:

- (1) When will building 5 at The Canberra Hospital close to residential accommodation for interstate carers of patients at the hospital.
- (2) When will building 5 cease taking new residents.
- (3) What arrangements will be available to carers (a) who are resident in building 5 as at the date of its closure and (b) who are seeking residential accommodation at the time building 5 ceases to take new residents.
- (4) What plans does Canberra Health Services have for the provision of future permanent accommodation facilities or infrastructure.
- (5) Will those plans allow for, as a minimum, the existing capacity of building 5 accommodation; if not, why.
- (6) If there are no plans for accommodation facilities or infrastructure after building 5 closes, why.

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1) The Building 5 Residences will continue to be available until at least the end of 2019.
- (2) The timing of the demolition of Building 5 is still being determined as part of the design process for the Surgical Procedures, Interventional Radiology and Emergency (SPIRE) Centre project. The final program will influence when the residences will need to close.
- (3) An Accommodation Strategy is being prepared by Canberra Health Services (CHS) to address community needs into the future, to ensure that appropriate accommodation options are available for those who need it.
- (4) This issue is currently under consideration.
- (5) See answer to question 4.
- (6) See answer to question 4.

---

**ACT Health—audits  
(Question No 2374)**

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 22 March 2019:

- (1) In relation to the answer given at part (3) of question on notice No 1888, what recommendations arose from the internal audit to assess ACT Health processes and controls in place to engage contractors and consultants.
- (2) Have all recommendations been implemented as at the date on which this question was published in the questions on notice paper; if not (a) which ones have not; (b) why have they not and (c) when will they be.



- (3) When and by what means, will the effectiveness of the enhanced processes be assessed.

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1) The recommendations which arose from the internal audit to assess ACT Health processes and controls in place to engage contractors and consultants are summarised below:
- Finalise and seek endorsement of the *ACT Health Procurement and Contract Management Governance document (March 2018)* and, ensure a regular review and update of the document.
  - Develop dedicated ACT Health procurement risk assessment registers for the different categories/types of procurement activities, including the engagement of consultants and contractors and ensure alignment with the ACT Health risk management framework.
  - Incorporate a requirement in the procurement procedures and guidelines to ensure that all persons involved in the procurement processes complete and sign a declaration of conflict of interest form on an annual basis.
  - Provide reporting on procurement activities and key performance indicators and maintain a complete, accurate and reliable list of consultants and contractors engaged.
- (2)
- (a) The new *Procurement and Contract Management Governance document* has been finalised and addresses the requirements outlined in the recommendations, including the development of risk assessment registers, processes for conflict of interest management and procurement reporting processes. The *Procurement and Contract Management Governance document* is now being progressed for endorsement.
- (b) The time taken to complete this activity reflects a desire to ensure the development of effective guidance materials systems and tools that support good practice and legislative compliance.
- (c) In parallel considerable work has been undertaken to put into practice those elements of the recommendations related to implementing the guidelines – this work is ongoing.
- (3) The effectiveness of these processes will be assessed through compliance monitoring, regular reporting to stakeholders and governance groups, and scheduled review of policy documents. Consideration will also be given to further internal audits in future years.

---

### **Health—prescription monitoring service (Question No 2375)**

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 22 March 2019:

- (1) Has the real time prescription monitoring service started operating yet; if so, (a) what has been the level of usage so far and (b) what outcomes have been achieved, (c) if not, why not and (d) if not yet started, when will it start.

- (2) Does the real time prescription monitoring scheme cover benzodiazepines; if not (a) why not and (b) when will it.

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1) The ACT Government's online prescription monitoring system known as DAPIS Online Remote Access (DORA) commenced operation for all eligible users on 27 March 2019. The ACT Government is working with the Australian Government to establish a real time data feed to DORA in order that it may operate as a real time system. Access to the Australian Government real time data feed is expected to commence in the coming months.
- (a) As of 2 April 2019, 61 users are registered to access DORA. ACT Health is unable to comment on level of usage by registered DORA users.
- (b) ACT Health is unable to comment on public health outcomes achieved from the system so far. It is too early to comment on health outcomes arising from the system.
- (c) Not applicable.
- (d) Not applicable.
- (2) In accordance with Part 6A of the *Medicines Poisons and Therapeutic Goods Act 2008* (MPTG Act), DORA may only display information about monitored medicines, which is currently limited to controlled medicines. Controlled medicines are those medicines listed under schedule 8 of the Commonwealth Poisons Standard.
- (a) Alprazolam and flunitrazepam are benzodiazepines that are controlled medicines and covered by DORA. Most benzodiazepines however, are prescription only (schedule 4) medicines and therefore not able to be displayed in DORA.
- (b) The ACT Government has no immediate plans to expand the scope of monitored medicines to schedule 4 medicines for the purposes of DORA. The Minister may declare other medicines to be a monitored medicine under the MPTG Act by disallowable instrument. The ACT Government will consider possible expansion of the scope of monitored medicines in the database in the future, following initial DORA rollout, consultation with stakeholders and as part of considerations at a national level including evaluation of the system.

---

### **Municipal services—petrol-powered devices (Question No 2376)**

**Ms Le Couteur** asked the Minister for City Services, upon notice, on 22 March 2019:

Are there any plans to phase out the use of internal combustion engines from ACT Government City Services maintenance and garden use as petrol engines powering leaf blowers, hedge trimmers and like devices consume fossil fuel, add to atmospheric carbon dioxide and, being mainly 2 stroke, other pollution from unburnt hydrocarbons.

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

City Services currently has a mix of electric, two stroke and four stroke powered tools and equipment. All machines are kept serviced to ensure optimum performance. Where an

electric machine has a comparable performance and is fit for purpose, they are utilised in preference to petrol-powered machines. When each piece of equipment reaches the end of its useful life, or the end of the lease, more sustainable and environmentally friendly alternatives are considered and adopted where suitable.

---

**Environment—fireworks  
(Question No 2377)**

**Ms Le Couteur** asked the Minister for the Environment and Heritage, upon notice, on 22 March 2019:

Are there any ACT Government plans to phase out the use of fireworks, as fireworks are damaging on the environment, due to nitrous oxide being released into our waterways and soil and some jurisdictions around the world are moving to light displays to replace fireworks.

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

No. The ACT Government banned the importation, sale and general use of fireworks in 2009. While commercial firework displays do produce air emissions including nitrogen and sulphur oxides, heavy metals and particulate matter, the frequency and duration of these events would have a minimal impact on the ambient levels in the environment.

---

**Municipal services—trees  
(Question No 2378)**

**Ms Le Couteur** asked the Minister for City Services, upon notice, on 22 March 2019:

Why were all the street trees on Coorong Street, beside City Section 96 carpark, removed by the Canberra Centre from public land approximately 10 years ago.

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

The removal of the *Platanus orientalis* on the road verge along Cooyong and Ballumbir Streets was a planning decision made in response to a Development Application.

---

**Fyshwick markets—community facilities  
(Question No 2379)**

**Ms Le Couteur** asked the Minister for Planning and Land Management, upon notice, on 22 March 2019:

Are there any requirements in the lease for Fishwick Markets that stipulate that a charity stall or community facility must be provided.

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

Yes, the Crown lease granted over the Fyshwick Markets (Block 1 Section 7 Fyshwick) contains the following clause:

“That the Lessee shall at all times reserve one stall in the premises for the sale of goods by a charitable organisation;”.

---

**Homelessness—trauma informed practice  
(Question No 2380)**

**Ms Le Couteur** asked the Minister for Housing and Suburban Development, on 22 March 2019:

- (1) When did the Community Services Directorate receive the final report titled “Implementing Trauma Informed Practice in ACT Specialist Homelessness Services Project”, which was commissioned by ACT Shelter and funded by the Community Services Directorate.
- (2) When was this report provided to the Minister.
- (3) Has the Minister been briefed on the findings and recommendations of the report.
- (4) Is the report publically available; if not, when will the Government clear the report for release to stakeholders in the specialist homelessness sector.
- (5) Will the Government formally respond to the findings and recommendations of the report; if yes, can the Minister provide advice on when.
- (6) Has the Government decided how the remainder of the \$350 000 committed to progress towards a trauma informed practice model will be expended; if yes, can the Minister provide advice on what these funds will be spent on.
- (7) What is the timeframe for expending the remainder of the \$350 000 committed by the Government to progress towards a trauma informed practice model be expended
- (8) Is the ACT Government currently working on making a longer-term funding commitment to ensure people accessing ACT homelessness services whose homelessness risk is exacerbated by the impacts of past trauma receive a truly trauma-sensitive approach and are empowered to make lasting change in their lives; if yes, will this constitute ongoing additional funding to support specialist homelessness services with trauma informed practice.

**Ms Berry:** The answer to the member’s question is as follows:

- (1) The “*Implementing Trauma Informed Practice in the ACT Specialist Homelessness Services Project: Final Report to the Specialist Homelessness Sector*” was received by Housing ACT on 1 October 2018.
- (2) A briefing package on the report was provided to Minister Berry in March 2019.
- (3) In addition to the briefing package, the Minister received an update at a weekly briefing on March 20, 2019.

- (4) The report *“Implementing Trauma Informed Practice in the ACT Specialist Homelessness Services Project: Final Report to the Specialist Homelessness Sector”* will be made publicly available to the ACT Specialist Homelessness Sector through the Sector’s ‘Joint Pathways’ forum.
  - (5) Government will not be providing a formal response to the findings and recommendations of the Report. The purpose of commissioning this research was to form an initial evidence base to develop a longer term strategy to contribute to developing a trauma informed ACT Specialist Homelessness Sector.
  - (6) Government is currently undertaking procurement activities to use the remainder of the \$350,000 (excl. GST) to engage a trainer(s) to deliver online introductory trauma training; advanced trauma training and train-the-trainer trauma training program for practice champions.
  - (7) The remainder of the \$350,000 (excl. GST) will be committed to purchase the services outlined at Question 6, by 30 June 2019.
  - (8) ACT Government recognises that people accessing ACT Specialist Homelessness Services often have a lived experience of trauma. We are therefore committed to ensuring ACT homelessness service delivery is trauma informed. The need for additional funding will be evaluated following implementation of the first stage of activities from the Report.
- 

### **ACT Health—medicinal cannabis scheme (Question No 2381)**

**Ms Le Couteur** asked the Minister for Health and Wellbeing, upon notice, on 22 March 2019:

- (1) How many prescriptions for medicinal cannabis have been filled in the ACT since the ACT Medicinal Cannabis Scheme started in 2016.
- (2) To how many prescribers has the ACT Chief Health Officer provided approval to allow the prescription of medicinal cannabis as a controlled medicine.
- (3) What is the average time taken for ACT Health to provide a response to an application for a Medicinal Cannabis Prescriber Approval.
- (4) What approval processes do pharmacists in the ACT have to undergo through ACT Health in order to obtain medicinal cannabis products for patients in addition to the approvals required through the TGA and the Office of Drug Control.
- (5) How is ACT Health’s approval process for prescribing medicinal cannabis different to the approval process for prescribing other controlled medicines and why do these products have different approval processes.
- (6) When was the last meeting of the Medicinal Cannabis Medical Advisory Panel and can the Minister provide a copy of the minutes of the last meeting.
- (7) Has the Medicinal Cannabis Medical Advisory Panel given approval for the prescription of medicinal cannabis for any other condition other than those listed

under the ACT Controlled Medicines Prescribing Standards; if so, how many approvals and for what conditions.

- (8) When was the last meeting of the Medicinal Cannabis Advisory Group and can the Minister provide a copy of the minutes of the last meeting.
- (9) Is ACT Health aware of any concerns from members of the public who have tried to access medicinal cannabis through the ACT Medicinal Cannabis Scheme but been unsuccessful; if so, what reasons have been given for not being able to access medicinal cannabis through the Scheme.

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1) 49 prescriptions for medicinal cannabis products are known by ACT Health to have been dispensed in the ACT since 21 November 2016.
  - (2) Seven prescribers have been approved by ACT Health to prescribe medicinal cannabis for a total of 28 patients.
  - (3) The majority of all applications have been processed by ACT Health within two business days following receipt.
  - (4) Pharmacists in the ACT are not required to obtain any approval from ACT Health to dispense medicinal cannabis.
  - (5) The ACT Health approval process for medicinal cannabis is similar to the approval process for prescribing other controlled medicines. All prescribers are required to seek approval of the Chief Health Officer before prescribing medicinal cannabis in certain circumstances, as is the case for other controlled medicines. Similarly, applications to prescribe medicinal cannabis are assessed by ACT Health delegates of the Chief Health Officer in accordance with the Controlled Medicines Prescribing Standards. A different application form is used for medicinal cannabis approval applications, due to the different information required to be provided by applicants compared to other controlled medicines.
  - (6) The last meeting of the Medicinal Cannabis Medical Advisory Panel (MCMAP) was on the 20 March 2019. The MCMAP discusses patient information and therefore ACT Health is unable to provide copies of the minutes as these contain patient health records.
  - (7) The MCMAP has approved three applications to prescribe medicinal cannabis for conditions other than those listed under the ACT Controlled Medicines Prescribing Standards. The approvals were for chronic pain.
  - (8) The last meeting of the Medicinal Cannabis Advisory Group (MCAG) was on 18 September 2017. ACT Health is unable to provide a copy of the last meeting minutes as information considered by the MCAG are confidential to persons and organisations represented at the MCAG meetings.
  - (9) ACT Health has not been contacted by any members of the public that have been unsuccessful in seeking approval to prescribe medicinal cannabis under the ACT Medicinal Cannabis Scheme. No applications to prescribe medicinal cannabis that have been received by ACT Health have been refused.
-

**Health—insanitary conditions  
(Question No 2383)**

**Mr Coe** asked the Minister for Health and Wellbeing, upon notice, on 22 March 2019:

- (1) How many (a) insanitary condition offences or infringements, (b) abatement notices and (c) abatement orders, in relation to an insanitary condition, were appealed during each financial year since 2007-08 to date.
- (2) In relation to part (1), how many appeals broken down by type of order were (a) allowed or allowed in part, (b) settled, (c) dismissed, (d) withdrawn, (e) outstanding or (f) any other relevant category.
- (3) What was the (a) minimum, (b) median, (c) average and (d) maximum number of days it took for (i) insanitary condition offences or infringements, (ii) abatement notices and (iii) abatement orders, in relation to an insanitary condition, to be decided through any internal review processes, including waiting times.
- (4) What was the (a) minimum, (b) median, (c) average and (d) maximum number of days it took for (i) insanitary condition offences or infringements, (ii) abatement notices and (iii) abatement orders, in relation to an insanitary condition, to be decided by the ACT Administrative Appeals Tribunal each financial year since 2007-08 to date, including waiting times.

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1) There have been no appeals in relation to (a) insanitary condition offences or infringements, (b) abatement notices and (c) abatement orders for any financial year from 2007-08 to date.
- (2) See (1).
- (3) See (1).
- (4) The ACT Administrative Appeals Tribunal has not decided on nor heard any appeals made in relation to (i) insanitary condition offences or infringements, (ii) abatement notices and (iii) abatement orders within the financial years from 2007-08 to date.

---

**Health—insanitary conditions  
(Question No 2384)**

**Mr Coe** asked the Minister for Health and Wellbeing, on 22 March 2019:

- (1) What is the total number of penalties or fines issued in relation to (a) insanitary conditions, (b) abatement notices, and (c) abatement orders under the Public Health Act 1997 (ACT) broken down by (i) type of offence and (ii) suburb for each financial year since 2007-08 to date.
- (2) In relation to part (1), what is the (a) minimum, (b) median, (c) average, (d) maximum and (e) total value of penalties or fines issued in relation to (i) insanitary conditions,

- (ii) abatement notices and (iii) abatement orders under the Public Health Act 1997 (ACT) broken down by type of offence for each financial year since 2007-08 to date.
- (3) In relation to part (2), for each financial year since 2007-08 to date, what is the total number penalties or fines issued but were later contested broken down by (a) type of penalty or fine, (b) average value of penalty or fine and (c) total value of contested revenue from that type of penalty or fine.
- (4) In relation to part (3), for each financial year since 2007-08 to date, what is the total number penalties or fines issued but were later withdrawn broken down by (a) type of penalty or fine, (b) average value of penalty or fine and (c) total value of forgone revenue from that type of penalty or fine.

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1) The Public Health Act 1997 does not have provisions for the issuing of fines or penalties outside of a prosecution or via an application to a Magistrate to issue an order to pay the Territory monies subject to an Abatement Order sought under the Act.
  - a. Prosecutions under the Act resulted in two fines issued since 2007-08 to date. Both of these fines were issued in the 2011-12 financial year for insanitary conditions.
    - (i) both fines related to contraventions of Section 67(b) of the Public Health Act 1997 for the offence of allowing an insanitary condition to exist.
    - (ii) One fine related to a property in Downer and one fine related to a property in Hawker.
  - b. No fines or penalties have been issued in relation to abatement orders
  - c. No fines or penalties have been issued in relation to abatement orders.
- (2) As indicated in answer to question 1, only two fines have been issued between the 2007-08 financial year to date. Both these fines occurred in the 2011-12 financial year, and were \$1650 and \$3300.
- (3) In relation to part (2), there were no penalties or fines issued that were later contested.
- (4) In relation to part (3), there were no fines or penalties issued that were later withdrawn.

### **Health—insanitary conditions (Question No 2385)**

**Mr Coe** asked the Minister for Health and Wellbeing, upon notice, on 22 March 2019:

- (1) What was the (a) minimum, (b) median, (c) average and (d) maximum amount of time allowed by the ACT Government for works to be carried out in accordance with (i) abatement notices and (ii) abatement orders in relation to insanitary conditions during each financial year since 2007-08 to date.
- (2) In relation to part (1), what was the (a) minimum, (b) median, (c) average and (d) maximum amount of time it took for works to be completed in accordance with (i) abatement notices and (ii) abatement orders each financial year since 2007-08 to date.



- (3) In relation to part (2), what was the (a) minimum, (b) median, (c) average, (d) maximum and (e) total cost of rectification works carried out in accordance with (i) abatement notices and (ii) abatement orders, each financial year since 2007-08 to date.
- (4) In relation to part (3), what was the (a) minimum, (b) median, (c) average, (d) maximum and (e) total cost recouped by the ACT Government from subjects of (i) abatement notices and (ii) abatement orders, in relation to insanitary conditions, for rectification works carried out by authorised people each financial year since 2007-08 to date.

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1) (i) **Table 1** below indicate the (a) minimum, (b) median, (c) average and (d) maximum amount of time allowed by the ACT Government for works to be carried out in accordance with **abatement notices** in relation to insanitary conditions during each financial year recorded since 2009-10 to date. No database information is available for abatement notices issued during financial years 2007-08 and 2008-09. No abatement notices were issued during the 2016-17 financial year.

**Table 1**

FINANCIAL	Total	Time allowed (days)				Time in force (days)			
		Minimum	Maximum	Median	Average	Minimum	Maximum	Median	Average
2009/10	3	7.0	14.0	7.0	9.3	7.0	513.0	15.0	178.3
2010/11	4	3.0	366.0	23.5	104.0	31.0	366.0	146.5	172.5
2011/12	16	3.0	82.0	21.0	23.6	6.0	756.0	56.5	141.3
2012/13	12	5.0	72.0	18.0	25.8	8.0	779.0	40.5	156.8
2013/14	4	7.0	27.0	18.0	17.5	14.0	27.0	18.5	19.5
2014/15	6	14.0	134.0	27.5	55.3	74.0	855.0	185.0	352.5
2015/16	3	14.0	162.0	96.0	90.7	14.0	162.0	118.0	98.0
2016/17	0	-	-	-	-	-	-	-	-
2017/18	1	31.0	31.0	31.0	31.0	18.0	18.0	18.0	18.0
2018/19	3	0.0	46.0	1.0	15.7	0.0	46.0	3.0	16.3

- (1)(ii) **Table 2** indicates the (a) minimum, (b) median, (c) average and (d) maximum amount of time allowed by the ACT Government for works to be carried out in accordance with **abatement orders** in relation to insanitary conditions during each financial year recorded since 2014-15 to date. There is no available information to indicate abatement orders were issued prior to financial year 2014-15.

**Table 2**

Financial Year	Time allowed days	Total Abatement orders issued	Min	Max	Median	Average
2014-15	28	2	14	28	21	21
2015-16	14	1	14	14	N/A	N/A
2016-17	7	1	7	7	N/A	N/A
2017-18	7	1	7	7	N/A	N/A
2018-19	7	1	7	7	N/A	N/A
2019-20	N/A	0	N/A	N/A	N/A	N/A

- (2) (i) In relation to part (1), **Table 1** also indicate the (a) minimum, (b) median, (c) average and (d) maximum amount of time taken (time in force), for works to be completed in accordance with (i) **abatement notices** for each financial year since 2009-10 to date.
- (2) (ii) In relation to part (1), the **abatement orders** in question had ongoing monthly works required throughout a 12 month period. Therefore it is not practicable to provide time figures for each financial year for the (a) minimum, (b) median, (c) average and (d) maximum time for works to be completed, due to the ongoing nature of compliance works.
- (3) (i) In relation to part (2), there was only one cost incurred by ACT Government for rectification works carried out in accordance with (i) **abatement notices** totalling \$396 throughout financial years on record (2007-2008 to date).
- (3) (ii) In relation to part (2), **Table 3** below indicate the (a) minimum, (b) median, (c) average, (d) maximum and (e) total cost of rectification works carried out in accordance with abatement orders, each financial year since 2007-08 to date. There is no available information to indicate costs associated with abatement orders rectification works were incurred prior to financial year 2015-16.

**Table 3**

Financial Year	Amount (\$)	Number of payments made each financial year	Minimum	Maximum	Median	Average
2015-16	\$26,091.19	2	\$21,755	\$26,091	\$23,923	\$23,923
	\$21,755.00					
2016-17	\$23,855.00	1	\$23,435	\$23,435	N/A	N/A
2017-18	\$7,438.05	1	\$7438	\$7438	N/A	N/A
2018-19	\$8,541.50	1	\$8541.50	\$8541.50	N/A	N/A
<b>Total</b>	<b>\$87,820.74</b>		<b>N/A</b>			

- (4) In relation to part (3), the ACT Government has not recouped any amount from subjects of (i) abatement notices and (ii) abatement orders, in relation to insanitary conditions, for rectification works carried out by authorised people for each financial year recorded to date.

---

### **Health—insanitary conditions (Question No 2386)**

**Mr Coe** asked the Minister for Health and Wellbeing, upon notice, on 22 March 2019:

- (1) How many complaints have been received regarding the insanitary conditions broken down by (a) type of insanitary condition and (b) suburb, for each financial year since 2007-08 to date.
- (2) How many (a) abatement notices and (b) abatement orders, in relation to insanitary conditions were (i) issued, (ii) in effect or (iii) completed or ended, during each financial year since 2007-08 to date.

- (3) In relation to part (2), how individuals were subject to (a) abatement notices or (b) abatement orders, in relation to a controlled activity during each financial year since 2007-08 to date.
- (4) In relation to part (3), how individuals were the subject of multiple abatement notices in relation to insanitary conditions during each financial year since 2007-08 to date.
- (5) What was the (a) minimum, (b) median, (c) average and (d) maximum amount of time abatement notices in relation to insanitary conditions were in force or issued for.

**Ms Fitzharris:** The answer to the member's question is as follows:

(1)(a) (b) Please see Attachment A.

(2)(a)(i)

FINANCIAL YEAR	Total Abatement Notices issued
2009/10	3
2010/11	4
2011/12	16
2012/13	12
2013/14	4
2014/15	6
2015/16	3
2016/17	0
2017/18	1
2018/19	3

(2)(a)(ii)

FINANCIAL YEAR	Total Abatement Notices in effect
2009/10	3
2010/11	5
2011/12	17
2012/13	13
2013/14	10
2014/15	7
2015/16	4
2016/17	4
2017/18	1
2018/19	3

(2)(a)(iii)

FINANCIAL YEAR	Total Abatement Notices revoked
2009/10	2
2010/11	4
2011/12	14
2012/13	8
2013/14	10

2014/15	4
2015/16	2
2016/17	4
2017/18	1
2018/19	3

## (2)(b)(i)

FINANCIAL YEAR	Total Abatement Orders issued
2009/10	0
2010/11	0
2011/12	0
2012/13	0
2013/14	0
2014/15	2
2015/16	1
2016/17	1
2017/18	1
2018/19	1

## (2)(b)(ii)

FINANCIAL YEAR	Total Abatement Orders in effect
2009/10	0
2010/11	0
2011/12	0
2012/13	0
2013/14	0
2014/15	2
2015/16	1
2016/17	1
2017/18	1
2018/19	1

## (2)(b)(iii)

FINANCIAL YEAR	Total Abatement Orders ended
2009/10	0
2010/11	0
2011/12	0
2012/13	0
2013/14	0
2014/15	1
2015/16	1
2016/17	1
2017/18	1
2018/19	1

- (3) There is no definition of a controlled activity under the *Public Health Act 1997*, however the question has been interpreted as being any activity upon which an abatement notice or abatement order could be issued.

(a)

FINANCIAL YEAR	Total Abatement Notices issued to individuals
2009/10	3
2010/11	4
2011/12	16
2012/13	12
2013/14	4
2014/15	6
2015/16	2
2016/17	0
2017/18	1
2018/19	3

(b)

FINANCIAL YEAR	Total Abatement Orders issued to individuals
2009/10	0
2010/11	0
2011/12	0
2012/13	0
2013/14	0
2014/15	1
2015/16	1
2016/17	1
2017/18	1
2018/19	1

(4)

FINANCIAL YEAR	Individuals subject to multiple Abatement Notices
2009/10	0
2010/11	0
2011/12	0
2012/13	0
2013/14	0
2014/15	0
2015/16	1
2016/17	0
2017/18	0
2018/19	0

(5) Refer to Question on Notice 2385, Answer 1, Table 1.

*(A copy of the attachment is available at the Chamber Support Office).*

**Planning—controlled activities  
(Question No 2387)**

**Mr Coe** asked the Minister for Planning and Land Management, upon notice, on 22 March 2019 (*redirected to the Minister for Building Quality Improvement*):

- (1) How many (a) controlled activity orders, (b) ongoing controlled activity orders and (c) rectification orders, in relation to a controlled activity were appealed during each financial year since 2007-08 to date.
- (2) In relation to part (1), how many appeals broken down by type of order were (a) allowed or allowed in part, (b) settled, (c) dismissed, (d) withdrawn, (e) outstanding and (f) any other relevant category.
- (3) What was the (a) minimum, (b) median, (c) average and (d) maximum number of days it took for (i) controlled activity orders, (ii) ongoing controlled activity orders and (iii) rectification orders, in relation to a controlled activity to be decided through any internal review processes, including waiting times.
- (4) What was the (a) minimum, (b) median, (c) average and (d) maximum number of days it took for (i) controlled activity orders, (ii) ongoing controlled activity orders and (iii) rectification orders, in relation to a controlled activity to be decided by the ACT Administrative Appeals Tribunal each financial year since 2007-08 to date, including waiting times.

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

- (1) Records relating to controlled activity orders, ongoing controlled activity orders and rectifications orders are located on individual files and for the period 2007-08 to 2017-18 are not consolidated on an individual list. To provide accurate data Access Canberra would need to review all complaint files. This would require significant manual interrogation of each file and would be an unreasonable diversion of resources.
- (2) Noting the response to the first question, for the period 2018-2019:-  
Zero were confirmed by the tribunal, zero were varied, two were withdrawn by the person seeking a review of the decision, zero were finalised by consent of the Australian Civil and Administrative Tribunal and four remain active.
- (3) There are no internal review processes under the relevant legislation for decisions to make or not make the orders listed in the question.
- (4) Noting the response to the first question, for the period 2018-2019 the minimum number of days taken was 29, median was 40, average was 38 and maximum was 46.

---

**Planning—controlled activities  
(Question No 2388)**

**Mr Coe** asked the Minister for Planning and Land Management, upon notice, on 22 March 2019 (*redirected to the Minister for Building Quality Improvement*):

- (1) What is the total number of penalties or fines issued in relation to (a) controlled activities, (b) ongoing controlled activities and (c) rectification orders, under the Planning and Development Act 2007 (ACT), broken down by (i) type of offence and (ii) suburb for each financial year since 2007-08 to date.
- (2) In relation to part (1), what is the (a) minimum, (b) median, (c) average, (d) maximum and (e) total value of penalties or fines issued in relation to (i) controlled activities, (ii) ongoing controlled activities and (iii) rectification orders, under the Planning and Development Act 2007 (ACT), broken down by type of offence for each financial year since 2007-08 to date.
- (3) In relation to part (2), for each financial year since 2007-08 to date, what is the total number penalties or fines issued but were later contested broken down by (a) type of penalty or fine, (b) average value of penalty or fine and (c) total value of contested revenue from that type of penalty or fine.
- (4) In relation to part (3), for each financial year since 2007-08 to date, what is the total number penalties or fines issued but were later withdrawn broken down by (a) type of penalty or fine, (b) average value of penalty or fine and (c) total value of forgone revenue from that type of penalty or fine.

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

- (1) Records relating to penalties and fines issued in relation to controlled activity orders, ongoing controlled activity orders and rectifications orders are located on individual files and for the period 2007-08 to 2017-18 are not consolidated on an individual list. To provide accurate data Access Canberra would need to review all complaint files. This would require significant manual interrogation of each file and would be an unreasonable diversion of resources. For the period 2018-19 there have been no penalties or fines issued.
- (2-4) See response to question 1.

---

### **Planning—controlled activities (Question No 2389)**

**Mr Coe** asked the Minister for Planning and Land Management, upon notice, on 22 March 2019 (*redirected to the Minister for Building Quality Improvement*):

- (1) What was the (a) minimum, (b) median, (c) average; and (d) maximum amount of time allowed by the ACT Government for rectification works to be carried out in accordance with a rectification order, for each financial year since 2007-08 to date.
- (2) What was the (a) minimum, (b) median, (c) average and (d) maximum amount of time it took for rectification works to be completed in accordance with a rectification order, for each financial year since 2007-08 to date.
- (3) What was the (a) minimum, (b) median, (c) average, (d) maximum and (e) total cost of rectification works carried out in accordance with a rectification order, for each financial year since 2007-08 to date.

- (4) What was the (a) minimum, (b) median, (c) average, (d) maximum and (e) total cost recouped by the ACT Government from subjects of rectification orders in relation to controlled activities for rectification works carried out by authorised people, for each financial year since 2007-08 to date.

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

- (1) Records relating to rectification orders are located on individual files and for the period 2007-08 to 2017-18 are not consolidated on an individual list. To provide accurate data Access Canberra would need to review all complaint files. This would require significant manual interrogation of each file and would be an unreasonable diversion of resources.

For the period 2018-19, there have been three rectification orders issued. Of this number, one is currently subject to review, and two are still active with a timeframe of 19 April 2019 and 30 April 2019 given to comply. All rectification orders remain incomplete at this time. Rectification order compliance times vary according to the scope of works required, among other factors.

- (2-4) See response to question 1.

---

### **Planning—controlled activities (Question No 2390)**

**Mr Coe** asked the Minister for Planning and Land Management, upon notice, on 22 March 2019 (*redirected to the Minister for Building Quality Improvement*):

- (1) How many complaints have been received regarding the controlled activities broken down by (a) type of controlled activity and (b) suburb for each financial year since 2007-08 to date.
- (2) How many (a) controlled activity orders, (b) ongoing controlled activity orders and (c) rectification orders in relation to a controlled activity were (i) issued, (ii) in effect or (iii) completed or ended during each financial year since 2007-08 to date.
- (3) In relation to part (2), how many lessees, occupiers, or other connected individuals were subject to (a) controlled activity orders, (b) ongoing controlled activity orders or (c) rectification orders in relation to a controlled activity during each financial year since 2007-08 to date.
- (4) In relation to part (3), how many lessees, occupiers, or other connected individuals were the subject of multiple (a) controlled activity orders, (b) ongoing controlled activity orders or (c) rectification orders in relation to a controlled activity during each financial year since 2007-08 to date.
- (5) What was the (a) minimum, (b) median, (c) average and (d) maximum amount of time (i) controlled activity orders, (ii) ongoing controlled activity orders and (iii) rectification orders in relation to a controlled activity were in force or issued for.

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



- (1) Records of complaints relating to controlled activities are located on individual files and for the period 2007-08 to 2017-18 are not consolidated on an individual list. To provide accurate data Access Canberra would need to review all complaint files. This would require significant manual interrogation of each file and would be an unreasonable diversion of resources.

From the commencement of the 2018-19 financial year to date (as at 3 April 2019), 380 complaints have been received regarding allegations of a controlled activity. To provide accurate data on the number of complaints by type and suburb would be an unreasonable diversion of resources. However, common complaint categories by type of controlled activity in the 2018-19 financial year include unapproved structures, breach of lease (including home business), development not in accordance with approved plans, and fencing.

- (2) Records of how many controlled activity orders, ongoing controlled activity orders and rectification orders were issued, in effect and completed are located on individual files and for the period 2007-08 to 2017-18 are not consolidated on an individual list. To provide accurate data Access Canberra would need to review all complaint files. This would require significant manual interrogation of each file and would be an unreasonable diversion of resources.

The figures for 2018-19 are:

- (a) Five controlled activity orders were issued.
  - (b) Four controlled activity orders are in effect. This includes one ongoing controlled activity order; and
  - (c) There have been no rectification orders issued under the Planning and Development Act in relation to controlled activities.
- (3) Noting the response to question two, The figures from the commencement of the 2018-19 financial year to date are shown collated below:
    - (a) Seven lessees were subject to a controlled activity order.
    - (b) Two lessees of the one block were subject to an ongoing controlled activity order.
  - (4) Records of multiple incidences of leases being issued with controlled activity orders, ongoing controlled activity orders and rectification orders relating to controlled activities are located on individual files and for the period 2007-08 to 2017-18 are not consolidated on an individual list. To provide accurate data Access Canberra would need to review all complaint files. This would require significant manual interrogation of each file and would be an unreasonable diversion of resources.

From the commencement of the 2018-19 financial year to date two individuals from the one block of land have been subject to multiple controlled activity orders, including an on-going controlled activity order.

- (5) Records for minimum, median, average and maximum timeframes controlled activity orders, ongoing controlled activity orders and rectification orders were issued and in force are located on individual files and for the period 2007-08 to 2017-18 are not consolidated on an individual list. To provide accurate data Access Canberra would need to review all complaint files. This would require significant manual interrogation of each file and would be an unreasonable diversion of resources.

From the commencement of the 2018-19 financial year to date:

- (a) Minimum of three days;
- (b) Median of three months;
- (c) Average of 15 months; and
- (d) Maximum of five years (noting this is an ongoing controlled activity order).

---

**Animals—penalties and fines  
(Question No 2392)**

**Mr Coe** asked the Minister for City Services, upon notice, on 22 March 2019:

- (1) What was the (a) minimum, (b) median, (c) average, (d) maximum and (e) total cost of (i) selling, (ii) destroying or (iii) otherwise disposing of animals in accordance with animal welfare or disqualification from keeping animals offences each financial year since 2007-08 to date.
- (2) In relation to part (1), what was the (a) minimum, (b) median, (c) average, (d) maximum and (e) total cost of (i) selling, (ii) destroying or (iii) otherwise disposing of animals recouped by the ACT Government from animal welfare offenders and those subject to disqualification from keeping animals each financial year since 2007-08 to date.
- (3) What is the total number of penalties or fines issued in relation to disqualification from keeping animals under the Domestic Animals Act 2000 (ACT) broken down by suburb, for each financial year since 2007-08 to date.
- (4) In relation to part (3), what is the (a) minimum, (b) median, (c) average, (d) maximum and (e) total value of penalties or fines issued in relation to disqualification from keeping animals under the Domestic Animals Act 2000 (ACT) for each financial year since 2007-08 to date.
- (5) In relation to part (4), for each financial year since 2007-08 to date, what is the total number penalties or fines issued that have been issued in relation to disqualification from keeping animals under the Domestic Animals Act 2000 (ACT) but were later contested broken down by (a) suburb, (b) average value of penalty or fine and (c) total value of contested revenue from that type of penalty or fine.
- (6) In relation to part (5), for each financial year since 2007-08 to date, what is the total number penalties or fines issued in relation to disqualification from keeping animals under the Domestic Animals Act 2000 (ACT) but were later withdrawn broken down by (a) suburb, (b) average value of penalty or fine and (c) total value of forgone revenue from that type of penalty or fine.

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

I have been advised by my Directorate 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 considerable resources.

In this instance, I do not believe that it would be appropriate to divert resources from other priority activities for the purposes of answering the Member's question.

---

**Sport—Boomanulla Oval  
(Question No 2394)**

**Mr Milligan** asked the Minister for Sport and Recreation, upon notice, on 22 March 2019:

- (1) Can the Minister confirm when Boomanulla oval will be open for community use.
- (2) Can the Minister clarify the bookings process for Boomanulla oval.
- (3) Can the Minister clarify if priority or weighting will be given to Aboriginal and Torres Strait Islander related activities at Boomanulla oval; if so, how this will occur.
- (4) Can the Minister clarify the current management structure for Boomanulla oval.

**Ms Berry:** The answer to the member's question is as follows:

- (1) The refurbished buildings and surrounds are now available for booking for community use. The grass oval is being refurbished to enable formal sporting use and is expected to be available for use from late May 2019.
  - (2) Enquiries and bookings may be made by contacting the TCCS Sportsground Booking Office on 6207 5141 or via email at [sportsgrounds@act.gov.au](mailto:sportsgrounds@act.gov.au).
  - (3) Yes. Noting the significance of Boomanulla Oval to the Aboriginal and Torres Strait Islander community, booking preference is given to Aboriginal and Torres Strait Islander-related activities.
  - (4) Boomanulla Oval is currently managed in a similar way to an enclosed sporting oval by the ACT Government through the Transport Canberra and City Services Directorate as an interim measure whilst a model for returning the oval to community management is developed with the Aboriginal and Torres Strait Islander Elected Body.
- 

**Parking—Palmerston shops  
(Question No 2395)**

**Mr Milligan** asked the Minister for City Services, upon notice, on 22 March 2019:

- (1) What is the expected commencement and completion date of implementing the changes to parking arrangements at Palmerston shops as put forward within the consultation plan for Palmerston shops dated 3 July 2018 that was conducted by Transport Canberra and City Services Directorate.
- (2) Can the Minister provide detail of the exact changes that will be made to parking arrangements at Palmerston shops.

- (3) What arrangements will be made to ensure that there is sufficient parking at the Palmerston shops during construction.
- (4) What measures will be taken to ensure that businesses located at Palmerston shops will not be negatively affected by implementation of the proposed changes to car parking arrangements.

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

- (1) Following the consultation to improve parking at the Palmerston shops, a proposal has been identified for consideration. Dates for the commencement of construction have not yet been identified.
  - (2) The exact details of the changes are subject to final design.
  - (3) The details of temporary parking, and the impacts during construction will be documented in the final design process. Temporary additional parking will be investigated at this time.
  - (4) Consultation with the businesses at the Palmerston shops will be undertaken to confirm the most appropriate timing for the works and include the consideration of temporary parking provisions to ensure the impacts of the construction is minimised.
- 

### **Roads—William Slim Drive (Question No 2396)**

**Mr Milligan** asked the Minister for Roads, upon notice, on 22 March 2019:

- (1) Will noise barriers will be included as part of the duplication project of William Slim Drive.
- (2) What is the expected commencement and completion dates for the duplication project of William Slim Drive.
- (3) What communication mechanisms are in place to inform residents about roadworks and road closures during the construction period for the duplication project of William Slim Drive.
- (4) What modelling has been completed to understand the impact on surrounding suburban streets for the duplication project of William Slim Drive.

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

- (1) The requirements for noise walls are currently being assessed according to Roads ACT Noise Management Guidelines.
- (2) The timing of construction is subject to a number of factors including planning approvals, the profile of funding from the Commonwealth Government and finalisation of the scope of works associated with the adjacent CSIRO development.
- (3) A communication plan for informing residents will be developed in advance of construction commencement.

- (4) The Canberra Strategic Transport Model has been used to assess the impact on areas surrounding William Slim Drive and show a positive impact on surrounding streets following the duplication.

---

**Roads—traffic management  
(Question No 2398)**

**Mrs Kikkert** asked the Minister for City Services, upon notice, on 22 March 2019:

What is the anticipated date for the completion of traffic lights at the intersections at Ginninderra Drive, Tillyard Drive and Lhotsky Street in Charnwood, ACT, and when can residents expect to see them in full operation, as Guidelines ACT Pty Ltd is anticipating to commence roadworks in April 2019.

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

Completion of construction is forecast for late 2019, weather permitting.

---

**Bimberi Youth Justice Centre—staff training  
(Question No 2400)**

**Mrs Kikkert** asked the Minister for Children, Youth and Families, upon notice, on 22 March 2019:

- (1) What kind of training is given to Bimberi Youth Justice Centre youth workers in regards to the administering of medication to young people at Bimberi.
- (2) Under what circumstances do Bimberi youth workers administer medication to young people at Bimberi.
- (3) How many staff members are trained and/or authorised to administer medication to young people at Bimberi, and what is the job title of each staff member.

**Ms Stephen-Smith:** The answer to the member's question is as follows:

- (1) Mental Health, Justice Health and Alcohol and Drug Services (MHJHADS) of Canberra Health Services is the primary service responsible for health provision within Bimberi Youth Justice Centre, including the administration of medication.

Bimberi Management, Unit Managers and Team Leaders are also authorised to administer medications to young people. Medication Management training is compulsory training undertaken prior to any medications being administered by these Bimberi Youth Justice Centre staff.

The training ensures staff undertake the following when administering medications to young people:

- a) issue medication at the correct time and intervals (as stated on the Dosage Administration Aid and medication log);

- b) verify a young person's allergies against the medication log;
  - c) check it is the correct person – by asking the young person to provide his/her name and date of birth;
  - d) ensure that an accurate record is made on the medication log;
  - e) ask the young person to open his/her mouth and roll his/her tongue to ensure the medication has been consumed; and
  - f) complete the record on the medication log.
- (2) Bimberi Youth Justice Centre staff administer medication as prescribed and on the advice of MHJHADS.
- (3) All Unit Managers and Team Leaders currently employed at Bimberi have completed the training. There is a total of four (4) Unit Managers and eight (8) Team Leaders.
- 

**Schools—positive behaviour program  
(Question No 2401)**

**Ms Lee** asked the Minister for Education and Early Childhood Development, upon notice, on 22 March 2019:

- (1) How many ACT schools have implemented Positive Behaviour for Learning (PBL) modules and (a) if not all schools, what schools do not currently have the program, (b) if not, why not and (c) when will they.
- (2) How is the effectiveness of this program being measured.
- (3) What schools have provided reports on the effectiveness of the program for each school that has PBL implemented.
- (4) How many schools with PBL have required additional staff to manage behaviour issues among students and (a) how many additional staff in each school and (b) what roles are those additional staff (eg teachers, teaching assistant, learning support officer, senior teacher).

**Ms Berry:** The answer to the member's question is as follows:

- (1) Positive Behaviour for Learning (PBL) roll out commenced in 2016 with a number of key schools and has been progressively rolled out and implemented across the system in a sustainable manner. Currently, 51 ACT Public Schools are in the process of implementing the PBL framework.
  - a) 37 schools have not yet commenced PBL implementation.
  - b) PBL program is being implemented incrementally across the system. The ACT Education Directorate is currently working with schools to identify the most appropriate commencement dates.
- (2) Implementation of the PBL framework in schools is measured using specific PBL tools that look at the fidelity of implementation as well as school specific data that shows the impact on student behaviour incidences.

- (3) The Directorate's PBL team works with all PBL schools to analyse school level data. The effectiveness of the framework is evident by reductions in negative behaviour incidents being recorded, increased rates of positive incidence, reductions in suspension data and improvements in school satisfaction data.

- (4) (a) & (b) Implementation of PBL does not require additional staff within schools.

The PBL implementation team supports schools to implement the PBL framework with fidelity, facilitating training for school PBL teams, attending school PBL team meetings and providing shoulder to shoulder coaching support. The team also attends school staff meetings to ensure information being disseminated is correct as it applies to the school context. As schools implement, the PBL team continues to be available to support schools with implementation, resources, research/information and training needs.

### **Environment—eastern bettong program (Question No 2402)**

**Ms Lee** asked the Minister for the Environment and Heritage, upon notice, on 22 March 2019:

- (1) What was the cost of the Eastern Bettong release programme in the lower cotter catchment.
- (2) What advice did the Minister's office receive regarding the release of 67 Eastern Bettong into the wild between 2015 and 2017 and can the Minister provide a copy of the advice received.
- (3) Has a report into the results of the trial been commissioned; if yes, will the findings of this experiment be made public and if so, when; if not, why not.
- (4) Will a further release of Eastern Bettong take place in the future.

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

- (1) The costs incurred consisted of one Park Ranger FTE and vehicle from mid-2015 to early 2019 and program equipment (collars, tracking equipment, cameras, trapping, pest control etc). The total cost is in the order of \$600,000.
- (2) In early August a brief was provided to the then Minister for Environment and Climate Change prior to bettongs being released. A summary of advice is provided at [Attachment A](#).
- (3) The results will be disseminated in conjunction with the publication of a series of scientific papers currently being prepared by academics at the Australian National University.
- (4) No further "beyond-the-fence" releases are currently planned. It is likely that bettongs will be reintroduced to the newly extended part of Mulligans Flat Woodland Sanctuary following the eradication of exotic predators.

It should be noted that one of the greatest challenges for conservation in Australia is how we reintroduce animals into an environment where there are predators like foxes. This trial has helped further this understanding, providing ecologists information to strengthen efforts to conserve native animals.

### **Attachment A**

#### **Purpose**

1. To inform you of the trial release of Eastern Bettongs to the Lower Cotter Catchment.

#### **Background**

2. Following the successful reintroduction of Eastern Bettongs to Mulligans Flat Woodland Sanctuary and Tidbinbilla Nature Reserve, planning is underway for a trial release of bettongs to an unfenced wild site. The Lower Cotter Catchment has been selected as the most suitable site for the first wild release. The project will adopt an adaptive approach, with a series of small trial releases planned. These releases will assess under what conditions a viable population of wild Eastern Bettongs can survive (such as the minimum amount of feral predator control that is required).
3. Environment and Planning Directorate (EPD) Parks and Conservation Service and Conservation Research team have partnered the project with the Australian National University (ANU) and the Woodlands and Wetlands Trust.
4. A core release area and a surrounding buffer zone have been identified. Intensive fox baiting and monitoring began in these areas over 12 months ago and will continue after the bettongs are released.

#### **Issues**

5. Twelve bettongs will be released into the core area over two nights. On 8 August 2016, EPD is scheduled to release six bettongs at one site. These will be intensely monitored and an additional six bettongs will be released at the same site two weeks later (22 August 2016).
6. All animals will be fitted with tracking collars. Survivorship and health of the bettongs will be monitored after release. If the bettongs persist, more are likely to be released in early 2017. If they do not, depending on the reasons why, other management programs will be deployed before more bettongs are released, for example, additional fox baiting or specific dog or cat baiting.
7. The results of Phase 1 will inform Phase 2 of the project, which involves broad scale release of bettongs into this and other ACT sites. Phase 2 of the project is the subject of a further ANU Australian Research Council (ARC) Discovery Grant application, the result of which will not be known until November 2016. Phase 1 results will also provide useful information for the reintroduction of other species in the future.
8. A scientific licence application has been submitted by ANU for the first trial release of 12-14 bettongs and the project is approved by the ANU ethics committee.



9. EPD field staff has contributed considerable resources working with the ANU team to deliver fox baiting in the core area and buffer zone. Baiting has been very successful and the pre-release predator thresholds are generally being met in the core release area. However, high mortality of the bettongs is still possible.

#### **Financial Implications**

10. The cost of the project is being shared by the project partners, with EPD Parks and Conservation Service contributing in-kind through field staff resourcing.
11. EPD provided funding for the ARC linkage grant for the initial translocation of the Eastern Bettong in 2012. EPD is contributing \$60,000 per year for three years to the current ARC linkage grant for the translocation of three species into the Mulligans Flat Woodlands Sanctuary, the first of which was the Eastern Quoll.

#### **Directorate Consultation**

12. Consultation within EPD between Conservation Research and the Parks and Conservation Service is occurring on a regular basis. The Conservator of Flora and Fauna has approved the project.

#### **External Consultation**

13. Consultation with the external project partners, ANU and the Woodlands and Wetlands Trust, is occurring on a regular basis. Public consultation has not been undertaken for this project.

#### **Benefits/Sensitivities**

14. The major sensitivity in this project relates to the risk of mortality to the animals involved in the trails.
15. The benefit of the project is the potential establishment of the only population of Eastern Bettong in an unfenced area on mainland Australia. This would greatly improve the conservation status of the species, and provide a release-site to transfer bettongs from Mulligans Flat and Tidbinbilla to help manage over-population at those sites. If successful, this project would also provide an operational model for other reintroductions within the ACT.

#### **Media Implications**

16. A media plan is being developed. Publicity is likely to be kept to a minimum during the initial Phase 1 release, however should the trial proceed positively, media is planned for the second Phase release in late August 2016. Media will be co-ordinated by EPD Communications, your office, ANU and the Woodland and Wetlands Trust.

---

### **Schools—positive behaviour program (Question No 2403)**

**Ms Lee** asked the Minister for Education and Early Childhood Development, upon notice, on 22 March 2019:

- (1) Did the Minister say in question time on 12 February that the Positive Behaviour for Learning module is shown to be a very evidence-based program; if so, on what evidence is that program based.

- (2) What evidence has the Minister received showing the success of this program in reducing violence in schools and can the Minister provide a copy of that evidence.

**Ms Berry:** The answer to the member's question is as follows:

Positive Behaviour for Learning (PBL) is an internationally recognised framework based on ongoing evidence and research. An example of this research is at [Attachment A](#) and links to further information is listed below for your information.

Schools implementing the PBL framework have reported:

- Higher student motivation orientations including: belief, value, planning, management and persistence;
- Significantly lower student disengagement;
- High satisfaction rates for both parents and teachers;
- Improvement in aggressive behaviour, concentration, prosocial behaviour, and emotional regulation;
- More effective and consistent responses to students behaviour;
- Improved tracking and management of student behaviour;
- Improved coherence in whole school practices that enhance teaching practices and support positive behaviour;
- Reduction in bullying behaviour, peer rejection and peer victimisation;
- Improved academic achievement;
- Improve school climate and organisational health; and
- Enhanced perception of organisational health and safety.

High schools engaged with PBL over an extended period of time have decreased long suspensions rates. School-wide improvement in behaviour management processes was found in schools at all phases of implementation of PBL, with the greatest improvement noted in schools that had been implementing PBL for a longer period.

**For more information:**

- <https://researchdirect.westernsydney.edu.au/islandora/object/uws%3A132/datastream/PDF/view>
- [https://www.pbis.org/common/cms/files/pbisresources/PBIS\\_revisited\\_June19r\\_2012.pdf](https://www.pbis.org/common/cms/files/pbisresources/PBIS_revisited_June19r_2012.pdf)
- <https://www.pbis.org/research>
- <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4446139/>
- <https://researchdirect.westernsydney.edu.au/islandora/object/uws%3A132/datastream/PDF/view>

*(A copy of the attachment is available at the Chamber Support Office).*

---

## **Planning—Molonglo Valley (Question No 2406)**

**Ms Le Couteur** asked the Minister for Planning and Land Management Development, upon notice, on 5 April 2019:

- (1) Has any planning been undertaken for encouraging employment to locate in the Molonglo Valley; if so, can the Minister provide details.

- (2) Are there any plans for a service trades area in the Molonglo Valley; if so, what size would it be and where would it be located.
- (3) Has the owner of the Coombs Shops sought a Territory Plan Variation for the shops site over the past two years; if so, (a) what was the nature of the proposed Variation and (b) is the Government intending to proceed with it.

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

- (1) Yes. Under the Territory Plan's Molonglo and North Weston Structure Plan there are broad principle and policy requirements relating to employment within the Molonglo Valley such as through commercial centres, community facilities and schools.

The Environment, Planning and Sustainable Development Directorate (EPSDD) has finalised a Planning and Design Framework (PDF) for Molonglo Stage 3 that further articulates employment requirements and principles relating to the future suburb of Whitlam and two unnamed suburbs, north of the Molonglo River. The PDF's purpose is to guide detailed planning and development with Stage 3.

Further planning is currently underway for the Molonglo Valley's main commercial centre precinct within the future suburb of Molonglo. This commercial precinct will accommodate future commercial, retail and other employment generating uses.

- (2) Yes. The Territory Plan Variation 281 enables urban development in parts of the Molonglo Valley and North Weston through the introduction of urban zones and a structure plan for Molonglo and North Weston. This includes provision for commercial areas that will provide for trade services. This is informing the ongoing planning and development of this area.
- (3) A variation to the Territory Plan has not been sought from the owner of the Coombs shops.

---

### **Planning—Kippax (Question No 2407)**

**Ms Le Couteur** asked the Minister for Planning and Land Management Development, upon notice, on 5 April 2019:

- (1) Are there any plans, studies, specifications or proposed rules/criteria that specify how the remaining open space between the Kippax Fair expansion and Moyes Street will be used after the expansion; if so, what are they and what type of open space can the community expect.
- (2) Does the Master Plan and/or proposed planning rules/criteria include any actions to offset the increase in the heat island effect likely to be caused by the Kippax Fair expansion; if so, what are they.
- (3) Does the Master Plan and/or proposed planning rules/criteria include any actions within the Kippax Group Centre to offset the lost open space caused by the Kippax Fair expansion; if so, what are they.

- (4) Why was the proposal discussed with the Community Panel to convert part of the Hardwick Crescent surface carpark to a park to offset the loss of green space not included in the final Master Plan.
- (5) If the reason in part (4) is the loss of parking, is there any Directorate or developer estimate of the cost of replacing that car parking within the Kippax Fair expansion; if so, can the Minister provide a copy.
- (6) What is the proposed net gain/loss (m2) of Community Facility Zone land within Kippax Group Centre as a result of the draft Territory Plan Variation.
- (7) What retail study/s did the Directorate commission into the viability of expansion of Kippax Fair onto the carparking at Block 89 and can the Minister provide a copy.
- (8) What community opinion survey/s did the Directorate commission into the community's views of the expansion of Kippax Fair and can the Minister provide a copy.
- (9) Does the draft Territory Plan Variation include any rules/criteria that will require the Kippax Fair expansion to deliver a new access road from Moyes Crescent to the Kippax Fair expansion or the Hardwick Crescent car park; if so, can the Minister provide details.

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

- (1) The master plan recommends that a 50-metre landscape buffer be maintained between Moyes Crescent and the proposed retail expansion.

DV361 proposes amendments to the Holt Precinct Map and Code as follows:

- i. R17 and C17 – protection of solar access to public places and open spaces
- ii. Criterion 24 – as part of the expansion of the centre the future proponent is required to conduct a range of offsite works including the upgrade of unused open space close to the centre and construction of the skate park.

- (2) DV361 proposes amendments to the Holt Precinct Map and Code as follows:

- a) Criterion 7 – includes materials and finish that do not contribute to the heat island effect.
- b) Criterion 19 – requires proponents to demonstrate that development results in no net gain of urban heat as measured on the 2017 urban heat map. The criterion requires a microclimate assessment report to be prepared giving consideration to low thermal mass buildings and colours, canopy trees, permeable surfaces and use of water features.

- (3) The master plan recommends that to offset the potential loss of part of the existing Holt District Playing Fields:

- Upgrade currently unused open space close to the centre, this could include turf, irrigation, pavilion, lighting, seating etc. to replace the approximately 16,000m2 of sport and recreation space lost as part of the retail expansion.

- Demolish the existing community building on Block 22 Section 51 Holt (to the rear of Kippax Fair) and construct a new community building on part Block 5 and road reserve Section 88 (to the south of the Kippax Library).
- Demolish the existing skate ramp to the rear of the Kippax Fair and construct a new skate ramp in the open space located at the corner of Moyes Crescent and Flack Street.
- Construct a new road connecting Moyes Crescent to Hardwick Crescent to include a footpath for pedestrian access and sufficient space for cyclists. It should also accommodate buses, bus turning and potentially bus stops adjacent to the existing tennis courts.
- Demonstrate that the proposed development will make no net difference to urban heat.

DV361 proposes amendments to the Territory Plan Map as follows:

- Holt section 52 block 13 – Commercial CZ3 Services zone to PRZ1 urban open space zone; and
- Holt section 51 blocks 49 and 70 – Commercial CZ2 Business zone to the PRZ1 Urban Open Space zone.

DV361 proposes amendments to the Holt Precinct Map and Code as follows:

- R17 and C17 – protection of solar access to public places and open spaces
- Criterion 24 – as part of the expansion of the centre the future proponent is required to conduct a range of offsite works including the upgrade of unused open space close to the centre and construction of the skate park.

- (4) An outcome from the Kippax Group Centre Community Panel (Stage 3 Community Engagement) process included the possibility of turning some or all of the existing car park on Block 1 and 2 Section 89 Holt into a multi-purpose parkland (People's Park).

The final stage of engagement sought feedback on the revisions to the draft master plan (Stage 4 Community Engagement) which resulted from the Community Panel process, including the 'People's Park' proposal.

Feedback from Stage 4 Community Engagement found that the broader community did not support the proposal for the 'People's Park' as it would result in a loss of the existing surface car parking that is highly valued for its convenience close to the centre.

As a result of community engagement and further investigation, the master plan recommended focussing the creation of a higher order community space (the community hub) in the central plaza between the existing Kippax Library and the proposed new community facilities building. This approach will also have the benefit of consolidating community activity in one central area.

- (5) An estimate of the cost to replace car parking within the proposed retail expansion in relation to the 'Peoples Park' proposal has not been prepared by the Directorate. The Directorate has also not been provided with an estimate by any potential developers.

- (6) DV361 proposes amendments to the Territory Plan Map resulting in a net overall increase the area of Community Facilities CFZ zoned land by 7,643m<sup>2</sup> as follows:
- Section 51 Block 22 Holt – CFZ Community Facility zone to the Commercial CZ1 Core zone (net loss of 2207m<sup>2</sup>);
  - Section 88 Block 4 and part of Block 5 Holt - Commercial CZ1 Core zone to CFZ Community Facility zone (net gain of 1291m<sup>2</sup> plus approximately 1400m<sup>2</sup> part of block 5); and
  - Section 52 Blocks 6, 10 and 11 Holt – Commercial CZ3 Services to CFZ Community Facility zone (net gain of 7159m<sup>2</sup>).
- (7) EPSDD commission two reports and a memorandum that provided advice with regard to potential development on Section 89 (existing surface car park to the south of the Kippax Library) for the purposes of potential retail expansion.
- ‘Kippax Group Centre, ACT, Development options and possibilities’ report (June 2016) by MacroPlan Dimasi (retail demand specialist) is at Attachment A.
  - ‘Kippax – Further queries re site layout and developer profits’ memorandum (27 May 2016) by MacroPlan Dimasi (retail demand specialist) is at Attachment B.
  - ‘Retail Design Specialist to inform Kippax Group Centre Community Panel’ report (27 April 2018) by Saunders Global (retail design expert) is at Attachment C.
- (8) Stage 3 of community engagement involved the ACT Government hosting a community panel process to discuss the development and redevelopment opportunities for the group centre, particularly in relation to potential retail expansion.
- The outcomes from the community panel process can be found at Attachment D.
- Stage 4 of community engagement sought feedback on revisions to the draft master plan as a result of the community panel’s recommendations. This involved meet the planner sessions, online quick polls and the opportunity to lodge written submissions.
- The outcomes from the final stage of community engagement can be found at Attachment E.
- (9) DV361 proposes amendments to the Holt Precinct Map and Code as follows:
- Criterion 24 – as part of the expansion of the centre the future proponent is required to conduct a range of offsite works including the construction of a new road connecting the Kippax group centre with Moyes Crescent.

*(Copies of the attachments are available at the Chamber Support Office).*

---

## **Planning—strategy (Question No 2408)**

**Ms Le Couteur** asked the Minister for Planning and Land Management, upon notice, on 5 April 2019:

- (1) Has the Directorate or the Minister had feedback after the ACT Planning Strategy 2018 was released from Community Councils and the community more broadly on whether there should have been consultation on a draft Strategy; if so, what is that feedback.
- (2) Does page 39 of the Strategy where it discusses “Areas close to local centres (400 metres/average 5 minute walk)”, relate to a particular action of the Strategy; if so, which action, and is this action either already underway or funded for commencement in the next two years.
- (3) Why does the housing preferences data on the bottom of page 28 of the Strategy differ from the data included in Figure 6 on page 20 of the Housing Choices Discussion Paper last year.
- (4) Is the new survey publicly available; if so, (a) where and (b) can the Minister provide a copy of the survey report.

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

- (1) The Minister and the Directorate have not received any written feedback since the release of the ACT Planning Strategy 2018 about whether a draft Strategy should have been released for consultation.
- (2) The discussion about “Areas close to local centres (400 metres/average 5 minute walk)” on page 39 of the ACT Planning Strategy relates to the identification of possible future areas that could be suited to medium density housing (particularly relating to Action 4.4.2). The implementation of this action is currently progressing within existing resources.
- (3) The housing preferences cited in the Housing Choices Discussion Paper were drawn from a 2014 survey that was limited to residents living only in areas zoned ‘residential’ under the Territory Plan which had been established for at least five years. The data cited on page 28 of the ACT Planning Strategy 2018 was sourced from the ‘ACT Housing Attitudes and Intentions Survey 2016’, which was a resident survey unrestricted by Territory Plan zones.
- (4) The ‘ACT Housing Attitudes and Intentions Survey 2016’ cited on page 28 of the ACT Planning Strategy 2018 has not been made publicly available.

### **Building—aluminium cladding (Question No 2409)**

**Ms Le Couteur** asked the Minister for Police and Emergency Services, upon notice, on 5 April 2019 (*redirected to the Minister for Building Quality Improvement*):

- (1) Does the ACT Government have data on the number of residential buildings with aluminium composite panel (ACP) cladding; if so, can the Minister provide information about the number of buildings.
- (2) Does the ACT Government have information about the number of residential buildings with ACP cladding that would be unsafe in the event of a fire; if so, can the Minister provide information about the number of buildings.

- (3) Does the ACT Government have information about the number of owners corporations that have been unable to obtain insurance for fires because of ACP cladding on their buildings; if so, can the Minister provide details.
- (4) Has the ACT Government been contacted by owners corporations that have been unable to obtain insurance for fires because of ACP cladding on their buildings; if so, can the Minister provide details.
- (5) In the event that owners corporations are unable to get insurance for fire because of ACP cladding on their buildings, and are therefore in breach of their statutory requirements under the Unit Titles (Management) Act, has the ACT Government considered (a) acting as an insurer of last resort; if yes, can the Minister provide details and (b) providing financial support for owners corporations to reclad their buildings; if yes, can the Minister provide details.
- (6) What compliance checking is conducted by the ACT Government to ensure that owners corporations have the insurance cover that they are required under the Unit Titles (Management) Act.

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

- (1) Aluminium composite panels (ACP) are used in a wide variety of buildings including single residential buildings. These may be used in only small quantities or as decorative features. It is not feasible for Government to identify all residential buildings with ACP cladding.
- (2) Whether a building with ACP or any other cladding is unsafe in the event of a fire depends on a wide range of factors, including the type and location of the cladding, the fire source, the presence and maintenance of other fire protections in the building including emergency systems, fire suppression and resistance of the structure and evacuation pathways in the building.
- (3) The Government is not aware that any owners' corporations have been unable to obtain any insurance.
- (4) It is important to note that building insurance is not necessarily related to the safety of the building occupants but to the potential damage to the building.

Building standards are primarily intended to protect building occupants while the building is being evacuated rather than prevent damage to the structure. A building that meets required safety standards may suffer wider damage in the event of a fire.

- (5) The Government is working with other jurisdictions through the Building Ministers Forum to develop an Australia-wide approach to the issue in consultation with the insurance industry and industry stakeholders.
- (6) Under the *Unit Titles (Management) Act 2011* an executive committee is created upon the establishment of the owners corporation. This committee is responsible for ensuring the Corporation is compliant with legislated requirements, including those relating to insurance.

The executive committee of the owners corporation must give certain details about the corporation's current insurance policies at each annual general meeting, providing members with oversight of compliance with these requirements.



Access Canberra does not routinely check the insurance records of owners corporations, it being primarily a matter for the executive committee to comply with all legislated requirements, and a matter. In circumstances where an owner or occupier of a unit has concerns about compliance by their executive committee with legislative requirements about insurance policies, the person may make an application to the ACT Civil and Administrative Tribunal. The Tribunal has broad powers under the Act to make orders to resolve disputes between owners corporations and owners or occupiers of units. This provides an independent oversight mechanism of actions of owners corporations in relation to insurance policies.

---

### **Housing—debt (Question No 2410)**

**Ms Le Couteur** asked the Minister for Housing and Suburban Development, upon notice, on 5 April 2019:

Can the Minister provide the following information about the 2019-20 Federal Budget Papers that list an outstanding loan owed by the Territory totalling \$123 161 000 (Budget Paper no. 3, Appendix D – Debt Transactions, table D1, page 114) which is a separate line item to the Commonwealth State Housing Agreement debt, (a) what does the outstanding loan amount relate to, (b) is this debt being repaid from Housing ACT's budget, or from consolidated revenue and (c) has the ACT Government made requests to the Australian Government for this debt to be forgiven.

**Ms Berry:** The answer to the member's question is as follows:

- (a) The outstanding loan amount (\$123,161,000 at 30 June 2018) relates to the Commonwealth Housing Assistance Ordinance 1987, which realigned ACT public housing with the Commonwealth State Housing Agreement, along similar lines to those applying to State Housing Authorities.  
Under direction, the then Commonwealth Department of the Arts, Sports the Environment, Tourism and Territories transferred control of Commonwealth rental housing stock (within the ACT) to the Commissioner for Housing for the ACT (Commonwealth), as well as a debt relating to a low-cost mortgage program in place at the time.  
  
After self-government in 1989, the control of public housing in Canberra passed to the ACT Government, including the transfer of over 11,000 public housing properties, and the associated loan and mortgage liability.
  - (b) The debt is currently divided between Housing ACT (\$58,099,000), which relates to rental housing stock, and the Chief Minister, Treasury and Economic Development Directorate (\$65,062,000), which relates to the Commissioner for Housing Mortgages. Housing ACT repays the debt from its own budget and CMTEDD repays from the Territory Banking Account – both at a fixed rate of 4.5 per cent.
  - (c) The ACT Government canvassed the possibility of the Australian Government forgiving the debt as part of the negotiations for the National Housing and Homelessness Agreement but the Commonwealth did not agree at that time. A formal request of this nature is currently under consideration as part of the public housing management strategy.
-

## Housing—rental bonds (Question No 2413)

**Ms Le Couteur** asked the Minister for Housing and Suburban Development, upon notice, on 5 April 2019 (*redirected to the Treasurer*):

- (1) What is the average time it takes to process and return tenants' bond money for each calendar month in the last three years that data is available for.
- (2) Does the ACT Government provide information to tenants that they can apply directly for their bond return, rather than having the return form lodged by their real estate agent; if yes, how tenants are made aware of this; if not, has the ACT Government or is it considering any measures to better inform tenants that this option is available.

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

- (1) Please refer to table at Attachment A.
- (2) The ACT Revenue Office website ([www.revenue.act.gov.au/rental-bonds](http://www.revenue.act.gov.au/rental-bonds)) contains useful information relating to bond refunds. Information is also contained in the Renting Book which Lessors/Agents must provide to tenants when they sign a lease. This book is also available through the ACT Revenue Office website ([https://www.revenue.act.gov.au/\\_\\_data/assets/pdf\\_file/0008/1097333/The-Renting-Book.pdf](https://www.revenue.act.gov.au/__data/assets/pdf_file/0008/1097333/The-Renting-Book.pdf)). Both the ACT Revenue Office website and the Renting Book state that either party may make an application to the ACT Revenue Office for the release of a bond. The ACT Revenue Office website provides detailed information about the process for a tenant applying for the release of a bond (<https://www.revenue.act.gov.au/rental-bonds/how-to-lodge-a-bond-refund/tenants>).

### Attachment A

#### 1. Average time to refund bonds per month following receipt of completed Refund Application form

**Note:** the Rental Bonds function was transferred from Access Canberra to the ACT Revenue Office on 1 July 2017

	Refunds Avg Days
Apr-19	13
Mar-19	14
Feb-19	16
Jan-19	17
Dec-18	11
Nov-18	11
Oct-18	11
Sep-18	7
Aug-18	10
Jul-18	9
Jun-18	7
May-18	11
Apr-18	11

Mar-18	15
Feb-18	16
Jan-18	17
Dec-17	11
Nov-17	9
Oct-17	8
Sep-17	11
Aug-17	9
Jul-17	9
Jun-17	11
May-17	8
Apr-17	18
Mar-17	21
Feb-17	20
Jan-17	21

---

### **Public housing—redevelopment (Question No 2414)**

**Ms Le Couteur** asked the Minister for Housing and Suburban Development, upon notice, on 5 April 2019 (*redirected to the Minister for Urban Renewal*):

- (1) For each of the former public housing sites that have been sold on (a) Northbourne Avenue, (b) Bega Court, (c) Allawah Court and Currong Apartments sites, (i) had any survey of the number, type, and size of trees on the site been conducted prior to sale, (ii) how many trees were removed by the ACT Government as part of demolition and/or preparation of the site for sale, (iii) are the purchasers of the site required, as part of the conditions of purchase, to retain any of the existing trees and (d) are the purchasers of this site required to plant new trees as part of the conditions of purchase.
- (2) For Strathgordon Court site (a) had any survey of the number, type, and size of trees on the site been conducted prior to sale, (b) how many trees were removed by the ACT Government as part of demolition and/or preparation of the site for sale, (c) are the purchasers of the site required, as part of the conditions of purchase, to retain any of the existing trees and (d) are the purchasers of this site required to plant new trees as part of the conditions of purchase.
- (3) For the former Stuart Flats site (a) had any survey of the number, type, and size of trees on the site been conducted prior to sale, (b) how many trees were removed by the ACT Government as part of demolition and/or preparation of the site for sale, (c) are the purchasers of the site required, as part of the conditions of purchase, to retain any of the existing trees, (d) are the purchasers of this site required to plant new trees as part of the conditions of purchase and (e) whether the purchasers of the four parcels of land on the site are required to plant new trees as part of the conditions of purchase.
- (4) For possible future sales of multi-unit public housing sites what consideration has the Government given to protecting existing trees on these sites.
- (5) For the recently completed ACT Housing dwellings that were commissioned by the ACT Government as part of the public housing renewal program (i.e. excluding those

dwellings that were spot-purchased from the private market), (a) was there a tree planting policy that covered these sites and (b) for trees that were planted on these sites, (i) how many trees were planted and (ii) what programs and policies exist to ensure that they are maintained or replaced as necessary.

- (6) Are there plans in place to protect existing trees or ensure that new ones are planted on multi-unit public housing sites that may be sold in the future.

**Ms Stephen-Smith:** The answer to the member's question is as follows:

(1) (a,b,c)

- I. Full tree surveys/assessments and reports were prepared for the Northbourne Avenue, Bega Court, Allawah Court and Currong Apartments sites prior to sale of the land. The tree reports included the number and species of tree, their height, trunk circumference, number of trunks, crown spread, health and value of the trees.
- II. All regulated and registered trees are protected in line with the *Tree Protection Act 2005*. Trees that were assessed as not registered or regulated and were found to be of poor quality, diseased, dead or dangerous were removed. In demolitions undertaken by the government, removals were undertaken in line with the approved Development Applications (DA) for demolition of the sites. Sites sold with buildings and structures in place were sold with demolition DAs in place that the developer must comply with.
- III. The purchasers of the sites are required to retain all regulated or registered trees under the *Tree Protection Act 2005*, however they may apply for a 'Tree Damaging Activity' and lodge a DA with a tree removal if they consider their design cannot be facilitated with the trees remaining.
- d) The purchaser must consider landscape design in their proposal for the site and incorporate appropriate new plantings, which will be assessed against the Territory Plan when a DA is lodged.

(2)

- a) A full tree survey/assessment and report was prepared for the Strathgordon site prior to sale of the land. The tree report includes the number and species of tree, their height, trunk circumference, number of trunks, crown spread, health and value of the trees.
- b) No trees were removed as part of the preparation of the block for sale. The site was sold with buildings and structures in place with an approved demolition DA that the developer must comply with.
- c) The purchaser of the site is required to retain all regulated or registered trees under the *Tree Protection Act 2005*, however they may apply for a 'Tree Damaging Activity' and lodge a DA with a tree removal if all design options have been considered and their design cannot be facilitated with the trees remaining.
- d) The purchaser must consider landscape design in their proposal for the site and incorporate appropriate new plantings, which will be assessed against the Territory Plan when a DA is lodged.

(3)

- a) A full tree survey/assessment and report was prepared for the Stuart Flats sites prior to sale of the land. The tree report includes the number and species of tree, their

- height, trunk circumference, number of trunks, crown spread, health and value of the trees.
- b) No trees were removed as part of the preparation of the blocks for sale. The sites were sold with buildings and structures in place with an approved demolition DA that the developer must comply with.
  - c) Under the Tree Protection Act 2005 the purchasers of the sites are required to retain all regulated or registered trees, however they may apply for a 'Tree Damaging Activity' and lodge a DA with a tree removal if they consider their design cannot be facilitated with the trees remaining.
  - d,e) The purchasers must consider landscape design in their proposal for the site and incorporate appropriate new plantings, which will be assessed against the Territory Plan when a DA is lodged.
- (4) The Tree Protection Act 2005 is relied upon for the retention of regulated and registered trees.
- (5)
- a) The Public Housing Renewal Taskforce does not have a tree planting policy. Public housing developments are assessed through the Development Application process, and this process seeks entity advice from the Environment Protection Agency and the Conservator of Flora and Fauna to inform approval decisions. Generally, a landscape architect is engaged to formulate the approved landscape plan which will comply with the applicable Development and Precinct Codes.
  - b) i) The Taskforce has not kept a record of how many trees have been planted.  
ii) Housing ACT have policies in place to maintain and replace trees when necessary.
- (6) The Tree Protection Act 2005 is relied upon for the retention of regulated and registered trees.
- 

### **Sport—ovals (Question No 2415)**

**Ms Le Couteur** asked the Minister for Sport and Recreation, upon notice, on 5 April 2019:

- (1) How will demand for sports fields from the growing Molonglo Valley population be met.
- (2) When will sports fields be provided in the Molonglo Valley.
- (3) Where will these sports fields be constructed.

**Ms Berry:** The answer to the member's question is as follows:

- (1) Consistent with the Stromlo Forest Park Master Plan, the first District Playing Field to service the Molonglo region will be provided in Stromlo Forest Park.
- (2) The timing of the delivery of the District Playing Fields at Stromlo Forest Park is yet to be finalised.

- (3) The first District Playing Field to service the region will be located in Stromlo Forest Park.

---

**Land—tax  
(Question No 2416)**

**Ms Le Couteur** asked the Treasurer, upon notice, on 5 April 2019:

- (1) For each of the past six financial years, what was the average “average unimproved value” in each of the ACT’s urban districts, for (a) non-unit-titled residential properties, (b) unit-titled residential properties and (c) all residential properties.
- (2) For each of the past six financial years, what was the average land tax revenue, by quarter, for (a) non-unit-titled residential properties, (b) unit-titled residential properties and (c) total residential properties, by urban district.
- (3) For each of the past six financial years, what was the number of properties paying land tax, by quarter, for (a) non-unit-titled residential properties, (b) unit-titled residential properties and (c) total residential properties, by urban district.

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

- (1) As per Attachment A.
- (2) and (3) As per Attachment B.

Where there are a low number properties in a district they have been incorporated into “Other” to minimise the possibility of disclosure of tax payer information which would contravene obligations under Division 9.4 of the *Taxation Administration Act 1999*.

Data has been drawn from area based billing runs and may not include assessments issued through the year that were separately journaled (for example in relation to new properties).

*(Copies of the attachments are available at the Chamber Support Office).*

---

**ACT Health—events  
(Question No 2418)**

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 5 April 2019:

- (1) What functions and events did ACT Health hold, for which a guest speaker was engaged, for each of the years 2014-15, 2015-16, 2016-17, 2017-18 and 2018-19 (to the date on which this question was published in the questions on notice paper).
- (2) What functions and events did Canberra Health Services hold, for which a guest speaker was engaged, during the period 1 October 2018 to the date on which this question was published in the questions on notice paper.

- (3) For each function or event identified in parts (1) and (2), (a) what was the theme, (b) who was the guest speaker, (c) what was the subject of the guest speaker's speech, (d) how many were in the audience, (e) what was the guest speaker's fee, (f) what other costs were associated with the guest speaker's appearance and (g) what was the total cost for the function or event (excluding the speaker's fee and other costs associated with the guest speaker's appearance).

**Ms Fitzharris:** The answer to the member's question is as follows:

*(A copy of the answer is available at the Chamber Support Office).*

---

### **Budget—Canberra Health Services (Question No 2420)**

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 5 April 2019:

- (1) In relation to Canberra Health Services, for the period to 31 March 2019 for the financial year 2018-19 (a) what was the projected level of expenditure and (b) what was the actual level of expenditure.
- (2) In relation to Canberra Health Services, for the financial year 2018-19 (a) what is the budget and (b) what is the forecast outcome.
- (3) What are the reasons for any variance between the figures provided in (a) part (1) and (b) part (2).

**Ms Fitzharris:** The answer to the member's question is as follows:

The Directorate is not yet in a position to provide full year financial projections as at 31 March 2019. In particular, following the separation of the Health Directorate, financial systems and transactional allocations are in the final stages of transition which will impact on the presentation of the final financial position for Canberra Health Services.

In line with Government reporting and budgeting processes, an estimated outcome for Canberra Health Services will be published in the ACT Budget Papers on 4 June 2019. The final outcomes will be published in the Annual Report in October 2019, including variance explanations, and following ACT Audit Office certification.

---

### **ACT Health and Canberra Health Services—staffing (Question No 2421)**

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 5 April 2019:

For each of the years 2014-15, 2015-16, 2016-17, 2017-18, and 2018-19 (to the date on which this question was published in the questions on notice paper, (a) how many vacant (i) full-time and (ii) part-time, permanent clinical health positions did ACT Health or Canberra Health Services advertise, (b) for each position, how many applications were

received from (i) local, (ii) interstate and (iii) overseas applicants, (c) for each position was an (i) local, (ii) interstate or (iii) overseas applicant appointed (d) for each position, for how long has the original appointee held the position, (e) for any appointments from interstate or overseas, for how long did those appointees (i) hold their positions and (ii) remain resident in Canberra and (f) for any resignations and departures from ACT residency by interstate or overseas appointees, what was the nature of reasons given for (i) resigning and (ii) leaving the ACT.

**Ms Fitzharris:** The answer to the member's question is as follows:

The table at Attachment A is in response to Questions (a) and (b) the data may include positions that are managerial rather than clinical but are classified as Health Professional, Medical Practitioners and Nursing/Midwifery staff.

The table includes data from both Canberra Health Services (CHS) and the Health Directorate (HD) as both Directorates currently use the same e-recruitment system (Taleo).

In response to questions (c), (d), (e) and (f), to obtain this data it would involve going into multiple separate systems to extract the data and then manually compile a combined result. I have been advised by my department 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 considerable resources.

In this instance, I do not believe that it would be appropriate to divert resources from other priority activities for the purposes of answering the Member's question.

*(A copy of the attachment is available at the Chamber Support Office).*

---

### **ACT Health and Canberra Health Services—complaints (Question No 2425)**

**Mrs Dunne** asked the Minister for Health and Wellbeing, upon notice, on 5 April 2019:

- (1) In relation to complaint RM116774 regarding allegations of vaginal examination without consent, does “RM” refer to Riskman.
- (2) What procedures are followed when (a) entering and (b) investigating, a complaint on Riskman.
- (3) If a complaint is not entered on Riskman, how is it (a) brought into data collection, (b) managed and (c) investigated.
- (4) How many complaints did ACT Health or Canberra Health Services receive in (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.
- (5) For each year in part (4), (a) of these complaints, how many were made anonymously, (b) how many of the complaints were investigated, (c) what were the outcomes of those investigations, (d) how many disciplinary processes began against (i)



administrative, (ii) clinical, (iii) facilities maintenance and (iv) other, staff and (e) how many disciplinary sanctions were brought against (i) administrative, (ii) clinical, (iii) facilities maintenance and (iv) other, staff.

**Ms Fitzharris:** The answer to the member's question is as follows:

- (1) Yes - RM refers to Feedback Module in Riskman.
- (2)(a) The Consumer Feedback and Engagement Team (CFET) records all feedback in the Riskman Feedback Module when it is received and the relevant area is notified.
- (b) Complaints are allocated to the office of the most appropriate Executive Director (ED), to investigate and coordinate a response. Where a response is requested, complaints are acknowledged by CFET within five days of receipt. If adequate contact details have been provided. Information is sought from the relevant unit or division to investigate and respond to the issues raised in the complaint.

Service areas may contact the consumer and respond verbally to the complaint. In this case, a summary of the response is provided to CFET to update the Riskman Feedback Module. If feedback cannot be resolved verbally, a response to the consumer will be prepared and sent using the information provided by the unit or division.

- (3) All formal complaints are entered into Riskman and included for data collection, management and investigation. Exceptions to this are when the complaint:
  - concerns a service based outside of Canberra Health Services (CHS). These complaints are sent to the relevant service for investigation and response.
  - is the subject of legal proceedings. These are managed through the related appropriate processes.

(4) Number of Complaints

- 1 July 2012 to 30 June 2013 - 865
- 1 July 2013 to 30 June 2014 - 1044
- 1 July 2014 to 30 June 2015 - 1199
- 1 July 2015 to 30 June 2016 - 1101
- 1 July 2016 to 30 June 2017 - 1086
- 1 July 2017 to 30 June 2018 - 1211
- 1 July 2018 to 5 April 2019 - 1059

(5)(a) Anonymous Complaints

- 1 July 2012 to 30 June 2013 - 89
- 1 July 2013 to 30 June 2014 - 195
- 1 July 2014 to 30 June 2015 - 219
- 1 July 2015 to 30 June 2016 - 141
- 1 July 2016 to 30 June 2017 - 151
- 1 July 2017 to 30 June 2018 - 151
- 1 July 2018 to 5 April 2019 - 190

- (b) All complaints are investigated by the unit or division concerned regardless of whether a response has been requested.

- (c) Outcomes from investigations vary and it is not possible to list the outcomes of all investigations. Typically, outcomes include changes to procedures, processes, staff education or facilities as appropriate.
- (d-e) The aim of the feedback process is to continuously improve the services that CHS deliver and is not routinely a mechanism for (d) disciplinary process or (e) disciplinary sanctions. Any complaint that, following an investigation, results in either disciplinary process or sanctions is managed by the relevant unit or division with support from employee services staff.

### **Government—taxes and charges (Question No 2426)**

**Mrs Jones** asked the Treasurer, upon notice, on 5 April 2019:

- (1) How many properties in section 16, O'Malley currently pay (a) residential rates, (b) commercial rates, (c) land tax and (d) other land associated taxes or charges.
- (2) How many properties are subject to penalties or have outstanding tax debt, and what does this amount to.

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

- (1) & (2) Due to the limited number of properties in section 16 O'Malley, this information cannot be provided as it may result in the disclosure of taxpayer information. Division 9.4 of the *Taxation Administration Act 1999* prevents the disclosure of taxpayer information.

### **Taxation—rates (Question No 2428)**

**Mrs Jones** asked the Treasurer, upon notice, on 5 April 2019:

- (1) How many embassies and high commissions are located in Canberra, broken down by suburb.
- (2) What rates, fees, taxes and/or other charges apply to embassy properties and what is the total amount paid by embassies broken down by suburb.
- (3) What exemptions are claimed or available to embassy properties.

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

- (1) There are 119 properties owned by foreign governments in 11 ACT suburbs. The break up is as follows:

Suburb	Number	Type
Barton	1	Diplomatic property
Belconnen	1	Diplomatic property
Chapman	1	Diplomatic property

Deakin	8	Diplomatic properties
Farrer	13	Diplomatic properties
Forrest	5	Diplomatic properties
Garran	1	Diplomatic property
O'Malley	22	Diplomatic properties
Red Hill	19	Diplomatic properties
Turner	2	Diplomatic properties
Yarralumla	46	Diplomatic properties

Note: Diplomatic properties include embassies, high commissions, residences and offices

- (2) Rates and Land taxes are levied on diplomatic properties. I have been advised by the ACT Revenue Office that the information sought is not in an easily retrievable form and that to collect it would require considerable diversion of resources and would potentially reveal taxpayer information contrary to Division 9.4 of the Taxation Administration Act 1999.
- (3) Embassy properties are given a 15 per cent embassy remission on their rates charges and they are also exempt from interest charges on overdue amounts.

The ACT Government is engaged in ongoing discussions with the diplomatic community over a rates charging policy that reflects international practice and equivalency with fees payable by the Australian Government for our overseas missions.

### **Alexander Maconochie Centre—protest (Question No 2430)**

**Mrs Jones** asked the Minister for Corrections and Justice Health, upon notice, on 5 April 2019:

On Thursday 14 February 2019, did detainees of a wing of a cell block refuse a night lock-in; if so, (a) for how long did this protest last and (b) what punishments, if any, did participating detainees receive.

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

- (1) On 14 February 2019, a total of 24 detainees housed in the Accommodation Unit North refused to be secured in their cells. The detainees did not destroy any property and did not cause harm to each other or staff. The incident ended peacefully when the detainees involved later secured themselves in their cells.
- a) The incident lasted for six hours.
- b) All 24 detainees involved were dealt with in accordance with the Alexander Maconochie Centre disciplinary process. The actions taken varied dependent on the individual circumstances and included:
- Loss of privileges.
  - Separate confinement.
  - Supervised out of cell time.

**Emergency services—urgent calls  
(Question No 2431)**

**Mrs Jones** asked the Minister for Police and Emergency Services, upon notice, on 5 April 2019:

- (1) How many calls were made to 000 in 2017-18.
- (2) What is the breakdown of 000 calls by (a) ACTAS, (b) ACTF&R, (c) ACTRFS, (d) ACTSES, (e) ACT Policing and (f) any other categories (please specify).
- (3) Of the calls requiring medical attention, on how many occasions was an ACTAS crew or vehicle not the first resource on scene.

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

- (1) In the 2017-18 financial year, the ACT Emergency Services Agency received 45,958 Emergency Triple Zero Calls (E000), and ACT Policing received 29,291 E000 calls.
- (2) The breakdown of E000 calls is as follows:
  - a. ACT Ambulance Service (ACTAS) – 40,954
  - b. ACT Fire & Rescue (ACTF&R) – 5,004 (note, calls for the ACT Rural Fire Service would also have been received by ACTF&R under the business rules)
  - c. Refer to part 2b
  - d. ACT State Emergency Service (ACTSES) – Nil (ACTSES jobs do not come through on E000)
  - e. ACT Policing – 29,291
  - f. Other – Nil.
- (3) This cannot be measured in calls received, however, an ACT Ambulance Service crew or vehicle was not the first resource on scene in 156 medical incidents. To place this into context, over the same period, the ACT Ambulance Service responded to 52,426 medical incidents.

---

**Emergency services—urgent calls  
(Question No 2432)**

**Mrs Jones** asked the Minister for Police and Emergency Services, upon notice, on 5 April 2019:

- (1) How many 000 calls for medical assistance were received broken down by each financial year since 2008-09.
- (2) Of the calls for medical assistance in 2017-18, how many were initially categorised as priority (a) one, (b) two and (c) three.
- (3) Of the calls initially categorised as priority one in part (2), how many were (a) later downgraded and (b) downgraded by the (i) ambulance crew or (ii) COMCEN.
- (4) What is the policy relating to the categorisation and downgrading of incidents by emergency ambulance crews.

- (5) If an emergency ambulance crew seek to downgrade a priority one case to a priority two case, must the crew first seek approval from COMCEN.
- (6) What reviews, reports or recommendations in the past 10 years have been made in relation to part (5).

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

- (1) The data only dates back to 2011-12. The number of E000 calls received for medical assistance are as follows:

	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
<b>Calls</b>	29,071	31,572	33,053	35,505	37,100	38,944	40,954

- (2) This cannot be measured in calls received, however, the number of medical assistance incidents in 2017-18 were categorised as follows:

- a. Priority one – 20,463
- b. Priority two – 22,265
- c. Priority three – 514

- (3) This cannot be measured in calls received, however, the breakdown of downgraded medical assistance incidents is as follows:

- a. 4,362 jobs initially categorised as priority one were later downgraded. Cases are graded on the information available at the time. These may be re-graded as further information on the case becomes available.
- b. The data format does not provide for determining whether calls were downgraded by the ambulance crew or the COMCEN.

- (4) Current practice is for priority one cases to be initially graded by the call-taker (as per the ACTAS Clinical Dispatch Guidelines). The case may be subsequently re-graded by the paramedic communications centre clinician. Under the Australian Road Rules an ambulance crew must consider whether, based on the information provided by the COMCEN, a case is reasonable to treat as a priority one. If the ambulance crew do not consider the information reasonable, then they are required to seek clarification from the COMCEN. If there is no additional information, the crew is able to re-grade the case as a priority two case.

- (5) As per the response to question 4.

- (6) Crew re-grades of priority 1 cases were reviewed by ACTAS in 2014 and again in 2015. Subsequently, case re-grading has been monitored by Quality, Safety and Risk Management within ACTAS and cases are reviewed as needed.

## Questions without notice taken on notice

### Crime—shooting

**Mr Gentleman** (*in reply to a supplementary question by Mrs Jones on Tuesday, 19 March 2019*):

ACT Policing advise that as the incident occurred in the state of New South Wales, the matter does not fall within the remit of ACT Policing.

### **ACT Emergency Services Agency—personnel**

**Mr Gentleman** (*in reply to a question and a supplementary question by Mrs Dunne on Wednesday, 20 March 2019*):

I am advised that there is a staff member currently performing the duties of Director, ESA People and Culture.

I am further advised that relevant staff in ESA are aware of who is performing the role.

### **Light rail—emergency preparedness**

**Mr Gentleman** (*in reply to a supplementary question by Mrs Jones on Wednesday, 20 March 2019*):

I can advise that:

- 218 ACT Fire & Rescue personnel have completed the eLearning Intranet program which was made available to all staff on 3 July 2018.
- 89 ACT Fire & Rescue personnel have completed a familiarisation session of the light rail tram, which includes cabin access and controls, lifting points for rescue, electricity supply and safety within the light rail corridor. The delivery of familiarisation sessions has been prioritised for the technical specialists within ACT Fire & Rescue. These technical specialists are located with the rescue equipment required to respond to a light rail rescue incident at key locations. These sessions are ongoing and commenced on 13 September 2018 and take place on Friday afternoons when Canberra Metro is able to facilitate. The remainder of the service will continue to have the opportunity to participate in these sessions.
- 8 ACT Fire & Rescue Light Rail Vehicle Rescue Instructors have completed moderation training for rescue capability and equipment familiarisation. This means that these instructors are able to train all staff on their respective shifts. This training will cover equipment use and has been available since 12 March 2019.
- In addition, ACT Fire & Rescue also have 14 heavy lifting Stage 2 instructors, and 16 heavy lifting Stage 3 instructors, who are able to specifically train in rescue from heavy vehicles including light rail trams.
- ACT Fire & Rescue has also attended eight Canberra Metro planning group meetings since June 2018, and attended a major drill involving a light rescue incident on Thursday 6 December 2018.
- The training provided to ACT Fire & Rescue is in line with national and global standards, which includes heavy vehicle crash rescue.

- The ACT Fire & Rescue POD capability can be deployed at any time and has the specific capacity to manage a light rail incident.

ACTF&R participated in two Light Rail exercises organised by Canberra Metro:

- The first took place on 28 March, which included ACTF&R firefighters lifting a Light Rail Vehicle using the lifting equipment specifically purchased for this purpose. The Technical Rescue POD, which contains this equipment, was deployed to the exercise.
- The second exercise took place on 30 March with the scenario being a fire on a Light Rail Vehicle. ACTF&R Commander participated in the Operations Control Centre during this drill to provide feedback and oversight to Canberra Metro personnel. No active fire was utilised in this drill as it was a table top exercise.

As part of the Recruit College, all new staff in their 21 week recruit induction training program cover all aspects of basic rescue training and safety for incidents. A major focus is on the use of hydraulic rescue equipment for Road Crash Rescue.

ACT Fire & Rescue is confident in the abilities of their service and personnel to respond to any incident involving light or heavy vehicles including the light rail vehicle.

### **Municipal services—waste collection**

**Mr Steel** (*in reply to a supplementary question by Ms Le Couteur on Thursday, 21 March 2019*):

The bicycle parking at Baileys Corner and on London Circuit will be replaced before the end of May.

### **ACT Health—workplace culture**

**Ms Fitzharris** (*in reply to a question by Mr Hanson on Thursday, 21 March 2019*):

Risk to people's wellbeing is captured in the ACT Health Directorate organisational risk register.

The ACT Government takes issues of bullying and harassment in the workplace extremely seriously as demonstrated by the significant program of work underway to address the workplace culture issues that have been documented in the *Independent Review into Workplace Culture within ACT Public Health Services*.

The new Culture Review Oversight Committee that I chair will monitor progress towards addressing the Review recommendations. The ACT Health Directorate will lead the implementation of recommendations across the ACT public health sector, and report regularly to the Oversight Committee on progress.

These new governance arrangements mean that risks relating to bullying and other health culture issues are being monitored at the highest levels.

### **ACT Health—workplace culture**

**Ms Fitzharris** *(in reply to a question and a supplementary question by Miss C Burch on Thursday, 21 March 2019):*

In the 2017-18 financial year, following a Professional Standards Unit investigation ACT Health terminated one employee for physical harm.

In the 2018-19 financial year to date, following a Professional Standards Unit investigation, Canberra Health Services has terminated one employee for sexual harassment.

The ACT Health Directorate was formed on 1 October 2018. Since that time, the Directorate has not terminated the employment of any employee resulting from disciplinary action relating to physical harm, sexual harassment or abuse at work.

### **Canberra Health Services—examination procedures**

**Ms Fitzharris** *(in reply to a supplementary question by Mr Wall on Tuesday, 2 April 2019):*

Canberra Health Services Consumer Feedback and Engagement Team received an anonymous complaint on 7 February 2019 through an online feedback form.

On 7 February 2019 in accordance with normal procedure, the Consumer Feedback and Engagement Team, forwarded this feedback to the:

- Clinical Midwife Manager of the Birthing Suite;
- Executive Officer, Director of Nursing and Midwifery;
- Assistant Director of Nursing and Midwifery; and
- Clinical Director within the Division of Women, Youth and Children.

The Clinical Midwife Manager forwarded the feedback to all regular midwifery staff working in the Birthing unit at the time the email was sent.

### **Canberra Health Services—consent for procedures**

**Ms Fitzharris** *(in reply to a question and a supplementary question by Mr Hanson on Tuesday, 2 April 2019):*

If a staff member of Canberra Health Services (CHS) believes that a crime may have been committed, they would have the same obligation to report this matter to the police or relevant authorities as any member of the public.

If a staff member believes that a CHS policy or procedure has not been followed, then this should be reported to their manager.



**Canberra Health Services—media statement**

**Ms Fitzharris** (*in reply to a supplementary question by Mrs Dunne on Wednesday, 3 April 2019*):

Consumer feedback received by Canberra Health Services (formally Canberra Hospital and Health Services) comprises of compliment, comment and complaints.

From 1 July 2017 - 30 June 2018, 1257 anonymous feedback submissions were received from a total of 3462 total feedback submissions received. This equates to 36.3 per cent of all feedback received for this period.

From 1 July 2018 - 31 March 2019, 1544 anonymous feedback submissions were received from the total of 3182 total feedback submissions received. This equates to 45.5 per cent of all feedback received for this period.

**ACT Health—NGO funding**

**Ms Fitzharris** (*in reply to a question and a supplementary question by Mr Parton on Wednesday, 3 April 2019*):

- 1) The ACT Health Directorate (ACTHD) is working with providers to ensure funding arrangements are up-to-date and align to the services being delivered. Funding arrangements are on schedule to be in place by the end of June 2019.
- 2) Funding agreements are scheduled to be in place by the end of June 2019. In the meantime, ACTHD is actively consulting with providers about their funding agreements to answer questions and confirm funding amounts.

**Schools—student insurance**

**Ms Berry** (*in reply to a question and supplementary questions by Ms Lee and Mr Wall on Thursday, 4 April 2019*):

- 1) The Education Directorate's insurance is provided by the ACT Insurance Authority. The Authority is a statutory authority responsible to the ACT Treasurer established under section 7 of the *ACT Insurance Authority Act 2005*. The authority provides insurance for the ACT Government (Territory), this insurance does not extend to third parties which includes students.
- 2) The Territory meets claims (including claims resulting from school activities or excursions) against it where there is a legal liability to do so. Liability is not automatic and depends on the circumstances in which the injury was sustained. The Education Directorate has a policy to inform school and parents of this process; *Responding to Student Accident/Incidents: Support, Reporting and Insurance Arrangements Policy*.

- 3) ACT public schools do not meet all claims for injury, disease or illness to students resulting from school activities or school-organised excursions. The Territory meets claims (including claims resulting from school activities and excursions) against it where there is a liability to do so. The Education Directorate has an *Excursion Policy* and associated procedures, which informs parents that they should obtain their own advice about insurance protection which may assist in meeting expenses if their child is injured in circumstances where there is no liability on the part of the Territory.