



# Debates

**WEEKLY HANSARD**

Legislative Assembly for the ACT

**NINTH ASSEMBLY**

**4 JUNE 2019**

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**Tuesday, 4 June 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.

## **Leave of absence**

**MADAM SPEAKER:** I inform members that, pursuant to standing order 22, 18 weeks maternity leave has been granted to Ms Lee, commencing on 3 June 2019. I present the following paper:

Ms Lee—Leave of absence—Letter to the Speaker from Ms Lee notifying her period of maternity leave, dated 3 June 2019.

## **Petitions**

*The following petitions were lodged for presentation:*

### **Planning—Phillip—petition 15-19**

*By Ms Le Couteur, from 497 residents:*

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

**The following residents of the ACT draw to the attention of the Assembly** that the Phillip Precinct Code permits *developments of inappropriate scale* on the N12 (Block 13 Section 81) and N10 (Block 17 Section 156) Easty Street sites—adjacent to Woden Police Station and Healthpoint respectively—and *substantially reduces the open green space* of Arabanoo Park. The government's changes are all contrary to repeatedly expressed community and local resident values.

In particular:

- N12 is anticipated to be developed with four towers, two of 25 storeys, but nearby residential developments are only 3 storeys (RZ4 maximum);
- N10 is anticipated to be developed to a height of 6 storeys, as a result of being *retrospectively rezoned from RZ4* (medium density residential zone) to CZ2 (major centres business zone) after residents bought into adjacent RZ4 developments, also adversely affecting noise levels;
- major overshadowing of existing residences, gardens, common areas, and public realm is the main (but not sole) grievance associated with the anticipated developments of inappropriate scale.

**Your petitioners, therefore, request the Assembly to call on the ACT Government to, in priority order:**

- limit the height of N12 construction to a maximum of 5 storeys, so that the Woden Cemetery and Eddison Park tree line remains the dominant landscape feature along Easty Street;
- revert the N10 site to RZ4 zoning;
- preserve all of Arabanoo Park's existing open green space, rehabilitating it to better serve the community's recreation, and enhancing its physical and visual connections to the town square.

### **Planning—Phillip—petition 25-18**

*By Ms Le Couteur, from 494 residents:*

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The following residents of the ACT draw to the attention of the Assembly that the Phillip Precinct Code permits developments of inappropriate scale on the N12 (Block 13 Section 81) and N10 (Block 17 Section 156) Easty Street sites—adjacent to Woden Police Station and Healthpoint respectively—and substantially reduces the open green space of Arabanoo Park. The government's changes are all contrary to repeatedly expressed community and local resident values.

In particular:

- N12 is anticipated to be developed with four towers, two of 25 storeys, but nearby residential developments are only 3 storeys (RZ4 maximum);
- N10 is anticipated to be developed to a height of 6 storeys, as a result of being retrospectively rezoned from RZ4 (medium density residential zone) to CZ2 (major centres business zone) after residents bought into adjacent RZ4 developments, also adversely affecting noise levels;
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- revert the N10 site to RZ4 zoning;
- preserve all of Arabanoo Park's existing open green space, rehabilitating it to better serve the community's recreation, and enhancing its physical and visual connections to the town square.

*Pursuant to standing order 99A, the petitions were referred to the Standing Committee on Planning and Urban Renewal.*

### **Planning—Parkwood—petition 16-19**

*By Ms Le Couteur, from 664 residents:*

#### **PETITION TO ACT MLAS RE PARKWOOD PLANNING PROPOSAL**

Grievance: Residential development in the Parkwood area of NSW adjacent to the ACT, bounded by the Murrumbidgee and Ginninderra Gorges, is dependent upon the provision of essential services by the ACT Government under a Cross-Border Agreement. Such an arrangement could, potentially, be a burden on the ratepayers of the ACT especially as the gorges contribute to dynamic bushfire propagation which is not yet covered by the Australian Bushfire Standard. The proposed buffer zones around the urban area will not adequately protect the ecology, the history or the residents.

Petition: We, the undersigned residents of the ACT, petition the Legislative Assembly to reject any cross-border proposal before further independent, definitive research establishes effective buffer zones to better protect biodiversity and aboriginal heritage, and to ensure the safety of residents from catastrophic bushfire events.

*Pursuant to standing order 99A, the petition, having more than 500 signatories, was referred to the Standing Committee on Environment and Transport and City Services.*

### **ACTION bus service—school services—petition 17-19**

*By Miss C Burch, from 70 residents:*

#### **TO IMPROVE DEDICATED SCHOOL TRANSPORT NETWORKS FOR ACT SCHOOLS**

We, the undersigned, noting that:-

1. The ACT Government's removal of dedicated bus services to schools across Canberra is unjustly forcing students to rely on the public bus network, which will be dangerous for young children;
2. It is unacceptable that children will be required to cross busy roads and navigate busy interchanges to catch a public bus;
3. Call on the ACT Government to reconsider changes and improve the dedicated school transport network.

*The following residents of the ACT draw the attention of the Assembly to the ACT Government's cancellation of dedicated school bus services from April 29, 2019. These cancellations will force students as young as five years to rely on public buses and go through major interchanges to get to and from school.*

*Parents, teachers and wider school communities believe that the changes are putting children at risk. Therefore, your petitioners request that the Assembly call on the ACT Government to reconsider the recent changes and further commit to improving the dedicated school transport network.*

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

### **Motion to take note of petitions**

**MADAM SPEAKER:** Pursuant to standing order 98A, I move:

That the petitions so lodged be noted.

### **Planning—Phillip and Parkwood—petitions 25-18, 15-19 and 16-19**

**MS LE COUTEUR** (Murrumbidgee) (10.03): I would like to speak to the petitions which I lodged. Firstly, I would like to speak to the petitions on Easty Street, which is in my electorate of Murrumbidgee. I am pleased to support the petitions on behalf of my constituents and because until fairly recently I was living there. The petitions cover a number of things. Firstly, there are the N10 and N12 developments. For people who have no idea what that means, which would be almost anyone who has not been studying the plans, they are just across Yarralumla Creek from Woden town centre, just behind the cop shop and next to the Health Point building.

There are two potentially very large, very tall buildings. If you go immediately south of them, you will find a collection of three-storey buildings, three-storey multi-unit apartments, some of which face north. People who purchased north-facing apartments with the expectation that they would be able to get sun in their north-facing apartments, as you can imagine, are very upset about the strong potential that they will lose that. There is no reason they would have been aware that this could have happened when they purchased the apartments, and, as you can imagine, they are pretty upset. But it is not just the people there who are pretty upset. There are quite a lot of people who use this area, and they would like to see more sun on the public open space.

When you look at it from a planning point of view, you wonder why, why, why? If you go a bit down Callam Street, you can see on one side, the town centre side, that there is the Sky Plaza. I will not enter into a debate about its artistic merit or otherwise, but I point out that it is tall and it overshadows Hindmarsh Drive. We could quite reasonably have had a bookend building like that opposite Sky Plaza, overshadowing Hindmarsh Drive. Everyone would have thought that was a fine thing to do.

I believe that the reason this did not happen is that the master plan and the precinct code changes took so long. They started off when I was in the Assembly before, in the Seventh Assembly. There was going to be a bookend building there. By the time the Territory Plan changes finally happened, Hindmarsh, the developers who bought it, had basically run out of patience. They tried to sell the site, unsuccessfully, and they have ended up putting three-storey townhouses on it. I walk past them every day on my way to the bus. It is a planning failure for Canberra.

Another planning failure is turning part of Arabanoo Park potentially into community facility zones rather than open space. God knows we have a lot of open space further out from Woden town centre. But in terms of Woden town centre itself, we do not have very much. Arabanoo Park is very small, but it is quite well designed and pretty. There is really no reason to take out that space when next to it is a large surface car park. When the planning committee looked at this, our conclusion was that it should have been retained as a park, and I am disappointed that the government did not come to the same conclusion.

My other petition is on the cross-border issues with the Parkwood area redevelopment. These are really important issues. Part of the parliamentary agreement between the Greens and the Labor Party was to work on trying to move the border. It is not going to work to have a development just over the border in Ginninderry when all the servicing has to come through the ACT. How is it going to be paid for? What rates will they pay? Will they pay ACT rates? Will they pay New South Wales rates? Will they pay stamp duty? How will they get representation for services they get when the taxation presumably will be paid to another organisation? And I put a plug in for turning quite a bit of the area, including Ginninderra Falls, into a national park.

**MRS JONES** (Murrumbidgee) (10.08): On the petitions raised by Ms Le Couteur, I welcome the petitions to the Assembly, particularly matters associated with planning in Woden. I thank all signatories for their involvement. I hope that the government will take very seriously these concerns as they pertain to my electorate and to the good people of the Woden area.

### **ACTION bus service—school services—petition 17-19**

**MISS C BURCH** (Kurrajong) (10.08): Today I have tabled yet another petition calling on the government to reconsider the dedicated school bus services that they cut five weeks ago. This petition, with around 70 signatures, joins the ever-growing list of disappointed and concerned signatories who want to see changes made to this disastrous public transport network.

In August last year I lodged a petition containing over 500 signatures calling on this government to reverse its decision to cut a whole lot more dedicated school services. Earlier this year we saw a petition with over 1,000 signatures calling on the government to reinstate bus services to the ANU. Last sitting week my colleague Mrs Kikkert tabled a petition with over 500 signatures calling on the government to restore services that disproportionately impact school students in the Belconnen area.

There have been five other petitions lodged since the conclusion of the minister's disingenuous consultation process, yet the minister continues to claim that the new network is a success. What continues to concern me is the minister's complete disregard for parents' concerns about their children's safety under the new network. Just last week the minister claimed she was offended that the Canberra Liberals dared to raise this issue. The only thing offensive about our continued representations on the issue of child safety has been the minister's indifference.

This indifference is despite the fact that police in other jurisdictions across the country advise that it is unsafe for children under the age of 12 to be travelling to and from school unsupervised. In fact, as I mentioned last sitting week, in Queensland it is a criminal offence for parents to do just that. This wilful ignorance, combined with a total lack of concern from Ms Fitzharris, means that yet again I must stand here and fight for the safety of schoolchildren and for parents across the territory in the hope that the minister will finally listen.

I will address some of the myths surrounding this issue and perpetuated by those on the other side of politics. This is not a private-school issue, and the solution is not simply to tell parents to send their kids to their local public school. For many Canberra kids, their local public school is still four or five kilometres away. An eight or 10-kilometre round trip is much too far for many primary school children. Expecting these children to walk this distance or to navigate numerous lengthy and complex public bus routes is just unacceptable. Is it really too much to ask that the government provide services to get children to and from school safely?

Last sitting week, Minister Fitzharris openly admitted just how misplaced her priorities are when she stated:

Running a dedicated service on occasion carrying only a handful of students alongside a regular service does not make sense from an efficiency point of view.

I am sure Ms Le Couteur will agree when I say that public transport is not just about efficiency. If it was, we would not call it public transport.

When we are talking about getting children to and from school, safety should be a key priority. Other jurisdictions understand that, despite the cost, running a dedicated school service that ensures children get to school safely and are not unsupervised for an unreasonable amount of time is a core service the government should provide. For example, schools and parents in Victoria can apply for a dedicated school service if they have a minimum of 15 students who will use it.

No longer can the minister claim that the Canberra Liberals are being “irresponsible and reckless” in bringing this issue to the Assembly’s attention. In doing so, she is claiming that hundreds of parents who are genuinely worried about the safety of their children are irresponsible and reckless for caring as well. By ignoring the concerns raised in this and other petitions, Minister Fitzharris is treating the Canberrans that she claims to represent and serve with absolute contempt. For that, she should be ashamed.

I am proud to present this petition to the Assembly.

Question resolved in the affirmative.

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

**MISS C BURCH** (Kurrajong) (10.14): Pursuant to standing order 99, I move:

That the petition, relating to the reconsideration of recent changes and further consideration of improving the dedicated school transport network, be referred to the Standing Committee on Environment and Transport and City Services.

As I have already said today, this demonstrates again the level of concern in our community about the cuts to dedicated school services. I recommend that this motion be supported.

Question resolved in the affirmative.

## **Papers**

### **Out-of-order petitions**

**MISS C BURCH** (Kurrajong) (10.15), by leave: I present the following papers:

Petitions which do not conform with the standing orders (4)—ACT transport network—Miss C Burch (6700 signatures).

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

**MISS C BURCH** (Kurrajong) (10.16): I move:

That the out-of-order petitions, relating to the reconsideration of recent changes and further consideration of improving the dedicated school transport network, be referred to the Standing Committee on Environment and Transport and City Services.

In justifying why I believe it is so important for the petition that I have just lodged to be referred to the committee, I draw to the Assembly's attention the further four petitions I have here today. These petitions contain over 6,700 signatories, bringing the total to date to over 7,000 and to around 10,000 signatures across all petitions relating to this bus network.

I draw particular attention to the smallest petition that I am tabling today, which has only 81 signatures. This is certainly the most powerful. It is a petition that has been signed by some of the people who have been hit hardest by these changes and are some of the most vulnerable in our community. This petition has been signed by 81 schoolchildren who are asking that Minister Fitzharris reinstate their school bus. It is an indictment on the minister that the children she claims to be keeping safe, the children she promised would get to school faster under her new network, are so fed up with being ignored that they feel it necessary to sign a petition in the hope that somebody will finally listen to them.

These petitions have all been circulated and signed by the people the minister proudly claimed to consult with in the development of the new network and claimed to have listened to over the course of many months of consultation. These Canberrans are fed up: fed up with the platitudes that the government is listening, fed up with the radio silence and fed up with being patient in the hope that something will finally change.

It is time for this government to start paying attention to these Canberrans and to realise that it is the new network itself that is the problem.

Question resolved in the affirmative.

### **Standing orders—suspension**

Motion (by **Ms J Burch**) agreed to, with the concurrence of an absolute majority:

That so much of the standing orders be suspended as would prevent Ms J Burch from moving a motion to reaffirm the Assembly's approval of the appointment of the ACT Integrity Commissioner.

### **ACT Integrity Commissioner—reaffirmation of approval of appointment**

Motion (by **Ms J Burch**) agreed to:

That this Assembly—

- (1) reaffirms the resolution of 14 May 2019 which approved the appointment of the Honourable Dennis Cowdroy OAM QC as the ACT Integrity Commissioner; and
- (2) to confirm the Assembly's approval of the appointment, the Chair propose the question that this Assembly approve the appointment of the Honourable Dennis Cowdroy OAM QC as the ACT Integrity Commissioner and that a vote confirming a 2/3 majority be conducted forthwith.

**MADAM ASSISTANT SPEAKER** (Ms Cody): In accordance with the resolution just passed, I now propose the question:

That this Assembly approves the appointment of the Honourable Dennis Cowdroy OAM QC as the ACT Integrity Commissioner.

The Assembly voted—

Ayes 24

Noes 0

Mr Barr	Mrs Kikkert
Ms Berry	Ms Lawder
Miss C Burch	Ms Le Couteur
Ms J Burch	Mr Milligan
Ms Cheyne	Ms Orr
Ms Cody	Mr Parton

Mr Coe	Mr Pettersson
Mrs Dunne	Mr Ramsay
Ms Fitzharris	Mr Rattenbury
Mr Gentleman	Mr Steel
Mr Hanson	Ms Stephen-Smith
Mrs Jones	Mr Wall

Question resolved in the affirmative by a two-thirds majority of members.

## **Standing orders—suspension**

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

That so much of the standing orders be suspended as would prevent:

- (1) any business before the Assembly at 3 pm this day being interrupted to allow the Treasurer to be called on forthwith to present the Appropriation Bill 2019-2020 and the Appropriation (Office of the Legislative Assembly) Bill 2019-2020;
- (2) (a) questions without notice concluding at the time of interruption; or  
(b) debate on any motion before the Assembly at the time of interruption being adjourned until the adjournment questions in relation to the Appropriation Bill 2019-2020 and the Appropriation (Office of the Legislative Assembly) Bill 2019-2020 are determined;
- (3) at 3 pm on Thursday, 6 June 2019, the order of the day for resumption of debate on the question that the Appropriation Bill 2019-2020 be agreed to in principle, being called on notwithstanding any business before the Assembly and that the time limit on the speeches of the Leader of the Opposition and the Leader of the ACT Greens be equivalent to the time taken by the Treasurer in moving the motion “That this Bill be agreed to in principle”; and
- (4) (a) questions without notice concluding at the time of interruption; or  
(b) debate on any motion before the Assembly at that time being adjourned until a later hour that day; and  
(c) matters of public importance being discussed on Tuesday, 4 June and Thursday, 6 June 2019.

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

### **Scrutiny report 31**

**MRS JONES** (Murrumbidgee) (10.23): I present the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 31, dated 28 May 2019, together with a copy of the extracts of the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MRS JONES:** Scrutiny report 31 contains the committee's comments on eight bills, 16 pieces of subordinate legislation, four government responses and proposed amendments to two bills. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

### **Ngunnawal Bush Healing Farm Statement by minister**

**MS FITZHARRIS** (Yerrabi—Minister for Health and Wellbeing, Minister for Higher Education, Minister for Medical and Health Research, Minister for Transport and Minister for Vocational Education and Skills) (10.24): I seek leave to correct the record in relation to an answer I gave to a question on notice asked by Mrs Kikkert on 14 May.

Leave granted.

**MS FITZHARRIS:** Mrs Kikkert asked a question in relation to the number of clients that have attended healing programs at the Ngunnawal Bush Healing Farm. In answering that question, I relied on a briefing provided by ACT Health that referenced 85 clients having attended programs at the bush healing farm. But that briefing included a transposition error and it should have read 35. To date 35 clients have attended programs at the Ngunnawal Bush Healing Farm. I wrote to Mrs Kikkert last week to bring her attention to the error, provide her with the correct information and apologise for this oversight.

### **Fuel Pricing—Select Committee Interim report**

**MS CHEYNE** (Ginninderra) (10.25): I present the following report:

Fuel Pricing—Select Committee—Report—*Interim Report on Inquiry into ACT Fuel Pricing*, dated 30 May 2019, together with a copy of the relevant minutes of proceedings.

I move:

That the report be noted.

**MS CHEYNE:** As members are aware, this report was tabled out of session last Thursday, 30 May. As I flagged last sitting when we extended the reporting date, this is an inquiry where there is a significant degree of vested interest. As a committee we have been lobbied from perhaps every direction imaginable. On occasions, evidence provided by one source has been contradicted by another.

As a committee we are approaching this inquiry and any possible recommendations with caution and care. We are very wary of employing measures which may result in unintended negative consequences. Of particular concern to the committee is that it is difficult to forecast the impact of each of the different measures on fuel prices. But

other measures may provide other genuine benefits like better transparency, visibility, certainty and fairness.

The report is a summary of what the committee has learned. This is extensive and, on behalf of the committee, I put on the record my sincere thanks to all the witnesses and submitters who have contributed to our thinking so far.

We have also put forward all of the options being actively considered by the committee. These range from doing nothing to what I would characterise as quite extreme intervention. Revealing these options, all nine of them, allows us to test these more broadly with the community, with government and with industry. It allows us to learn the appetite across these sectors and whether there are these unintended consequences that we are concerned about.

I thank my committee colleagues and the committee secretary for the attention and effort that they have given to this difficult inquiry. We encourage everyone to read the report, not just the headlines in the media, and provide their comments to the committee by 30 July. We will continue to receive evidence and conduct hearings as we receive this feedback. I commend this interim report to the Assembly.

Question resolved in the affirmative.

### **Justice and Community Safety—Standing Committee Statement by chair**

**MRS JONES** (Murrumbidgee) (10.27): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Justice and Community Safety in its legislative scrutiny role in scrutinising amendments on recent issues that have arisen concerning this part of our role.

The scrutiny committee wrote to all members in February this year advising of the need to provide amendments to the committee at least 14 days before they are due to be moved. Accordingly, to clarify, the committee's practice for receiving amendments to bills for consideration is that amendments should be provided to the committee at least 14 days prior to the Tuesday of the sitting week in which the amendments are proposed to be moved.

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

**MADAM SPEAKER:** Pursuant to standing order 223, the opposition whip wrote to the Acting Speaker advising of a proposed change to the membership of the Standing Committee on Education, Employment and Youth Affairs. The Acting Speaker agreed to the following change on 20 May 2019:

Ms Lee be discharged from the Standing Committee on Education, Employment and Youth Affairs and Mr Parton be appointed in her place.

I present the following paper:

Education, Employment and Youth Affairs—Standing Committee—Membership—Proposed changes—Copy of email correspondence between the Opposition Whip and the Acting Speaker, dated 20 May 2019.

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

That the change to the membership of the Standing Committee on Education, Employment and Youth Affairs as proposed to and agreed by the Acting Speaker, pursuant to standing order 223, be adopted.

## **Integrity Commission—Standing Committee Membership**

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

That Ms Lee be discharged from the Standing Committee on the Integrity Commission and Mr Wall be appointed in her place.

## **Bushfire season Ministerial statement**

**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) (10.29): I would like to make a report in regard to the end of the bushfire season. I commend the ACT government directorates and the ACT community for the work that they have undertaken to ensure that, despite the severe conditions in the bush capital, Canberra remained well informed and protected during the 2018-19 bushfire season.

The lead-up to this bushfire season saw some of the driest conditions on record in the ACT and significant active fires in New South Wales. New South Wales brought forward the start of the bushfire season to 1 August 2018 for 10 of their fire areas, and the ACT bushfire season was brought forward to 1 September 2018.

This season's weather has seen a number of extreme weather events develop in the ACT, including heatwave conditions, a week of temperatures above 40 degrees followed by storm activity producing lightning, high winds and patchy rain. These weather events, particularly in the mountains to the west of the ACT, posed a significant threat of bush and grass fires to the ACT and surrounding region.

The residual dryness and fire danger potentials were a concern late in the season. As a result, the surrounding New South Wales regions declared an extension to the bushfire danger period. In the ACT the Commissioner of the ACT Emergency Services Agency, ESA, also extended the bushfire season by one month, concluding on 30 April 2019. This made the 2018-19 bushfire season the longest since 2003-04, which saw the devastating fires that destroyed over 500 homes.

The ACT's first large fire of the season occurred at Pierces Creek on 1 November 2018. An incident management team was established at the ACT Emergency Services Agency's headquarters to allow for strategic and operational planning and remained in place 24/7 for the next six days. The emergency coordination centre and public information centre were also activated and provided important information, support and links to other stakeholders and the community.

Two large air tankers, LATs, were utilised, with both conducting two bombing runs. The Pierces Creek fire was declared out on Monday, 12 November 2018 with no further hotspots or fire activity identified. A forward-looking infrared camera mounted to a helicopter helped identify hotspots in the final days of the incident. The collective work from all ESA business units, the ACT parks and conservation service and other ACT government directorates demonstrated a professional, collaborative approach to incident management and response.

This season the ESA has access to approximately 450 ACT Rural Fire Service members, over 300 paid ACT Fire & Rescue firefighters, nearly 200 firefighters in the ACT parks and conservation service and 13 ACT Rural Fire Service staff. This season saw a transition to a flexible membership model for ACT Fire & Rescue Service volunteers who are unable to conduct front-line operations but still wish to continue in a support role. This is a significant step towards an inclusion of people of all abilities who wish to support the ACT community during emergencies.

In support of crews on the fire ground the ESA has five weather analysts, media liaison officers, mapping specialists, communication specialists and a wider logistical and support capability which supports emergency women and men in the field. Furthermore, ESA delivered a program to train additional volunteers and staff in a variety of disciplines to manage level 2 incidents. The training resulted in an increased number of volunteers and staff qualified in incident control, operations, logistics and planning functions.

ESA's capability is widely recognised and held in high regard internationally and amongst our fellow states and territories. For this reason the 2018-19 season also provided several opportunities for ACT personnel to assist firefighting forces on a national and international front. ACT crews were deployed to assist in firefighting efforts in Bega, New South Wales in late August 2018; Gladstone, Queensland from January to March 2019; Gippsland, Victoria from February to March 2019; and several areas of Tasmania from January to March 2019.

Personnel from the ESA and the ACT parks and conservation service were also deployed to Canada and the United States for the third consecutive fire season. They performed roles of divisional commanders, task force leaders and IMT specialists. These deployments provided an important opportunity for ACT personnel to bring back additional capabilities, experience and skills.

This season ACT Rural Fire Service firefighters were able to utilise the 25 heavy tankers, of which six are compressed air foam tankers, 16 medium tankers, 13 light units, one bulk water carrier, 14 pumper, seven pump trailers, one small retardant

batching trailer, two helicopters contracted for the height of the bushfire season along with heavy plant and support vehicles.

The ACT also used fire towers to monitor the early detection of bushfire threat. Fire towers are located at Mount Coree, Mount Tennant, One Tree Hill and Kowen. Staffing fire towers is one of several mechanisms used to monitor the early detection of bushfire threat, with the ACT parks and conservation service providing resources to the ACT Rural Fire Service to undertake this task.

To further improve incident management, the ACT government invested in an upgrade to the incident management facilities at ESA headquarters. The upgrades included improved ICT, dedicated seating for key incident staff and an improved layout that enhanced team communications and coordination during critical and complex incidents. I announced last week that the ACT RFS will also benefit from the refurbishment of a multi-purpose room at the Hume helibase and modernised change areas for the Hall brigade.

As part of enhanced capabilities to mitigate the risks presented to the ACT in the 2018-19 bushfire season, the ESA contracted a specialist intelligence gathering helicopter for the season, a SIG. This is a helicopter with a high-definition infrared camera on board. Imagery can be streamed into the ESA incident management room in real-time, providing critical fire line and hotspot information. The helicopter significantly enhanced bushfire fighting operations by allowing key decision-makers to better understand the extent of situations as they unfolded. The SIG was able to detect and identify smoke not visible to the fire towers due to weather conditions and the small initial size of the fires, allowing crews to get to work early. Previously detection of these fires by the fire towers would not occur until the following day, resulting in a much larger fire.

These fires were ignited to the west of the ACT as a result of lightning storms in mid to late January. Personnel attended fires at Mount Gingera and Corin where terrain was difficult, being remote and inaccessible by vehicle. RAFT crews were winched into the fire location, commencing hand tool and chainsaw work to prevent fire spread. The crews worked quickly, together with assistance from aircraft, to extinguish these fires.

I also announced last week that the community will benefit from a third helicopter next bushfire season, ensuring bushfires are spotted in remote locations before they impact our suburbs. The New South Wales Rural Fire Service's decision to contract four large fixed-wing aerial tankers, LATS, during the summer also provided a significant opportunity to the ACT. The ESA worked collaboratively with the New South Wales RFS and the Canberra Airport Group to ensure the new facility was ready for the bushfire season. The facility proved to be a valuable addition to the ACT's fire and response capability, reducing flight and turnaround times to areas south of Sydney, resulting in a more effective fire response.

The ACT RFS also sought to improve the safety of its members through the allocation of new personal protective clothing, PPC. The updated PPC put firefighters in contemporary clothing that is lighter and constructed to a modern design standard for

safety and wearability. The more modern designs are better fitting, allowing less restricted movements, and provide for male and female cuts.

The benefit of 15 years of strategic planning and actions undertaken to mitigate our most extreme risk through the strategic bushfire management plan, SBMP, has seen many of the bushfire risks mitigated this season. The SBMP provides a planned and measured approach to managing the risk of bushfire in the territory and is reviewed every five years and presented to this Assembly.

All actions in the SBMP version 3 are in the final stages of completion, which culminates five years of work from across numerous areas of government. Preparations for SBMP version 4 are well underway, with the views of community members and key stakeholders being sought. A draft version of the SBMP version 4 will be released for public consultation in the near future and the final version will be presented to the Assembly later this year.

The early declaration of the bushfire season had a minimal impact on the fire preparedness of the Environment, Planning and Sustainable Development Directorate, EPSDD. Fire preparedness is a year-round function within the ACT parks and conservation service, and crews continually engage in implementing required works under the EPSDD bushfire operations plan 2018-19. The EPSDD delivered a range of bushfire preparedness activities including prescribed burning, strategic stock grazing, fire trail maintenance and upgrades and slashing of fuels. Essential activities such as fire training, seasonal recruitment and establishment of contracts for slashing and heavy plant were all ongoing.

Hazard reduction burns in the ACT are one of many important activities undertaken to protect life, property and the environment. Since the 2003 fires a comprehensive mosaic of hazard reduction burns has been implemented across the ACT by the ACT parks and conservation service.

The exceptionally dry period that has existed across the ACT over the past 18 months has significantly impacted the ability to deliver these burns in a safe and environmentally sound manner. The parks and conservation service, however, monitor and review conditions on a weekly basis and are ready to commence hazard reduction operations as soon as the weather allows. More recently hazard reduction burns were undertaken during the early part of 2018 during favourable weather conditions. ACT RFS also continues to assist the PCS to complete these burns.

These activities are all outlined in the approved and published 2018-19 EPSDD BOP. This year's EPSDD BOP contained over 700 separate tasks aimed at collectively preparing the territory for bushfire. I note the ACT Bushfire Council's acknowledgement of the work completed against the 2017-18 EPSDD BOP, given the difficulty of decreasing windows of opportunity to safely conduct hazard reduction burns as the climate changes.

The Chief Officer of the ACT State Emergency Service coordinated a doorknock campaign in the lead-up to the bushfire season, targeting an increased number of properties in areas of bushfire risk. Throughout October and November last year ESA

volunteers and staff directly engaged with the residents of Canberra's high-risk properties through the "Canberra be ready" doorknock campaign.

The ESA reached out to over 5,000 Canberra homes in our areas of greatest risk to discuss the importance of preparing a bushfire survival plan and undertaking some simple steps to reduce the risk of fire and storm damage and to withstand a severe heatwave. The campaign continued to raise the community's awareness of bushfire risk and encouraged them to plan and prepare for bushfire.

The ESA also partnered with and supported farmers in the bushfire abatement zone, the BAZ, to ensure fuel management and access to firefighters improved. The ESA also reviewed the role of community fire units and continues to recognise volunteers in the community as a significant resource.

Further engagement was undertaken at the annual ESA open day on 28 October 2018 and the Royal Canberra Show from 22 to 24 February 2019. These events provide an opportunity for the community to meet the people who keep our community safe and to learn about how they can take care of what matters during an emergency. This included speaking directly to emergency services members about knowing their risk during bushfire season and what to do about it.

Part of the ESA's community engagement includes educating the community on the bushfire warning messages used by the ESA. This included launching the new social media awareness campaign "complacency can kill" on 18 January. The campaign's Facebook video which included footage of the 2003 bushfires is ESA's highest performing social media video, reaching more than 64,000 people and receiving nearly 12,000 positive engagements. The ESA also worked with ABC Radio Canberra to deliver one whole day of broadcasting dedicated to all aspects of bushfire preparedness and actively communicated important information such as total fire bans, active bush and grass fires and preparedness reminders.

The ACT government maintains well-practiced arrangements for ensuring the timely and accurate dissemination of information to the community about emergencies. Due to the prevalence of social media and often misreporting of facts or key information it is vitally important that key public safety messages and public safety information are being provided via a single source of truth.

Information is made available from the following sources: a single point of truth application on the ESA's website, that is, [www.esa.act.gov.au](http://www.esa.act.gov.au); the ESA Twitter account, @ACT\_ESA; the ESA Facebook account @ACT Emergency Services Agency; the fires near me mobile app on Apple or Android; and the Access Canberra contact centre on telephone 13 22 81.

The ACT government also maintains memoranda of understanding with television and radio media outlets for the transmission of public information. This ensures that information and alerts issued about emergencies in the ACT are broadcast in a timely and accurate manner. In special circumstances the ACT government may also use the emergency alert capability to broadcast warning messages directly to mobile telephones and landlines in any area of the ACT.

One of the top priorities for the ACT government during a public safety situation or emergency is the provision of timely advice to the community. Due to the dynamic and volatile nature of these types of situations, public information about risks to public safety and the actions authorities need the community to follow are issued very quickly. It is often the case that I am being briefed on matters almost in parallel with the same information being provided to the community.

I take this opportunity to acknowledge the great work of ACT RFS volunteers and staff and the ACT parks and conservation staff in their continued efforts to keep the ACT community safe from the impact of bushfires. The length of this season is being felt by many of our volunteers who have given of their time responding to bushfire here in the ACT, engaging with the community and deploying interstate and internationally. I commend all emergency services volunteers who continue to answer the call and protect our community. I also thank the families, friends, partners and workplaces of these volunteers whose support enables them to contribute to the continued protection of our community.

I thank the ACT Ambulance Service and ACT Fire & Rescue for continued support and coverage of the urban area over the bushfire season when a lot of the focus is turned to the bushfire risk in rural areas. Similarly, I thank all areas of ACT government for their responsiveness and readiness to assist the community during extreme incidents and weather. Finally, I thank the ACT Bushfire Council for their advice and support to me in my role as minister. I appreciate the work the council has undertaken and the provision of the annual bushfire seasonal preparedness report. This is another example where the ACT community can be confident that they continue to live in one of the safest cities in the world, with well-trained, well-resourced and well-governed emergency services.

The government is acutely aware of the threat that bushfires present to our city. This is a threat that will become increasingly challenging because of the climate changes that global warming is bringing. We will continue to make the investments needed to deal with this as our city grows. Our city is well prepared, better prepared than ever before, and this is because of the hard work of all the professionals across government and of course our volunteers.

This season was one of the toughest since 2003, and these men and women have done a stellar job in difficult conditions. Once again, thank you.

In closing, I thank the ESA Commissioner, Dominic Lane. Mr Lane left at the end of May after keeping our city safe for seven bushfire seasons. He is beginning the next chapter of his career helping South Australia as their South Australian Fire and Emergency Services Commission Chief Executive. We all thank Commissioner Lane for his contribution and wish him a successful future as he progresses his career. I present the following paper:

End of bushfire season—Ministerial statement, 4 June 2019.

I move:

That the Assembly take note of the paper.

Question resolved in the affirmative.

## Water Resources Amendment Bill 2019

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

That this bill be agreed to in principle.

**MS LAWDER** (Brindabella) (10.49): The bill before the Assembly today represents minor amendments to the ACT's Water Resources Act but forms a critical step in the ACT's compliance with obligations under the commonwealth Water Act and the broader security of water within the whole of the Murray-Darling Basin.

Although the ACT is a small jurisdiction within the Murray-Darling network and we lack large-scale agriculture and other water-dependent industry, it is important not to underestimate our importance within the Murray-Darling catchment. Canberra is the largest city in the Murray-Darling system. Although Adelaide is the most populous area which draws from the basin, Canberra is the largest city within the catchment itself. As such it is important for us to comply with our obligations under the federal Water Act and the broader remit of the Murray-Darling Basin Authority.

The bill before the Assembly today has two relatively simple and technical amendments which are designed to ensure our water management procedures fit with the requirements of the federal Water Act and ensure that the ACT water resource plan can be certified by the commonwealth minister for water.

The first of these changes is to note that the ACT water resource plan will comprise the environmental flow guidelines, determinations of water management areas and determinations of surface water and groundwater available to be utilised in the territory. This change will give formal recognition to these pre-existing tools as collectively forming the ACT water resource plan.

The minister has assured us, through the scrutiny of bills committee, that the exemption to some requirements regarding notifiable instruments included in this clause of the bill are based upon legal advice. This exemption from the Legislation Act is designed to minimise any conflicts that publication and notification requirements may have with any copyright concerns within a notifiable instrument. As such the opposition is satisfied that this exemption does not limit the publication or notification of any future instruments, other than where this would require the inclusion of documents covered by copyright.

The second change to the act reiterates that the sustainable diversion limit represents the maximum amount of surface water or groundwater that may be taken from the catchment; that is, the minister cannot promise more water than is sustainable and safe

to remove from ACT surface water or groundwater systems. It is important to note that the ACT's sustainable diversion limits are 42.7 gigalitres for surface water and 3.16 gigalitres for groundwater. As it stands the ACT currently uses approximately half of that limit and is looking towards minimising water usage, maintaining a similar usage level even as our city grows.

I am assured that the government is bringing these changes as a standalone bill rather than as part of an omnibus bill to maximise transparency. I take the opportunity to briefly discuss the disallowable instruments introduced by the minister regarding water resources environmental flow guidelines.

When trawling through these determinations, the scrutiny of bills committee discovered that there may have been a number of drafting notes left in the determinations as presented. That these were obviously drafting notes intended for internal consideration within the directorate was apparent. The water available from areas determination included errors such as aggregating the amounts of groundwater and surface water that can be taken from an area. This is contrary to the requirement in the act that the minister determine each of these amounts individually. I do not bring this up to embarrass the minister but to stress the fact that the need for attention to detail, to dotting the i's and crossing the t's, is fundamental to getting things approved. I hope more attention to detail will be paid to the territory's water management plan to ensure it gets approval from the commonwealth.

With the assurance that the ACT has done what is necessary to ensure that the water resources plan covers all the components necessary to ensure it receives commonwealth approval, the Canberra Liberals are happy to support this bill.

**MR RATTEBURY (Kurrajong) (10.54):** The ACT Greens support this bill. It makes two minor technical amendments to the Water Resources Act. The first identifies that various water determinations, such as the environmental flow guidelines, form the framework for water resource planning in the territory. That is a simple amendment that really just improves the clarity of the act. We do not believe that it changes anything in a significant way.

The second amendment relates to sustainable diversion limits. The ACT has obligations under the Murray-Darling Basin Plan requiring it to comply with sustainable diversion limits for water use in its watercourses. The intent, of course, is to ensure that appropriate flows reach the Murray-Darling Basin to help return it to health and ensure water is used sustainably. The amendment in this bill does not set the specific volume of water allowed from the ACT's water management areas; rather, it says that the amount must not be more than the sustainable diversion limit. That recognises that the sustainable diversion limit can change in response to conditions, so the amendment allows that flexibility. This amendment itself is perfectly fine. The more important thing is whether appropriate diversion limits are set, and whether governments and other stakeholders undertake sustainable water management practices across a whole range of areas.

Water is a critical resource. It is essential to maintaining our natural environment, as well as supporting the growing of food and the provision of drinking water. The

Murray-Darling Basin has been described as the heart of the nation because it produces most of Australia's food and provides over three million people with fresh drinking water. We have all seen the terrible and traumatic pictures of the Murray-Darling Basin where there have been mass deaths of fish, algae blooms, and animals like sheep and kangaroos dying due to lack of water.

We recently saw the results of a South Australian royal commission into the Murray-Darling Basin Authority. The commissioner was scathing about the Murray-Darling Basin Authority's negligence in managing the basin. One of the failures was its negligence when it came to considering the impacts climate change would have on the basin. It failed to consider climate change, in ignorance of the best available scientific knowledge, allowing too much water to be extracted and the basin health to consequently decline.

In this environment it is particularly important for the ACT to do a good job of its own water resource plans and sustainable diversion limits. The failures of the Murray-Darling Basin Authority and the disaster in the Murray-Darling Basin highlight the risks of poor decision-making and the failure to prioritise the environment and to properly account for climate change risks.

Minister Gentleman said in his introduction speech that the ACT government's approach to water allocation is always to ensure the environment is prioritised. We reserve water for environmental flows before taking it from the system for human consumption. That is the right approach, and the Greens commend it. The ACT's water strategy also follows a principle whereby it tries to ensure that water leaving the ACT is of the same or better quality than water entering the ACT.

I will quickly note two other important water issues for the territory. The first is the importance of protecting our own Cotter catchment. I was pleased to join the ACT's National Parks Association on a tour of the catchment at the end of last year, as well as of Namadgi National Park and Ginini wetlands. This is an amazing natural environment that is critical to producing the healthy and high quality water that we enjoy in the ACT.

Unfortunately, there are risks to the catchment. One of these is bushfires. The 2003 fires already severely damaged the lower Cotter catchment. It has since suffered from issues such as turbidity and sedimentation which reduce water quality. The recent Auditor-General's report on the lower Cotter catchment said that it was still exposed to significant risks which, under adverse conditions, could accumulate and lead to a catastrophic failure of the water catchment.

I know that the government is working hard to address these issues. It needs to because, particularly as climate change worsens, the bushfire threat to the catchment remains and will continue to grow. We need to make sure we invest resources into the Cotter catchment in a timely manner to ensure the restoration of that environment, the stability of the hillsides and the like, so that we do not see significant inflows of sediment, uncontrolled erosion and the like impacting on the Cotter catchment.

A second risk to the water catchment is the damage caused by feral horses in the catchment. Due to the lack of feral horse control across the New South Wales border, our own ACT catchment is at risk of damage. The hooves of feral horses cause significant damage to sensitive ecological areas and pose a risk to our water quality. I am pleased that Minister Gentleman has been vocal in raising this issue with his New South Wales counterparts. I encourage him to continue this and to continue robust management strategies within our own borders as best we can.

Of course, it is not just feral horses that are causing damage. An emerging issue identified from the ACT government's monitoring programs is that feral deer population numbers are increasing in the ACT. They are also a risk to the catchment. Like feral horses, feral deer are listed as pests under the Pest Plants and Animals Act, and they need to be controlled in the most humane way possible. Certainly, their impact on waterways—they like to wallow quite close to waterways—is an emerging threat to the very high quality water catchment that we have through the Namadgi range.

Lastly, I will mention some issues regarding urban water—that is, the water that is in our local lakes, ponds and wetlands. Water quality in our lakes remains a problem. The reporting in this week's *Canberra Times* that noted the algae and dead animals in Lake Tuggeranong is just one example of a problem that has been going on for too long, affecting the amenity of Canberra as well as the recreation opportunities that align with our waterways.

Some of the water quality problems relate to people's own behaviour. The University of Canberra researcher who is looking at water quality issues discovered several dead cats in Canberra's stormwater drains, which he suspects were dumped there. It is also important that people take steps to keep contaminants out of stormwater—things like lawn clippings, detergents, chemicals and soil. These all contribute particularly to the loading of nutrients in our lakes, which exacerbates the problem of blue-green algae.

The Greens are proud to have secured very important improvements in this area through our parliamentary agreement, including \$85 million of investment and several new wetlands that have resulted from that.

As well as providing natural environments in the city and cooling the local environment, which is more and more important as our climate warms, the wetlands particularly improve water quality. They do this by filtering the water and reducing nutrients and solids that would otherwise enter other lakes and waterways. They also slow the water down, which is very important for addressing issues of turbidity, which impact on water quality as well. It is a great investment, and those wetlands are providing an important benefit, but clearly we need to continue with our efforts given the ongoing issues of water quality in our lakes and waterways.

My interest in this dates back a long time. Members who have been here since I have will recall some of my comments on this. I was very pleased that we had the inquiry conducted by the Commissioner for Sustainability and the Environment which was published back in 2012 after I moved a motion in this place. That report has been the

foundation for much of the good work on water that is now being done. But we cannot rest on our laurels, on the achievements we have already made. Clearly, we need to continue our efforts, for all of the reasons I have outlined.

We support this bill today and we look forward to seeing more work done to improve water both in and around the ACT.

**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) (11.03), in reply: The two amendments to the Water Resources Act are set out in the Water Resources Amendment Bill 2019 and are vital for the ACT and its water management for the future, in particular in meeting its commitment under the Murray-Darling Basin Plan. In essence, we have heard that the two amendments provide two key but relatively simple changes to the Water Resources Act. These are the inclusion of a provision for the ACT water resource plan and defining what comprises the plan. The plan will include determinations relating to environmental flows, water management areas, defining total amounts of take for service and groundwater from these areas as well as guidelines for working out reasonable amounts of water for particular uses.

The second amendment states that the ACT's water available from its water management areas is limited by the long-term average sustainable diversion limit as set for surface water and also for groundwater. These limits are set in the basin plan, which is an instrument of the commonwealth's Water Act 2007. The amendment does not set an actual limit because the limit may change when and where the basin plan changes. The ACT may seek an amendment to the sustainable diversion limit that has been set. The other basin states are also constrained by sustainable diversion limits for their water resources plan areas or river systems—for example, New South Wales with their portion of the Murrumbidgee River system.

The amendments, as mentioned above, relate to the ACT's involvement in the Murray-Darling Basin and the basin plan. The ACT is, of course, a part of the basin and has a responsibility to manage the territory's water resources. The ACT, as well as the other basin states, is subject to the commonwealth's Water Act; hence the application for a sustainable diversion limit for the basin's various water resource plan areas.

The bill is not controversial but at the same time it is vital to demonstrate in legislation how the ACT meets its water management responsibilities. The amendments will also better inform stakeholders, the scientific community and the community in general on how water is managed in the ACT.

The amendments are also in keeping with the national water initiative, the national framework signed by all state and territory jurisdictions for managing water. The bill also enables the water resource plan to apply, adopt or incorporate an instrument as in force from time to time.

The bill removes any obligation under section 47(6) of the Legislation Act 2001 to notify any such instrument on the territory's legislation register. In this instance it is considered appropriate to displace section 47(6) in anticipation that a future government may find it necessary to incorporate a document that is subject to another organisation's copyright as part of the territory's water resources plan, noting that there are no current plans to take this option. If a future government chooses to use the power to displace section 47(6) by incorporating a copyright document as part of the territory's water resource plan then it would be appropriate at that stage to indicate whether access to that document will be made publicly available. At this stage, with no current plans to incorporate documents drafted outside the ACT government water resource plan, it is not necessary to determine public access arrangements.

In summary, these amendments are crucial means to account for the ACT's management of water, especially in the context of the basin plan. I thank members for their thoughtful contributions and commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Senior Practitioner Amendment Bill 2019**

Debate resumed from 15 May 2019, on motion by **Ms Stephen-Smith**:

That this bill be agreed to in principle.

**MRS KIKKERT** (Ginninderra) (11.07): The bill before the Assembly is, in effect, a tidy-up of the Senior Practitioner Act and the rules regarding the use of restrictive practices. These changes follow, I understand, quite extensive consultation and discussion with stakeholders and providers in the process of rolling out the senior practitioner framework as well as a few minor amendments to keep up with changes in the federal sphere and in the states.

The bill achieves four major goals. The first changes are the definitional amendments, including chemical restraint which will be altered to align with the national disability insurance scheme quality and safeguards framework. This will ensure the bill aligns with legislation in other jurisdictions. There are other minor technical changes that are not crucial to the debate.

Secondly, the act currently includes a number of organisations and entities with whom the senior practitioner may share information. The list includes the directors-general of the education, health and community services directorates and the CEO of the Teacher Quality Institute. The bill adds the federal NDIS Quality and Safeguards Commission as an entity to which the senior practitioner may provide information.

This change will improve the communication between the senior practitioner and the new commission when the new commission comes into effect on 1 July 2019.

Thirdly, the biggest and most significant change to the act involves requirements around the use of restrictive practices when they are used in an emergency. The bill reverses the onus of proof for the emergency use of restrictive practices. The act has a defence where it is reasonably necessary to use a restrictive practice outside a behaviour support plan to prevent injury. The bill creates an exception.

The most recent amendment circulated by the minister updates this section by setting the threshold of use of restrictive practices in an emergency as a reasonable belief that the person is at risk of imminent harm, rather than imminent death or serious physical harm. This change is coupled with the addition of a new section 10A. This section creates a reporting requirement on the senior practitioner after a restrictive practice has been used in an emergency. This provides additional transparency and allows the senior practitioner to monitor when restrictive practices are becoming more necessary, and if the emergencies become more frequent to perhaps encourage that appropriate and formal restrictive practice plans be put in place.

The bill retains a penalty for using a restrictive practice not in accordance with the plan and adds a penalty for failing to report to the senior practitioner after an emergency. Importantly, the bill removes the option of a six-month jail sentence for using a restrictive practice outside a plan. This is something which had caused concern, and it is good to know that feedback on this was not only received but responded to by the minister.

Finally, the fourth major change included in this bill is the delayed implementation date. This will allow the sector time to undergo further training and adapt to the new arrangements and their implications.

The minister's office has been most helpful in the process of briefing Ms Lee and her office on the bill and I thank Minister Stephen-Smith, her staff and the directorate as well as the senior practitioner herself for their work. We support the bill.

**MS LE COUTEUR (Murrumbidgee) (11.12):** I stand today in support of this amendment bill. These amendments will define clearly what restrictive practice is and align that definition with the NDIS national quality and safeguards framework. This includes defining chemical restraint as the use of medication or chemical substance for the primary purpose of influencing a person's behaviour or movement, which is a valid approach.

In a briefing I sought with the senior practitioner and executives from CSD I was reassured that the senior practitioner considers that chemical restraint includes forced sterilisation. Obviously, this is an issue of concern. Whilst we do not have any evidence that this is happening in the ACT we also, I believe, do not actually have any evidence that it is not happening, and we know that it has happened elsewhere. Chemical restraint also can include menstruation control. You can clearly understand that, from a patient's, a parent's or carer's perspective, menstruation can be a

challenging regular occurrence to manage if a woman has some kind of intellectual, cognitive or even physical disability.

However, this is an issue which can be dealt with by teaching menstrual management or using menstrual suppression medication as opposed to sterilisation. Sterilisation is final, and using it to prevent bleeding or, worse, to prevent unwanted pregnancy because the woman concerned could be at such a risk of sexual abuse is against human rights principles and should not be used as a way of influencing a person with disability behaviour or movement without their informed consent. I feel reassured by the senior practitioner that this issue is on her radar and I have every confidence that she will be concerned with restrictive practices with regard to reproductive rights.

Of course, people with disability, older people, people living with mental illness and children and young people all have the right to be treated with respect, and I note that the definition of restrictive practice goes beyond chemical restraints to also include mechanical and physical restraints and seclusion, amongst other things, which is as it should be. I am also very pleased that the use of a restrictive practice outside a registered and agreed behaviour support plan will prompt a notification to the senior practitioner who will then review that decision to use restrictive practice. This adds a layer of protection for those who are protected under this legislation and ensures that the senior practitioner can perform her functions with appropriate authority and delegation.

It ensures that the rights of people who may be subject to restrictive practices are upheld and that providers must comply with any applicable guidelines and standards on the use of restrictive practices. It gives providers and their staff clear guidance about what to do in the event of using such a practice outside a behaviour support plan or an emergency situation, which of course may be necessary in order to prevent harm.

I am also pleased to see that the penalties for the use of restrictive practice outside a behaviour support plan have been amended to remove the possibility of imprisonment. The maximum penalty of 50 penalty units is around \$8,000, and that is a significant enough deterrent. We do not need more people imprisoned for offences such as these when we are already dealing with a large number of detainees in the AMC. We do not need a punitive approach but we need an approach that enables providers to uphold a person's rights, dignity and freedom and a system where workers or providers should not be prohibited from open disclosure and collaboration with the senior practitioner. The removal of the threat of imprisonment achieves this goal.

I understand too the need to extend the time frame for commencement of these offences from July this year to July 2020. This will give ample time for the senior practitioner to raise with service providers more awareness of what constitutes restrictive practice and, when it is appropriate, to enable them to adjust or alter practices and ensure that behaviour support plans exist.

I note and support the minister's subsequent amendment which specifies that restrictive practice can be used if a provider believes on reasonable grounds that it is necessary to use it to avoid imminent harm to the person or others. I support this amendment because in the heat of the moment it can be difficult for a provider to

assess whether death is an imminent risk and whether what is happening meets the definition of serious harm. The only thing that may be clear is that harm is imminent.

This legislation indicates the senior practitioner's powers extend to some of the most vulnerable in our community, including those in disability services, schools and other education settings, children and young people in out of home care and individuals receiving support for psychosocial disabilities. It is my hope that this in and of itself will generate cross-border connections, understandings and collaboration that will contribute to the ACT upholding the human rights of our most vulnerable.

I support this bill and the subsequent amendment which I believe will be put forward by the Minister for Children, Youth and Families.

**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) (11.18), in reply: I thank those who have contributed to the debate today on the Senior Practitioner Amendment Bill 2019. The senior practitioner, Mandy Donley, who was in fact here today, is already playing a vital role in helping to guide decisions and provide education and foster positive alternatives to restrictive practices which preserve a person's rights and freedom. The bill will further extend the function of the act in implementing our commitment to reducing and eliminating the use of restrictive practices in the ACT, address issues identified in the implementation of the act and support the government's commitment to a nationally consistent approach to restrictive practice oversight.

An important amendment contained in the bill, as others have recognised, recognises the situation where a restrictive practice is used in an emergency. The act currently specifies that the use of a restrictive practice by a provider must be in accordance with a registered positive behaviour support plan for the person. This specification fails to recognise adequately the situation where imminent harm is reasonably anticipated to either the person or others and restrictive practice is used as an emergency response in accordance with a provider's duty of care.

I reiterate that acknowledging and making provision for the use of emergency restrictive practice is not an indication of acceptance by either this government or the senior practitioner but rather recognition is made to facilitate openness and reporting in the use of restrictive practices. This amendment is intended to support the senior practitioner to work with providers to reduce and eventually eliminate the use of restrictive practice. Importantly and fundamentally, the bill enshrines the principle that providers should only use restrictive practice as a last resort, in the least restrictive way and for the shortest period possible in the circumstances.

As others have mentioned, a further amendment to the bill since its presentation to the Assembly provides clarity in regard to the situations under which a restrictive practice might be used in a duty of care situation and not as part of a plan. The further amendment simplifies the description of the situation to one where the provider or relevant person believes on reasonable grounds that it is necessary to use the restrictive practice to avoid imminent harm to the person or others.

I thank the stakeholders who assisted in refining this section of the bill and I also record my thanks to the scrutiny committee for considering this amendment and apologise that it was not provided more than 14 days before the beginning of the sitting week. I note Mrs Jones's comments in that regard and we will try harder in future to abide by this.

To allow for the use of emergency restrictive practice the bill removes the offence if a restrictive practice is used to prevent harm. The bill also removes the onus on a person using the restrictive practice to prove it was to prevent harm. Amendments to the offence also remove the penalty of six months imprisonment. The removal of this penalty was made primarily in response to stakeholder concerns, firstly, that the possibility of imprisonment may prohibit open disclosure and collaboration with the senior practitioner, and secondly, that making individual workers potentially subject to harsh penalties could make it more difficult to attract and retain workers.

Importantly, while the penalty of six months imprisonment has been removed, financial penalties up to a maximum of 50 penalty points will remain. This penalty is for a provider or relevant person who uses a restrictive practice other than in accordance with the act or fails to comply with a direction from the senior practitioner.

The amendment to remove the penalty of imprisonment along with providing for the reporting of emergency restrictive practices is made with the intention of supporting the senior practitioner to work openly and collaboratively with stakeholders and providers. Ms Donley must have sight of the whole picture to work with providers to shape the culture focused on individual and positive supports. The offences are an important tool but they do not replace a strength-based approach to culture change, to education and to capacity building to reduce reliance on restrictive practices.

Finally, the bill provides an amendment to extend the date of commencement for offences under the act by one year to 1 July 2020, as others have mentioned. This amendment will allow the senior practitioner more time to work with affected parties and to ensure that education and system supports are in place to support a successful transition. I commend the bill to the Assembly, and I will be moving an amendment, as previously noted.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Bill, by leave, taken as a whole.

**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) (11.23): I move amendment No 1 circulated in my name and table a supplementary explanatory statement to the

amendment [*see schedule 1 at page 2074*]. I will not speak to the amendment. I think others have indicated their support for it. I thank them again for consideration of the amendment and commend it to the Assembly.

Amendment agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

## **Justice and Community Safety Legislation Amendment Bill 2019**

Debate resumed from 15 May 2019, on motion by **Mr Ramsay**:

That this bill be agreed to in principle.

**MR HANSON** (Murrumbidgee) (11.24): The opposition will be supporting this bill. It purports to make minor or technical amendments to a number of existing laws within the Justice and Community Safety portfolio. As ever, technical amendments, especially those which are demonstrable improvements, get the support of the Canberra Liberals. As I said we support this bill in principle.

However, there is one area that goes beyond minor and technical, or at the very least goes to a major policy issue. I refer to changes to the FOI Act. I know from briefings from the government provided to my staff and to Mrs Kikkert that they view this as a minor fix. Nonetheless significant concerns have been raised about this area, including this Assembly agreeing, in the last sitting period, to a committee inquiry into a case which covers some of the problems raised by this policy area. Therefore while we will support the genuinely technical amendments in this bill, we will be opposing the sections relating to the FOI Act during the detail stage. As the changes relate primarily to child protection services, my colleague Mrs Kikkert will be speaking to those sections in the detail stage. I understand that is a similar arrangement to the one the government has, where these issues fall under Minister Stephen-Smith. Having stated those concerns, I can say that the rest of the bill will receive our support.

The bill amends the ACT Civil and Administrative Tribunal Act 2008, the ACAT Act, and the Human Rights Commission Act 2005, to assist those seeking to enforce a conciliation agreement. It clarifies reporting procedures and strengthens the requirement for the government to respond to coroners reports raising matters of public safety in the Coroners Act 1997. The Emergencies Act 2004 will be amended to provide that where a fire appliance is directed to be installed in a premises, that appliance must be maintained to prescribed reasonable standards.

The Judicial Commissions Act 1994 will be amended to allow complaints about the behaviour or physical or mental capacity of a judicial officer to be determined by the Judicial Council and include coroners as judicial officers. The Juries Regulation 2018

will be amended to extend jury exemption to part-time emergency services staff and teachers, but not to casual or volunteer staff in those professions.

The bill makes a number of amendments to the Legal Aid Act 1977, including to allow matters to be referred to Legal Aid for family dispute resolution without the need for a grant of legal assistance, to allow Legal Aid review committees to be convened more flexibly by using a combination of members from each of the three panels as long as there is at least one legal practitioner, and to ensure that legal expertise in particular areas, for example disability, are considered when allocating work to a private legal practitioner.

The bill amends the Legal Profession Regulation 2007 to improve trust account records and to add “legal practice as an in-house lawyer” as a qualification for a practising certificate.

The bill amends the Magistrates Court Act 1930 to clarify that the Magistrates Court can exercise the civil claims jurisdiction conferred on it by the Fair Work Act 2009 and amends the Notaries Public Act 1984 to align oaths and affirmations with other territory legislation. There are a number of amendments to the Territory Records Act and the Victims of Crime Act 1994 in relation to the operation and appointments of the Victims Advisory Board.

As I said we will support all of those clauses and recognise them as supporting improvements to our statute book. We have a long record of supporting such amendments. We in the opposition also have a long record of pursuing open and transparent government and supporting changes to improving child protection services and not letting major areas of concern pass as minor amendments. We will be supporting the bill in principle today, but in the detail stage, as I foreshadowed, Mrs Kikkert will speak and oppose the elements of the bill relating to child protection services and the FOI Act.

**MS LE COUTEUR** (Murrumbidgee) (11.29): The Greens will be supporting the bill. The bill makes a large number of changes to a large number of acts. As it is a JACS SLAB and is only making small technical changes, I will not go through all of those changes.

I will talk about the Freedom of Information Act amendments. Like the other amendments, these amendments are basically technical. They are designed to improve the operation of the Freedom of Information Act, as with the other acts, without making major policy changes.

It is the role of the legislature to ensure that legislation is kept up to date with modern language and trends and to provide greater clarity in legislation where the meaning is unclear. For that reason I support the amendments as a whole. But I will discuss the changes to the Freedom of Information Act 2016 because this section has caused some concern, including to the Greens.

As a result of this, we have consulted with quite a few stakeholders and received briefings from the government. I have come to the conclusion that these amendments

in and of themselves are not that controversial. All they actually do is align the Freedom of Information Act 2016 with the Children and Young People Act 2008 in relation to assessing information that is the subject of care and protection matters and decisions. On the face of it, I would say I support these amendments. Indeed schedule 1.3 already outlines what type of information disclosure is prohibited under the law, and it already lists information that is protected information under section 844 of the Children and Young People Act 2008.

The conversations I have had highlight significant concerns about the transparency and accountability of care and protection staff and decision-makers in relation to care and protection, parenting or adoption orders that are made. Child protection decisions can have—they probably always have—life-changing consequences, whether they be to intervene to place a child in out of home care, to leave the child with their family, or to make other decisions in terms of the child's placement and contact with birth parents.

I talked about the Greens' position on these matters previously in response to the referral to the HACS committee put forward by Mrs Kikkert. To elaborate, let me say that ideally information about care and protection decisions should not be sought through the Freedom of Information Act 2016. That really is not the appropriate place. It really should be through the Children and Young People Act 2008.

Furthermore, as young people transition out of care arrangements and into adulthood, they should be provided up front with information about how to access the evidence and information that led to them being in care in the first place. Again the mechanism for this should not be through the Freedom of Information Act 2016.

I see this debate, and the debate we had in the last sitting period which led to the referral to the HACS committee, as a catalyst for the ACT government to get on with their consultation process in relation to review of what care and protection decisions should be subject to either internal or external review and/or a review into decision-making, quality assurance and oversight of the care and protection system. I am pleased that the minister has announced public consultation on these matters—about a month ago now. In summary, we will be supporting this bill.

**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) (11.34), in reply: I thank the members who have already contributed and also thank, in anticipation, those who will be contributing in the detail stage. I also thank the justice and community safety committee, exercising its scrutiny role, for its very helpful comments in relation to this bill.

The government introduced the Justice and Community Safety Legislation Amendment Bill in March. The bill makes a number of changes to legislation in the Justice and Community Safety portfolio, all to improve the efficiency and the effectiveness of the territory's laws. This regular series of JACS bills represents our approach of continuous improvement. These bills offer a ready and timely vehicle for resolving legislative issues as they arise, and for delivering improvements that are

important but are not appropriate for a stand-alone bill. Today's amendments will help our tribunals and our commissions provide dispute resolution to the community. They will improve government processes so that they are more efficient, and they will ensure that our statute book better reflects the community's values.

This bill contains a suite of amendments to the ACT Civil and Administrative Tribunal Act and the Human Rights Commission Act. These amendments ensure that the tribunal can make orders about conciliation agreements. Conciliation agreements are an important conflict resolution tool used by the Human Rights Commission. They represent an important form of restorative practice. The bill also deals specifically with agreements about discrimination and about retirement villages.

Conciliation agreements resolve complaints to the Human Rights Commissioner in a way that is respectful and mutually agreed between the parties. Effective conflict resolution is critical to building safe, supportive and connected communities. These amendments ensure that parties to a complaint who agree on an outcome during conciliation have an effective and efficient pathway to make the agreement enforceable through the ACAT.

The bill also extends the availability of jury exemptions to part-time workers and the teaching and emergency services professions. This amendment will ensure part-time workers in these professions are treated the same as their full-time colleagues. This represents a step towards gender equality, as the ABS data found that 45 per cent of women work part time, in comparison with only 16 per cent of men. This amendment also aligns the territory's laws with the approach in other jurisdictions and ensures that people in these critical professions have equal entitlements. In ensuring that part-time and full-time workers are entitled to the same jury service exemptions, the government is demonstrating an important step towards gender equality in the workplaces of our community.

The bill also broadens the availability of family dispute resolution services at Legal Aid. Currently, Legal Aid are unable to provide family dispute resolution to individuals where no party has a legal aid grant. This amendment will allow matters to be referred to Legal Aid for family dispute resolution without the need for a party to have been granted legal assistance beforehand. This amendment improves the availability of access to legal services for people who risk falling into the justice gap. This gap represents people who are not eligible for legal aid but who are unable to afford private legal services.

While this amendment increases access to legal services for vulnerable families, the amendment also has cost benefits for the community as a whole. Protracted family law disputes can adversely affect children, parents and the community by increasing demands on health services, social services and the education system, as well as the legal system. Providing early dispute resolution will reduce pressures on other parts of our community and help to curb families from undergoing lengthy legal disputes.

The bill also seeks to improve the safety of Canberrans by strengthening the requirement for the government to respond to coroners' reports raising matters of public safety. The amendments will ensure that a minister must table a government

response if the coroner has provided the Attorney-General with a report which makes comments or recommendations about a matter of public safety or findings of a risk to public safety. These amendments also clarify the roles of the Attorney-General and other ministers, as well as the coroner's. We are committed to improving government processes, and this amendment is an example of this commitment in action. This change will also contribute to a safer Canberra by ensuring matters of public safety that are identified by the coroner are thoroughly considered by the government, and that the outcomes of those considerations are made public.

Turning to the Freedom of Information Act and the Children and Young People Act amendments, the bill will also amend the Freedom of Information Act to clarify its application to the disclosure of sensitive information in child protection matters. I am aware that further discussion on this will be held in the detail stage, but already there has been public consideration of the issues that have raised this amendment.

It is important that the technical amendment that is being considered in this particular bill not be conflated with the ongoing consultation and the policy work around child protection matters. They are related but they are not the same matter. This bill has a technical change that aligns the Children and Young People Act with the Freedom of Information Act. It in no way pre-empts the work that is underway, led by Minister Stephen-Smith, to look at the decision-making in child protection matters. It is truly a technical change.

The underlying principle is that both pieces of legislation should be consistent and that ultimately policy on sensitive information about children should be set out in the Children and Young People Act. Any reforms arising out of the ongoing consultations on our child protection legislation will be reflected in future legislation. This change is plainly a sensible change. It will provide certainty and clarity to the law and its users and those administering it. It is good policy and good legislation.

The JACS bill also makes a range of other changes to legislation to improve the operations of the territory's laws, including clarifying that the Magistrates Court can exercise the civil claims jurisdiction in fair work matters that has been conferred on it by the commonwealth Fair Work Act 2009, improving the appointment framework for the Victims Advisory Board and removing gendered references to marriage across ACT legislation to ensure that our laws reflect the recognition of same-sex marriage. By updating these references to be gender neutral, the bill is yet another demonstration of how Canberra is leading the way as the capital of equality and the city of inclusion.

Today's bill makes a number of important technical changes to territory laws. These play an important role in ensuring that the territory's laws are working well and are serving the Canberra community in the way they should. It continues a series of JACS bills that improve our statute book. Its passage will deliver sensible, measurable benefits for Canberrans. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

## **Detail stage**

Clauses 1 to 11, by leave, taken together and agreed to.

Clauses 12 to 17, by leave, taken together.

**MRS KIKKERT** (Ginninderra) (11.43): I will be opposing these clauses. As Mr Hanson already noted, the Canberra Liberals will not be supporting part 5 of the amendment bill. Our specific concern lies with clause 17, which, as those opposite will know, has attracted a good bit of expert attention and public discussion over the past few weeks, including a recent request by Chris Donohue, President of the Law Society of the Australian Capital Territory, that this clause be removed from the bill.

In addressing this matter, I want to be very clear: we understand the justifications this government has given for proposing this amendment. We realise that, to the Attorney-General, this is merely a technical amendment designed to harmonise the Freedom of Information Act with the privacy provisions already present in the Children and Young People Act. We get that.

Section 844(2) of the Children and Young People Act already states that protected information includes sensitive information. Mr Ramsay and his staff have repeatedly assured us that this amendment does not alter existing rights, because sensitive information is not currently available through FOI applications and has not been released to anyone under the existing FOI Act.

That merely raises a rather important question: if sensitive information is already a subset of protected information and if section 848(2) of the Children and Young People Act already prohibits the divulging of sensitive information including, according to section 849, even if the person whose information it is gives consent, then why bother amending the FOI Act to make these restrictions even more obvious?

If doing so changes absolutely nothing on a practical level, as I have been repeatedly told, why bother updating the act? Is it to tighten up further the restrictions on accessing information? Is it to put a deadlock on a door that people might have thought was open before? Is it to provide more secrecy? These are the questions that people are asking.

What happens in this place does not happen in a vacuum. It is therefore important to point out that there are very real reasons why this supposedly harmless amendment has drawn the attention of and comments from senior legal practitioners, including the president of the Law Society and the head of Legal Aid ACT's family law practice. These people, after all, are quite capable of reading the relevant acts, the proposed amendment and the government's explanation for why it wants to make this change.

In recent months many of these same legal experts have openly been calling for greater transparency in the territory's care and protection system. In this, they have been joined by child welfare advocates, by Aboriginal and Torres Strait Islander community leaders and, very recently, by all four members of the ACT's Human

Rights Commission. In other words, at the very point in time when a growing chorus of rather important voices has been publicly and often quite passionately expressing the need for greater transparency in this space, the Labor-Greens government introduces an amendment that, at best, appears to signal its ongoing commitment to secrecy provisions that some have described as the most restrictive in the country.

For many of those who are clamouring for greater openness and transparency, including but not limited to the experts mentioned above, this feels more like a slap in the face than a technical amendment. What is needed right now is not a tightening up of restrictions on access to information covered by the Freedom of Information Act, especially if it is amendment without any practical impact.

Just a few weeks ago members of this Assembly unanimously supported my motion asking the Standing Committee on Health, Ageing and Community Services to inquire into the ability to share information in the care and protection system, with a view to providing the maximum transparency and accountability so as to restore and maintain community confidence in the ACT's care and protection system. This discussion is clearly ongoing and, as the president of the Law Society recently noted, pushing ahead with amending the Freedom of Information Act today merely prejudices that discussion.

The Canberra Liberals will not be supporting this amendment as a clear signal that we have heard those who believe that the privacy provisions surrounding care and protection decisions in this territory are already too restrictive for the system to be healthy and to function in the way that it needs to.

Protecting privacy is one thing—we wholeheartedly support that—but secrecy provisions that to legal experts seem designed more to protect the system from scrutiny are something else altogether. Whilst the Canberra Liberals will not be supporting this part of the amendment bill, we do support efforts—some already underway—designed to review this matter and we recommend needed reforms.

**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) (11.49): I will briefly speak in response to Mrs Kikkert. To answer her question as to why we are doing this, one word is sufficient: transparency. What those advocates who go on and on about transparency are now trying to do is oppose an amendment which is entirely about increasing the transparency of the FOI Act, so that people, when they read the FOI Act, understand what information is available and what information is not available to them under the FOI Act because of the existing and currently operational provisions of the Children and Young People Act.

That is the answer to Mrs Kikkert's question: what we are trying to do here is increase transparency for people who are reading the FOI Act so that they better understand what it is that they get. As is appropriate then, this amendment is a minor technical amendment. It fixes an anomaly in the drafting of the FOI Act, ensuring, as I said,

transparency on the rules governing access to sensitive information under the Children and Young People Act 2008, hereafter the CYP Act.

The ACT government has some of the most transparent and open FOI laws in our nation. As Minister Ramsay has said, the amendment will not alter the information currently available to people about child protection decisions or change existing oversight mechanisms for child protection decisions. Mrs Kikkert, in her comments, seemed to be acknowledging that that was the case. The amendment is solely intended to make clear the restrictions that currently apply to the release of sensitive information under current law, the Children and Young People Act.

The principle behind this change is, as I have said, that the drafting of the FOI Act should clearly and transparently articulate prohibitions on the release of information that exist elsewhere in the statute book. Individuals will continue to request access to information about themselves according to the existing processes under the Children and Young People Act and the FOI Act. People who are, or have been, in care, are, and will continue to be, able to access their life story, including with appropriate supports. Adults will have access to information on decisions including reasons, and documents including affidavits will be available through court processes, just as they are currently.

As I have noted previously, this amendment has been conflated in public discussion with substantive policy discussion about the privacy and information sharing provisions under the Children and Young People Act, and information that can be made available in regard to child protection matters.

Like so many elements of the Children and Young People Act, the information sharing provisions are quite complex and they do require a careful balancing of interests. In relation to this substantive policy issue, I have welcomed the consideration of the issue by the Standing Committee on Health, Ageing and Community Services.

The amendment to this bill is not prejudicial to the important policy discussion that is underway about child protection matters in the territory. Mrs Kikkert, in her comments—if she looks back at what she said—would have to acknowledge that. She has very clearly indicated that she has been advised—and we have been clear—that this amendment does not change access to information under the Children and Young People Act, which is the substantive matter under discussion in the community.

I reiterate: this amendment will have no impact on the avenues for seeking information about child protection matters, apart from making clear that FOI is not currently an avenue for getting access to sensitive information. In summary, as I have said, this amendment increases transparency by making it clear to anyone reading the FOI Act how their access to information is affected by existing and currently operational sections of the Children and Young People Act. I commend the bill to the Assembly.

Question put:

That clauses 12 to 17 be agreed to.

The Assembly voted—

Ayes 13

Noes 10

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

Question resolved in the affirmative.

Clauses 12 to 17 agreed to.

Remainder of bill, by leave, taken as a whole and agreed to.

Bill agreed to.

### **Sitting suspended from 11.59 am to 2.00 pm.**

#### **Questions without notice**

##### **Electricity—feed-in tariff**

**MR COE:** My question is to the Minister for Climate Change and Sustainability. Minister, how much extra have Canberrans had to pay for electricity as a result of Evoenergy's mistakes in administering the feed-in tariff?

**MR RATENBURY:** As Mr Coe I am sure is aware, the ACT government has commissioned an audit of this matter. I am not able to answer Mr Coe's question at this point in time because that audit is currently underway. What I can tell the chamber is that the directorate has identified concerns with data that Evoenergy has provided over a number of years. We have raised those concerns with Evoenergy.

Evoenergy has now made an investment in new IT capability to improve their record keeping, and that is now in a much better situation. We are expecting accurate data going forward, and part of the audit process at the moment is to make sure that the new IT system is doing the job that it needs to do.

In terms of the specifics about how much this will cost, we do not know at this point in time. It will depend on the outcomes of the audit. I might say that my anticipation is that it will be a very minor adjustment, if any at all.

**MR COE:** Minister, when did you first become aware of the data problems, and what was the catalyst that sparked your audit in March of this year?

**MR RATTENBURY:** Just to avoid the subsequent questions, I will take the first part of the question on notice, so that I can give Mr Coe an exact date. The thing that catalysed the start of the audit was to make sure that we had an accurate system going forward. I think the Canberra community are very supportive of the policies the government have put in place; equally they expect us to ensure they are being administered properly. I should say that Evoenergy have an equal commitment. I have spoken to the new CEO of Evoenergy, John Knox; we have had a very clear conversation about this. They are cooperating fully with the government. They want this to be right as well. For me, a key catalyst is assuring the community that they can have confidence in the data management that is going on here.

**Mr Coe:** A point of order.

**MADAM SPEAKER:** Resume your seat, Mr Rattenbury. Mr Coe on a point of order.

**Mr Coe:** On relevance, Madam Speaker, I asked what the catalyst was: not the rationale or the reason for the audit but the catalyst that sparked the audit in March of this year.

**MADAM SPEAKER:** I do not believe there is a point of order. I think Mr Rattenbury is explaining the reasons why he has initiated the audit.

**MR RATTENBURY:** It is a fine line, isn't it, between a rationale and a catalyst? To be perfectly clear, so that Mr Coe is happy with the answer I have provided, the catalyst was advice from the directorate that they wanted to make sure that the data was absolutely accurate. That is why we initiated the audit.

**MS LAWDER:** Minister, could you provide to the Assembly by the close of business today the scope, the time line, who is undertaking the audit and how much it will cost?

**MR RATTENBURY:** I will see what I can provide. Of course, the reason people know about this is that we published a notifiable instrument indicating we were doing it. So the government has not sought to hide this. I will see what information is available in response to Ms Lawder's question.

### **Environment—fauna**

**MS LE COUTEUR:** My question is to the minister for the environment. It relates to the news in the *Canberra Times* of 24 May that Canberra's grassland earless dragon is one of four distinct species and therefore totally unique. Minister, how will this news increase the government's efforts to save our local grassland earless dragon?

**MR GENTLEMAN:** I thank Ms Le Couteur for her interest, particularly in the environment. The grassland earless dragon, as we know, is an endangered species. We have been working very hard to support that species to continue by ensuring that we have the proper environment for it to thrive in.

We have also been using some new available technologies to provide enough data to see the issues involved with the grassland earless dragon and, of course, the threats to its habitat and the way that it lives in the ACT. As we know, with the warming climate, there is more pressure on endangered species as the climate changes. We have been working with the directorate, with other scientific bodies as well as particular environmental champions to ensure that we can continue to support the grassland earless dragon and other threatened species in the ACT.

**MS LE COUTEUR:** Minister, what advice have you or your directorate given to the Transport Canberra directorate about the potential impacts of the proposal to chop off a chunk of earless dragon habitat near Hume for an alternative alignment option for the Monaro Highway upgrade?

**MR GENTLEMAN:** TCCS and EPSDD work closely together when it comes to these sorts of works. I do not have the detail of that in front of me but I am happy to take that part of the question on notice.

**MS LAWDER:** Minister, what advice have you been provided with about the impact of the widespread nature of African lovegrass on the earless dragon?

**MR GENTLEMAN:** We know that African lovegrass is spreading across the ACT. We are trying our best to contain it as best we can. With regard to its impact on the earless dragon, there are usually incursions around the edges of where the habitat is for the earless dragon. We can manage the incursions of African lovegrass in their native habitat by careful consideration of burning and weed control. I will get some more detail from the directorate and come back to Ms Lawder with a more detailed answer.

### **Mental health—gaming disorder**

**MRS KIKKERT:** My question is to the Minister for Mental Health. Minister, the World Health Organisation have just recognised gaming disorder as a mental health illness by adding it to the International Classification of Diseases. Gaming disorder is defined as a pattern of digital or video gaming behaviour characterised by impaired control over gaming, increasing priority given to gaming over other activities to the extent that gaming takes precedence over other interests and daily activities, and continuation or escalation of gaming despite the occurrence of negative consequences. Minister, are you aware of this classification, and, if so, what steps have you taken to not only recognise the issue but support Canberrans suffering from this disorder?

**MR RATTENBURY:** I have not been specifically briefed on that matter by my directorate, but as the minister I am not generally fully briefed on each disorder that is being addressed by our staff. Nonetheless it is a very interesting and important topic and one that, having now had it drawn to my attention by Mrs Kikkert, I will seek further information on. What I can say is that the government employs expert staff who are trained in both existing disorders and emerging disorders to make sure that when people come forward and seek help in the ACT we have a system that is capable of responding to them. We know that with the stigma around mental health gradually

being broken down, people are more willing to come forward and seek support. We need to make sure that as they do and as new issues emerge, we are capable of providing a response for them.

**MRS KIKKERT:** Minister, what mental health services are available in the ACT to support someone who is suffering from gaming disorder?

**MR RATTENBURY:** If somebody did come forward with those conditions—they possibly would not know it themselves in the first instance—our mental health services generally would be available to them. They would perhaps make an appointment with a community mental health team to seek support for the manifestation of the condition they were experiencing and they would be taken in to the community mental health team. They would be assigned somebody to assess them and they would be given a treatment plan from there.

**MRS DUNNE:** Minister, what is being done proactively to inform the community, and particularly parents, of this issue—how to prevent it and how to support someone who is struggling with gaming disorder?

**MR RATTENBURY:** Mrs Dunne raises a very interesting point. I imagine that this is not first being picked up by the health system; I imagine it is being identified in the education system by teachers, who are often very aware of changes in their students, and of course parents. As with many issues, we need to continue to have this discussion with our community. We need to be open about talking about the mental health challenges that people face.

Things like eating disorders are another example in that space, and which perhaps, while better known, are poorly understood. The community has a very specific view of what an eating disorder is and probably thinks that teenage females are the primary group who experience that, whereas we are seeing increasing numbers of young males experiencing disorders. Right across the board, we need to continue to raise the issue of mental health in discussions in our community. We need to be open about talking about them and not be judgemental. The government's response, particularly, is to make sure that we have a service system that can cope with that, as people do come forward.

### **Mental health—computer use**

**MR PARTON:** My question is to the Minister for Education and Early Childhood Development. Minister, I refer to the World Health Organisation having, as Mrs Kikkert said earlier, recognised gaming disorder as a mental health issue. ACT government schools have been rolling out laptops to every high school student for the last couple of years, and digital devices have become common items in classrooms. Minister, what policies are in place within schools to moderate the use of devices provided to students?

**MS BERRY:** Devices provided to students privately by their families are monitored by their families. The ACT government committed to provide Chromebooks to every secondary student and year 11 and 12 student in public schools in the ACT. It has

already shown itself to be a really great equity measure, in that every child now has access to technology-based education that might have been a challenge for some families to be able to afford.

Building on the responses that Mr Rattenbury gave with regard to gaming and the recent media around issues around addiction and issues faced by young people, particularly, playing games outside school hours, the eSafety Commissioner and the Education Directorate work very closely together to provide supports and information to families.

Of course, this is not an emerging war; it is pretty much here now for the country. It is an issue that this country is going to need to deal with. This new addiction that has been recognised by the World Health Organisation around gaming and the kinds of supports that are provided will need to be expanded to take that into account. In our schools we have social supports and welfare officers as well as school psychologists who can support students and families as these issues arise. Importantly, the eSafety Commissioner is providing advice to parents about how they talk to children and young people about how they use devices, how they use gaming, the amount of time they are spending on gaming and how it affects their life.

There is a lot to do in this space. There is no doubt it is a challenging issue for our country. It is one of the issues that Education Council ministers have discussed as well, so there will be more happening in this space, I am sure.

**MR PARTON:** Minister, what training or information is provided—and I understand that you have in part answered that but I would like you to expand—to teachers to not only moderate the use of devices in school but also to identify mental health disorders that may be developing as a result of excessive screen time?

**MS BERRY:** This is one of those issues that we hope will be resolved through the implementation of positive behaviours for learning across our schools where teachers and school leaders will be working more closely with student cohorts in understanding the needs of those students not only within the school but also within their families.

In regard to the supports for schools around internet use, particularly around gaming issues, which, as I said, is an issue that has come to this country, we will have to put better supports in place as a country for how we deal with this. This will not be a situation or an issue that the ACT on its own will have to deal with. Certainly, I would be keen to work with the Minister for Mental Health and you, Mr Parton, if you are interested in progressing this issue, to see how we can support young people better in this space.

**MRS KIKKERT:** Minister, what resources are schools providing to parents to ensure they are informed about recommendations relating to screen time and about known risks to both physical and mental health?

**MS BERRY:** When students begin their school year, students and families are invited to attend training sessions within school communities about internet use and

technology-enabled learning and the use of ICT in schools. I do not think there is an issue with using ICT in schools. We all have a couple of devices on our desks in front of us right now; there is no point in excluding that from children. That is going to be part of their lives now and well into the future.

How we teach and support our children and young people to use those devices responsibly is part of the work of the education system—that is for sure—but part of it is also about advising parents and families about how they can support children and young people in this space, which is what I was referring to, about the conversations and how to open those conversations with children and young people about the time that they are spending on online gaming. A lot of that information is available on the internet through the eSafety Commissioner. I know that that is shared around regularly at public schools in the ACT.

There is no doubt that more work needs to happen in this place as a country. I know that it is an issue, as I said, that state and territory education ministers and the federal education minister have discussed. It will become more of a priority for ministers to attend to as well.

### **Budget—education**

**MS CHEYNE:** My question is to the Minister for Education and Early Childhood Development. Minister, what initiatives so far announced in the 2019 budget respond to the growing number of Canberra families choosing our high quality public education system?

**MS BERRY:** I thank Ms Cheyne for the question. This week I was happy to continue with the government’s commitment to provide high quality public education by announcing new, expanded schools and funding for feasibility and planning work. It is clear from the most recent ACT school census that Canberrans trust the excellent learning opportunity provided through our government schools. A growing proportion of students attend government schools, and government school enrolments are already up by nearly 10 per cent over last year.

In Gungahlin, which, as we know, is one of the fastest growing regions in Australia, population projections indicate that the suburbs of Moncrieff, Taylor, Jacka, Kenny and Throsby will see more than 2,300 new births by 2028. The 2019 ACT budget is responding by providing two high quality government schools and expert teachers and staff to make sure that those students and young people have a place at a school close to their home.

The government will deliver a new primary school in Throsby through the allocation of \$47 million in the budget and will begin work on a new high school for Kenny, with \$2 million set aside for planning and design. The government is also continuing its commitment to expand Franklin Early Childhood School, with \$29.5 million allocated to construct permanent buildings as the school grows, to accommodate students from kindergarten to year 6.

Additionally, the government has allocated funding for school expansions and upgrades across Gungahlin, Belconnen and the inner north, as well as planning and feasibility studies for schools right across the city.

**MS CHEYNE:** How do these budget-funded initiatives meet the needs of families in Gungahlin, given it is one of the fastest growing regions in Australia?

**MS BERRY:** Thank you for the supplementary, Ms Cheyne. In Throsby, the new primary school, which will be opened by 2022, will cater to 450 students from kindergarten to year 6 and up to 132 preschool students, with space for future growth. High quality learning environments incorporating both indoor and outdoor learning spaces, as well as integrated spaces to support students with specialised needs, will be provided at this modern and sustainable facility. Members will know from the announcements that I have made that the government is leading by example by delivering carbon neutral, environmentally sustainable educational facilities.

In Kenny, the new high school will cater to around 800 students from years 7 to 10, with room for temporary expansion to accommodate more places if they are required. It is planned to open in the 2023 school year. The government has not only funded planning and design for the school but also made a capital provision so that we are ready to fund construction as the project advances. At Franklin Early Childhood School, the government is growing its capacity to 600 students from kindergarten to year 6, in addition to existing early childhood offerings, delivering on its election commitment.

We will also increase the capacity of Gold Creek School senior campus, delivering 200 extra places by the beginning of the 2022 year. The government is also investing in flexible, high quality transportable buildings that can be moved to where they are needed most. Gungahlin College will also benefit from 200 additional places alongside upgraded facilities to accommodate more staff and deliver new specialist science teaching facilities.

**MS CODY:** Minister, how do these initiatives demonstrate a clear plan for the future in other growth areas of our city?

**MS BERRY:** I thank Ms Cody for the supplementary question. As I announced this week, the government is doing the work and making the required investments to plan for increasing need for government schools. As suburbs move through their life cycle, student numbers tend to rise and fall. New schools are built with the ability to be scaled up and later scaled down. We will deliver new and expanded schools where and when they are required. A bit like a baby bear's porridge, the government will do it efficiently, delivering the right mix of permanent and temporary accommodation at the right time.

An additional 350 places through transportable classrooms will become available across the city, with buildings initially being provided for Lyneham High School and Hawker primary school, as well as Gungahlin College. Transportable learning spaces today are open, spacious, comfortable and exciting learning environments. They are

modern, fully insulated and designed to meet current energy targets, with all the same comforts and technical IT infrastructure as a permanent learning space. As well as looking great on the inside, they are located in areas to blend into the overall design and landscaping of the school.

Through the budget, the government has invested \$6.5 million on feasibility studies and planning to support detailed mapping of future student demand in residential growth areas in west Belconnen, the Molonglo Valley, south-east Canberra and the Belconnen and Woden town centre areas. This work will also address capacity within existing schools in the city and gateway area and consider the need for additional college places for the inner north and Gungahlin.

### **ACTION bus service—wheelchair accessible buses**

**MISS C BURCH:** My question is to the Minister for Transport. A Canberra bus user shared the following experience: “I am a wheelchair user. Having to use two buses to get to my destination is difficult and time consuming. Also not all buses are wheelchair accessible. It now takes me up to 1 hour to travel from O’Connor to Belconnen. Previously it was one bus route that I travelled from home to Canberra Hospital and Belconnen.” Minister, why is this Canberran who is in a wheelchair now forced to take more buses on a longer journey to get around our city?

**MS FITZHARRIS:** I am not aware of where this particular user lives in O’Connor. If Miss Burch could provide further information, perhaps I can assist outside question time with the specific requirements of someone who needs to travel to a variety of locations across Canberra. It is the case that the new public transport network is servicing more people right across the city more often with more frequent buses. We have a number of supplementary services, of which Miss Burch is aware. Perhaps if those particular details can be forwarded to Transport Canberra, to my office, we can assist further.

As I am sure the opposition is aware, we make investments each year to ensure that our entire Transport Canberra fleet meets accessibility requirements over the next coming years, and we are doing very well on that measure.

**MISS C BURCH:** Minister, when can bus users such as this O’Connor resident expect their services to improve and to be better connected?

**MS FITZHARRIS:** Services are better connected. I refer Miss Burch to my previous answer.

**MRS KIKKERT:** Why are all bus services not wheelchair and pram accessible?

**MS FITZHARRIS:** Many are. I do not have the precise figure with me but it is in the high 80 or low 90 per cent. As I indicated in my previous answer, we do very well on the accessibility of our public transport fleet. I can take the specific question on notice and also refer Mrs Kikkert to my previous answer where I indicated we continue to make investments in this area to ensure that we have a universally accessible public transport fleet.

**Transport—Mitchell**

**MR MILLIGAN:** My question is to the Minister for Transport. Minister, amongst the many stories received on the new bus network, one that stands out is from Hank, who lives in Palmerston. Hank wanted to catch public transport from Mitchell to Palmerston after he had dropped his car off for a service. Despite this being a distance of less than seven kilometres, the bus options available meant it would take Hank almost an hour to return home. Minister, is this the new era for public transport in Canberra that you keep referring to when residents cannot make basic trips around their suburbs?

**MS FITZHARRIS:** Residents can make basic trips around their suburbs.

*Opposition members interjecting—*

**MR MILLIGAN:** Minister, with only one bus—

*Members interjecting—*

**MADAM SPEAKER:** Members, please! Mr Milligan, start again.

**MR MILLIGAN:** Minister, with only one bus and no light rail stop for a commercial and industrial precinct such as Mitchell, isn't Hank's experience only going to become more common?

**MS FITZHARRIS:** I certainly hope that Mitchell continues to thrive as a busy commercial hub on the north side of Canberra. As Mr Milligan is aware, having been previously opposed to any form of light rail servicing the north of Canberra, we are now undertaking plans to construct a stop for light rail in Mitchell.

*Members interjecting—*

**MADAM SPEAKER:** Members, Miss Burch has the floor.

**MISS C BURCH:** Minister, what do you say to the businesses in Mitchell who are going to be impacted by this lack of connection and longer travel times?

**MS FITZHARRIS:** We have had many discussions about the current public transport patronage to Mitchell. There remains public transport patronage to Mitchell. I look forward to joining the Mitchell Traders Association very soon for a morning tea to discuss the government's investments in the north of Canberra and in particular in Mitchell.

**Health—infrastructure**

**MS CODY:** My question is to the Minister for Health and Wellbeing. Minister, how will the recently announced funding of the SPIRE centre help address the growing demand for health services in Canberra and the surrounding region?

*Mrs Dunne interjecting—*

**MS FITZHARRIS:** I note Mrs Dunne's continual negative comments about the Canberra public health system. I thank Ms Cody for the question. As we all know, Canberra Hospital is a critical part of the ACT and region's healthcare system. It is the region's largest public hospital and has the territory's largest emergency department and operating theatre complex.

The ACT Labor government is making record investments in new and expanded health infrastructure, responding to increases in health service demand and the growing population through the building health services program that is charting the course for future proofing our public health system. As part of this program the government has committed to the delivery of the SPIRE centre located at Canberra Hospital and in this budget, as has been previously announced, we have increased the scope of SPIRE to make sure that the facility will keep pace with growing acute healthcare demand.

The new SPIRE centre will include 22 state-of-the-art operating theatres; 114 emergency department treatment spaces, 39 more than currently available; 60 intensive care beds, doubling the current capacity; a new and expanded coronary care unit; a family-friendly zone for families with children in the ICU; and a rehabilitation gymnasium to assist ICU patients in their recovery.

The new and expanded acute and critical care services to be delivered through SPIRE will have an impact on reducing waiting times, treating more critical-care patients locally and attracting and retaining clinical staff to our community. We look forward to progressing investments in SPIRE and also to continuing to invest in Canberra Hospital campus as a whole.

**MS CODY:** Minister, what other measures has the government announced to tackle growing demand on health services?

**MS FITZHARRIS:** In addition to the significant SPIRE project, this Labor government is investing in a range of other healthcare services and facilities to meet the growing and changing healthcare needs of our community.

The government is expanding the Centenary Hospital for Women and Children, which will see a doubling of the number of postnatal beds, a new adolescent mental health unit and an increase in the hospital's capacity to care for ill or premature newborn babies.

Our walk-in centres are more popular than ever, with existing centres in Belconnen and Tuggeranong seeing over 22½ thousand presentations each year; and in its first six months of operation, our latest centre, in Gungahlin, seeing over 14,000. This week we announced the Dickson location and funding for a new inner north walk-in centre, the fifth to be established in suburbs across Canberra. The walk-in centre will complement existing services provided at the community health centre, including maternal and child health services. Members will also be aware that the Weston Creek

walk-in centre opens later this year. Walk-in centres have been very positively received by the Canberra community.

In addition, in Belconnen we have allocated an additional \$40.5 million over four years to improve facilities at Calvary hospital. This builds on significant investments last year and the expansion of the emergency department. The \$40.5 million provides funding for new doctors and nurses at the emergency department as well as investments to expand urology services at Calvary Public Hospital and to open more operating theatres at Calvary Public Hospital.

**MR PETTERSSON:** Minister, how has the government worked with clinicians and other stakeholders in developing its health infrastructure initiatives?

**MS FITZHARRIS:** I thank Mr Pettersson for the supplementary question. ACT Health, together with Canberra Health Services, has undertaken considerable clinical and stakeholder engagement to inform the planning and business case development for major health infrastructure projects.

We are acutely aware that clinicians, staff, patients and community stakeholders have a great deal of value to add to planning for health infrastructure, and we cannot do this without them. Territory-wide health services planning processes have also been key to planning for our major health infrastructure projects. This has seen ACT public health services come together to incorporate expertise from ACT Health, Canberra Health Services and Calvary, as well as the Capital Health Network.

The formal clinical engagement process for SPIRE expansion has included senior clinicians from Canberra and Calvary hospitals, healthcare consumer group representatives, and executives from both Canberra Health Services and ACT Health, to ensure that their valuable feedback informs the building design and core components each step of the way. I look forward very much to that close clinical engagement continuing.

For the Centenary Hospital expansion, planning and design are further advanced, with clinical user design groups for each specialty area, including neonatology, adolescent mental health and maternity services completing three workshops each to confirm project scope and design.

Broad-reaching clinical, consumer and community engagement will continue throughout the design and build phases of these major health infrastructure projects to ensure that our health facilities best meet the needs of our staff, patients and the community.

### **Alexander Maconochie Centre—reintegration centre**

**MRS JONES:** My question is to the minister for corrections. Minister, I refer to your announcement of \$35 million for a low-security reintegration centre to be built outside the walls of the Alexander Maconochie Centre. Inside the walls of the AMC drug abuse is a problem; we see assaults; there is no daily routine; and the remandees

are housed in the same cells as convicted criminals. Minister, why are you building a facility outside the prison walls when there are still problems with properly managing what is inside?

**MR RATTEBURY:** As Mrs Jones knows, the government has made a commitment to a justice reinvestment strategy tagged “building communities not prisons”. We want to break the cycle of repeat offending in the ACT, help people put their lives back on track, and make our community safer by reducing the rates of recidivism in this territory. To do that, we know we need to do things differently.

We also know that the AMC is under population pressure regarding capacity. That is a well-known fact. Part of our strategy is to do two things: one is to make the long-term investment in programs that will help people break that cycle of offending, as I have spoken of; the other is to have some additional capacity at the AMC.

We know that the AMC is essentially a complete maximum security prison. Because there is only one facility, and we do have maximum security detainees, the entire facility is built to that standard. But not everybody in the AMC needs to have that level of security.

In New South Wales we see sites like prison farms, where people are at a much lower level of security as that matches their individual assessment, their point in the rehabilitation process and the like. We see an opportunity here in the ACT to become more nuanced in the type of prison classifications that we have: to have people in a classification that matches their needs. Not everybody needs to be at maximum security. This will give us some additional capacity.

In a way, it is about helping people to rehabilitate, and to get their lives back on track. We know that just about everybody in that jail will come back into our community at some point in time. Very few people will be there for the duration of their natural life. We need to think very carefully about how we give those people skills and capabilities so that when they come back out they do not fall back into their old ways but become thriving members of our community. That is what we are seeking to do through this facility.

**MRS JONES:** Minister, how is it reasonable to state that you will be able to deliver a reduction in our higher recidivism rates when you cannot manage the facility that we already have?

**MR RATTEBURY:** I think the best way we can help people to get out of that cycle of offending is to actually work with them on the underlying issues in their lives that lead to criminal behaviour, whether that is a mental health problem, an acquired brain injury, drug and alcohol addiction—the various things that we see in people. We know that the vast cohort of people in the ACT are coming along with those sorts of issues.

The Australian Institute of Health and Welfare recently released data. Admittedly, it was a small sample, but in that small sample of people coming into the AMC more than 80 per cent self-identified that they had taken illicit drugs in the period before

their admission to the AMC. That is why, if we want to make the community safer and actually break that cycle, to reduce recidivism we need to intervene in ways that address the underlying behaviours and issues that people have in their lives and that lead them to be involved in the criminal justice system. That is how we will reduce the recidivism rate. The alternative approach is to just keep building bigger and bigger jails.

*Opposition members interjecting—*

**MR RATTENBURY:** One should never respond to interjections but the obvious ludicrousness of the interjections require it. We have expanded the AMC before, in 2013, 2014 and 2015. We took a decision then that the jail was not big enough for the population of the ACT. But we have now decided that we can also not just keep ever-expanding, because we know what will happen. In particular, if we keep expanding, more Aboriginal and Torres Strait Islander people will end up in jail. That is the reality of the system, and that is why we are taking a decision to invest in more community programs, to try and break people's criminal cycles.

**MADAM SPEAKER:** Before I go to the supplementary question, I remind members that when somebody is on the floor answering the question they should be heard in silence.

**MR WALL:** Minister, why is your justice reinvestment strategy failing, given that this is the second time the prison has had to be expanded under your tenure as minister and that the prison population is now double what it was when you became the corrections minister?

**MR RATTENBURY:** We have been very up-front about the fact that this justice reinvestment strategy would include the reintegration centre. We said that right at the beginning. If the opposition think they have come up with some great expose here—we were very clear up-front that we would need some capacity in the medium term, because these justice reinvestment approaches are long-term commitments. We have taken the decision to change direction and put a greater—

*Opposition members interjecting—*

**MADAM SPEAKER:** Members, please! Do you have anything to add, Minister Rattenbury?

**MR RATTENBURY:** I cannot see the point, Madam Speaker.

*Mrs Jones interjecting—*

*Mr Hanson interjecting—*

**MADAM SPEAKER:** Members! Mr Hanson and Mrs Jones, that is enough.

### **Justice—parole conditions**

**MR HANSON:** My question is to the minister for corrections. Minister, is it standard practice for parolees to not be allowed to leave the ACT as part of their parole conditions; if so, why?

**MR RATTEBURY:** That would be a matter for the independent Sentence Administration Board here in the ACT, who are the ones who determine the conditions that a detainee is given parole on. They make a range of decisions.

*Mr Hanson interjecting—*

**MR RATTEBURY:** I am not exactly sure—

*Opposition members interjecting—*

**MADAM SPEAKER:** Members, the minister is on his feet.

*Mr Hanson interjecting—*

**MADAM SPEAKER:** You are warned, Mr Hanson. I have really had enough.

**MR RATTEBURY:** As I was explaining, Mr Hanson, it is a matter for the Sentence Administration Board. It is my understanding that most people who are given parole are given some sort of condition about where they should reside. That might be in a different jurisdiction, but it would be a matter for the applicant to make a case to the Sentence Administration Board as to why it would be in a different jurisdiction.

Generally, in the ACT people who are given parole do reside here and they are given a series of conditions which involve reporting to ACT Corrective Services, amongst other things. That is part of the ongoing supervision process about seeing people through their parole period and making sure they are complying with their conditions as determined by the Sentence Administration Board.

**MR HANSON:** Minister, how does restricting parolees from leaving the ACT affect their ability to gain accommodation, work and a life beyond prison?

**MR RATTEBURY:** I think that Mr Hanson is well into the realm of hypothetical here. Each person that goes before the Sentence Administration Board makes the case as to, firstly, why they should be given parole and, secondly, the circumstances in which they should be given parole.

Clearly, the Sentence Administration Board has a keen interest in people on parole having a successful reintegration into the community. That may be about where they reside. It may be about their access to employment and the like. The intent very much is to make sure that people can get on with their lives but at the same time retain the

responsibility for supervision of people to make sure they are meeting their parole conditions.

If, embedded in Mr Hanson's question, he has specific concerns over a particular case or particular cases he is aware of, I am very happy to receive that information. But I remind members of the Assembly that the Sentence Administration Board operates at arms-length from government and makes its decisions on parole based on the rules set out in the legislation.

**MRS JONES:** Minister, are you doing anything to address this issue and how these people and the conditions have contributed to any increase in recidivism if they are not able to leave the ACT?

**MR RATTEBURY:** Mrs Jones has not listened to my previous answers. People can leave the ACT if they seek that condition approval from the Sentence Administration Board. If somebody says, "I've got family connections in northern New South Wales; they'll provide me with somewhere to live and a job in the family business," for example, I imagine the Sentence Administration Board would look very positively on that sort of representation, because they would see that as a very positive opportunity for that detainee to take up. Similarly, I am aware of other cases where people have talked about possibly leaving the territory and going back interstate to be with family. I am aware that the Sentence Administration Board looks kindly on that. These are matters that are taken into account in the decision-making process. If Mrs Jones or Mr Hanson have specific concerns, I would be very happy to receive them.

### Budget—ACT Policing

**MR PETTERSSON:** My question is to the Minister for Police and Emergency Services. Minister, are you able to provide details about the government's announcement last week concerning ACT Policing?

**MR GENTLEMAN:** I thank Mr Pettersson for his timely and very important question. Despite what others in this place may wish to spin, Canberra is a very safe city and we are fortunate to live in an inclusive city with a fantastic police force.

The job of ACT Policing members is not just reacting to crime. It is more than that. It is about engaging with Canberrans and the many communities that make up our wonderful city. I am reminded of a recent event where Aunty Violet was stranded because her car had broken down. She called ACT Policing, who helped her get to the event in time. This is just one example of the service that the men and women of ACT Policing provide—how they work to build trust within the community. However, the current model for policing does not reflect this.

A few years back the previous Chief Police Officer embarked on a project to change the policing model. This was taken up by the current CPO on his appointment late last year. Under their combined leadership, ACT Policing has been diligently working towards what has been called police futures. I was pleased last week to announce funding to support the implementation of this work.

**MR PETTERSSON:** Minister, what will this additional investment achieve?

**MR GENTLEMAN:** Police futures is a project that we will begin to roll out in the coming years. It will not be an overnight change. As the former CPO made clear over the last few years, she would work on the futures model and then seek resources to support this. This work has been completed and our government has committed almost \$34 million in an initial investment to help ACT Policing shift to futures. ACT Policing's leadership will now broaden their discussion with the membership, taking the troops along on the journey. ACT Policing will work with the community as well, helping to broaden the understanding of what police officers do now and what futures will mean for the community.

Futures recognises that the job is very different from what it was decades ago—even different from the beginning of this century. Now is the right time to make this investment in a new model. As our city grows, so will the nature of policing in the city. What will not change is our commitment to working with ACT Policing to protect Canberrans and ensure Canberra remains a very safe city as we grow.

**MS ORR:** Minister, is this the biggest investment in recent times?

**MR GENTLEMAN:** This government is committed to providing the resources for our front-line services' needs. Unlike those opposite, we will not bluster; we will work collaboratively with our services. This government, under the leadership of the Chief Minister, has delivered one of the biggest-ever investments for staff and resources for ACT Policing.

*Opposition members interjecting—*

**Ms Stephen-Smith:** On a point of order, Madam Speaker, I literally cannot hear Mr Gentleman.

**MADAM SPEAKER:** Yes, thank you.

**Mrs Jones:** But you already know what he is saying.

**MADAM SPEAKER:** Many others in the room do not, Mrs Jones. I will seek for you to be silent.

**MR GENTLEMAN:** Almost \$34 million is being provided to help recruit more operational staff to ACT Policing. We will have 69 more members of ACT Policing. Canberrans will see more police working in more connected and effective ways to disrupt crime. By moving to a proactive prevention model, we are working to lower crime rates and divert more people away from the justice system.

This government's investment will mean more ACT Policing members on our streets. It will see more engagement with our community—building relationships. This year's investment builds on those made in the most recent budget and those before it. We are making investments now and preparing for the future. We are putting more ACT police members on the streets and delivering new technology to help them keep our community safe.

## Education—phonics checks

**MR WALL:** My question is to the Minister for Education and Early Childhood Development. Minister, the ACT uses performance indicators in primary schools—commonly referred to as PIPS—testing to assess early literacy and numeracy, despite increasing criticism from parents that it is not capturing early learning difficulties in year 1 students. Given the successful adoption of phonics checks in other states and increasing evidence of its success in schools across the United Kingdom and elsewhere, will phonics checks be used or considered for use in ACT primary schools to identify students who are at risk of falling behind in literacy?

**MS BERRY:** No, they will not. The PIPS assessments that are rolling out in our schools are proving to be successful in conjunction with literacy education through expertise from people like Christine Topfer, who has been able to work with Canberra schools to improve not only the teaching experience but also the learning experience of children, particularly children who learn differently and have different learning challenges that are identified through the PIPS program.

No, I have not been convinced that the phonics test is an appropriate way to identify students who need extra support in the classroom; nor do I agree with a national My School kind of reporting of a test for children who are five or six years old who have an identified learning disability such as dyslexia.

**MR WALL:** Minister, what prevents teachers in ACT government schools from using phonics checks as a diagnostic tool? If there is nothing stopping them from using them, why are they not?

**MS BERRY:** I have not stopped teachers using phonics checks in schools, but not as a phonics test that is being recommended by the federal government. Teachers use a number of tools. I support their professional judgement when they are diagnosing a child's need within their classroom. They are best placed to be able to diagnose, just like a doctor would with a medical condition, and identify a need within a child, whether that is for additional learning or whether that is support with their family or more support in the school environment.

**MR COE:** Minister, what assessment have you done of the value and use of phonics checks in year 1 school education that has informed your decision?

**MS BERRY:** This has been a conversation that ministers have had at ministers council. I understand that it had been rolled out in South Australia as a phonics test and that they were happy, within their school environments where it was being rolled out, with the process. I have been convinced by the reports that I have had from the teaching profession here in the ACT and from the improvements in children's literacy and English as a result of the work through the PIPS program; also with the rolling out of a specific literacy program within schools that supports individual students that need that extra support and that supports teachers in being able to identify these needs of different students who learn differently.

## **Canberra Hospital—electrical systems**

**MRS DUNNE:** My question is to the Minister for Health and Wellbeing. I refer to the answer to a question on notice about the replacement of the switchboards in buildings 2 and 12 at the Canberra Hospital, which shows the blowout in cost from a projected \$14 million to now \$42 million, an increase of \$28 million. Minister, what areas have had to be defunded to meet the \$28 million shortfall in the switchboard work, and have any clinical areas lost funding to meet this demand?

**MS FITZHARRIS:** I will build on the answer to the question on notice I provided to Mrs Dunne on this matter, because these questions were raised in that. I will provide further information. As Mrs Dunne is aware, this full package is around upgrading and maintaining health assets across the territory funded a number of years ago. The original scoping of the project was before there was, in effect, the opportunity to get behind the walls. As that work has proceeded, this project to replace this switchboard will cost more money—

**Mrs Dunne:** I raise a point of order, Madam Speaker, on relevance. The question was about whether there were areas that have had their funding cut to meet the unexpected \$28 million increase in the project, not a description of the project. I ask that the minister be directly relevant to the question. Have any areas had their funding cut? In particular, have any clinical areas had their funding cut?

**MADAM SPEAKER:** I ask the minister, who is only 40 seconds into the answer, to perhaps satisfy Mrs Dunne and come to that point.

**MS FITZHARRIS:** This is a project, and funding has been provided in the existing scoping. This funding was not for the provision of clinical services. So the answer to the second part of the question is no. I will provide a further response to the first part of Mrs Dunne's question on notice.

**MRS DUNNE:** Have other parts of the UMAHA maintenance project also had significant increases in their budget?

**MS FITZHARRIS:** I refer Mrs Dunne to the answer provided under the question on notice that she referred to.

**MISS C BURCH:** Minister, why was the whole project not re-tendered when it was discovered that the scope of the works had changed so much?

**MS FITZHARRIS:** I believe it absolutely complies with the procurement guidelines on scoping a project. But if I have anything further to add, I will provide that on notice.

## **Environment—water quality**

**MS LAWDER:** My question is to the minister for the environment. Minister, lakes and waterways in the ACT have long been unusable due to the high levels of

contamination entering our rivers and streams. In 2014 the commonwealth and territory governments committed \$85 million towards improving the water quality of our waterways, ponds and lakes in the ACT. Five years later, why are we still regularly unable to use our lakes because of the threat to human health caused by contaminated water?

**MR GENTLEMAN:** I thank Ms Lawder for her question. The healthy waterways project is, as described, a \$93.5 million initiative from the Australian government and us to ensure that we can provide long-term water quality in the ACT, and indeed in the Murrumbidgee River system, by reducing the level of sediment and nutrients entering into the lakes and waterways.

The project is now coming towards its end. It is almost complete. It will then be the work of the environment that we have planted to remove the nutrients in our waterways to ensure that the lakes progress in a manner safe for human activity and, of course, for the nature in the area.

The waterways project remains on track for delivery. We know, from the work we have done with University of Canberra and other scientific groups, that if we are able to remove those nutrients before they enter the waterways, there is less opportunity for blue-green algae to keep growing. That is the program in hand that we are delivering for the ACT.

We are also delivering a very strong communications program to the community to not wash nutrients down the drain—so only rain down the drain—to ensure that we can deal with the build-up of those nutrients that cause blue-green algae in the lakes and waterways.

**MS LAWDER:** Minister, when will all of those waterways projects—every single one of them—be completed?

**MR GENTLEMAN:** Under this civil construction 17 assets will be completed at the end of this month, with the remaining three to be completed at the end of this month, June, or very early July, weather permitting. Wetland plants have been planted for the purpose across the sites; landscaping of dryland plants, paths and benches have been added to enhance the amenity of the assets; a two-year establishment period for the aquatic and water quality plantings covering the period July 2019 to June 2021 has been negotiated with the commonwealth and is to be undertaken within the existing budget.

**MR PARTON:** How can the ACT better fulfil its environmental responsibility to our fellow Australians and the environment in the Murray-Darling Basin downstream of Canberra?

**MR GENTLEMAN:** I thank Mr Parton for the question. We have led the way, and it has been recognised at our ministerial council meetings with the Murray-Darling Basin groups, that Canberra has lifted well above its weight in dealing with our environment. We will continue to work with the other jurisdictions in ensuring that we can provide the healthy waterways project that ensures a good water supply to the

Murray-Darling Basin. It is important that we do this work in a city that is growing, and ensure we can look after the environment as best as possible. As I said it is recognised within the Murray-Darling Basin group that Canberra has lifted well above its weight, and that is why we have been working so well with our Murray-Darling Basin counterparts in the other jurisdictions.

I look forward to the next couple of ministerial meetings with the basin council and their groups, and I look forward to working with the federal government on possibly more funding for wetlands in the ACT, ensuring we can do the best possible for not only our residents in the ACT but also the Murray-Darling Basin itself.

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

## **Appropriation Bill 2019-2020**

**Mr Barr**, pursuant to notice, presented the bill, its explanatory statement, a Human Rights Act compatibility statement and the following supplementary papers:

Budget 2019-20—

Financial Management Act, pursuant to section 10—

Budget Speech (Budget Paper 1).

Budget in Brief (Budget Paper 2).

Budget Outlook (Budget Paper 3).

Budget Statements—

A—ACT Executive | ACT Integrity Commission | Auditor-General | Electoral Commissioner | Office of the Legislative Assembly.

B—Chief Minister, Treasury and Economic Development Directorate together with associated agencies.

C—Health Directorate | Canberra Health Services | ACT Local Hospital Network.

D—Justice and Community Safety Directorate | Legal Aid Commission (ACT) | Public Trustee and Guardian for the ACT.

E—Environment, Planning and Sustainable Development Directorate | City Renewal Authority | Suburban Land Agency.

F—Education Directorate.

G—Community Services Directorate | Housing ACT.

H—Transport Canberra and City Services Directorate | Transport Canberra Operations | ACT Public Cemeteries Authority.

Financial Management Act, pursuant to subsection 62(2)—Statements of Intent 2019-20—

ACT Building and Construction Industry Training Fund Authority, dated 23 and 28 May 2019.

ACT Long Service Leave Authority.

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) (3.00): I move:

That this bill be agreed to in principle.

Canberra's direction through the 2020s depends on the decisions and investments we make as a community today.

We see a city with its own distinct character—economically diverse, environmentally sustainable, lively, progressive and inclusive.

A city where good jobs and housing are available no matter what your background.

Where the best free public health care is available where and when you need it, and there is a great local school not far from home.

Where we take care of each other, and of our heritage, environment and neighbourhoods.

Canberra today is a great place to live, work, start a business and raise a family. We want to make sure it keeps getting even better into the coming decade.

That is why we are building for Canberra's future with this Budget.

We are investing today to grow services and infrastructure that can meet our community's needs in the years ahead. Canberra is one of the fastest growing communities in Australia, so we have to invest now to make sure our hospitals and healthcare centres, our schools, our social infrastructure and our transport networks are ready for the next decade.

If we do not invest now, Canberrans will pay the price with traffic that just keeps building up, longer waits for health services and more crowded classrooms. If we put this off for another day, Canberra risks going the way of every other city that failed to plan for growth—eroding our great livability and the things that make this place so special.

For these reasons, we are building for Canberra's future and using the ACT Budget to do it.

We know a strong community and a livable city are what matter most to Canberrans.

### **Consolidating steady and sustainable growth—the ACT economy on track**

The ACT's economy is strong, growing and more diverse than ever.

Our economic growth has been among the fastest in Australia for the past four years, which has supported the creation of over 3,200 new businesses and more than

16,000 new jobs. Our unemployment rate is consistently one of the lowest in the country, even as our community has been growing by around 8,000 people a year.

The ACT's \$40 billion economy is significantly larger than that of Tasmania or the Northern Territory. We have become Australia's per capita leader on services exports thanks to the strength of our higher education and tourism sectors. More than 60 per cent of Canberrans now work outside the public service, in a wide range of local industries from construction and health care to professional services and innovation.

The 2019-20 Territory Budget forecasts economic growth to steady at an average of 3.3 per cent a year over the next four years, consolidating our recent rapid growth at a more sustainable level.

We expect to see continued jobs growth and a stable housing market as ongoing population growth, low interest rates—including this afternoon's cut—and an accommodative Australian dollar support ongoing growth in our local industries.

Our tax reform program is nearing the halfway mark. So far we have fully phased out insurance duty, cut stamp duty to zero for around 70 per cent of commercial property transactions and raised the payroll tax-free threshold so that about 90 per cent of Canberra's small and medium businesses do not pay any payroll tax.

From 1 July this year we will go further by fully abolishing stamp duty for eligible first home buyers—making it easier for young people and those on low incomes to enter the housing market.

We understand that some households are feeling the impact of tax reform through their rates bills, which is why I want to reassure Canberrans that the heaviest lifting of this reform has been achieved.

Over these forward estimates, the rate of growth in rates will slow as we move towards the next five-year phase of the tax reform program.

This year's Budget also limits growth in government fees and charges for households to no more than the wage price index because we understand cost-of-living pressures are a concern for some Canberra families.

The indicators all suggest Canberra's economic outlook remains very positive. But Canberra is more than an economy—it is a community where we aim for everyone to share in the benefits of a good life.

There is a lot more to a good life than what is in your bank account. Our wellbeing is also determined by things like our environment, our connections to place and others, the quality of our services and institutions, how inclusive we are towards others, and how prepared we are to contend with future challenges and to grasp opportunities.

That is why the Government has started work on developing a broader set of indicators that can also track our community's wellbeing over time.

From next year's Budget we will report against both economic metrics and a set of wellbeing indicators that will be developed with the Canberra community to track how we are doing in other important areas—like improving access to housing, strengthening family cohesion and growing the social inclusion of older Canberrans.

Economic growth is one tool for improving wellbeing across our community, but there are many others.

Having a set of wellbeing indicators will help us zero in on where we need to invest more of our time, energy and creativity to make a real difference for those Canberrans who currently are not sharing in the benefits of our economic prosperity.

### **Building today to keep delivering for Canberrans in the years ahead**

The 2019-20 Budget delivers Canberra's biggest program of infrastructure investment ever.

Over the next four years we will invest more than \$3 billion to futureproof our hospitals, build new schools for our growing regions, continue making our transport networks faster, safer and cleaner, and grow and renew public housing.

We will deliver the new SPIRE Centre, expand the Centenary Hospital for Women and Children and invest in Calvary Public Hospital's emergency department and surgical theatres, to meet our region's healthcare needs into the coming decade.

The SPIRE Centre was one of our most significant commitments at the 2016 election and will be the single largest investment in our healthcare system since self-government. We are getting on with delivering it because we understand how important it is to be building now to meet Canberra's healthcare needs into the future.

At the same time as we get these major new builds underway, we will continue expanding our network of walk-in centres with a new clinic at Dickson, and will significantly boost specialist health care in areas like rheumatology, urology, dermatology and childhood and gestational diabetes to help cut waiting lists and reduce out-of-pocket costs for people with chronic health conditions.

This Budget maps out the next major phase of investment in our local schools, the schools that will be built in our city's growth areas. We will start work on a new primary school in Throsby, a new high school for Kenny, and significant expansions for the Franklin Early Childhood School and Gungahlin College.

We will also add capacity at Hawker Primary School and Lyneham High School, as well as undertaking detailed planning for future school needs in the city and gateway region so that we are ready as more people move into our renewed city centre.

To ensure that all Canberra school students are supported by active and engaged teachers, we will hire the equivalent of 92 teachers and learning support assistants to respond to the growth in student numbers for 2019-20 and beyond. This will also see

a boost to the supports available for students with diverse needs, including those with disability.

With stage 1 of light rail to Gungahlin successfully up and running, we are turning our focus to delivering stage 2 to Woden. Canberra needs a clean, fast and accessible public transport network to help keep our city moving as we grow, and stage 2 will provide the southern spine for our integrated transport network.

Around 270,000 people will live, work or study within 800 metres of the city to Woden corridor by 2036. So this is an important investment we need to get on with now to deliver faster and better public transport in the future.

Through this year's Budget we will progress detailed design, planning and enabling works for stage 2 of light rail from the city to Woden.

This will include starting work on a new Woden bus interchange to integrate with light rail, to ensure the project keeps moving ahead while we continue to engage with the Commonwealth Government and the Australian Parliament on the detailed route and approvals.

We will also progressively deliver 84 modern and fuel-efficient buses over the coming years to improve accessibility and passenger comfort on our new bus network.

And we will make it easier and safer to move around in the suburbs by upgrading key intersections across Canberra, duplicating the major arterial road between Belconnen and Gungahlin, upgrading the Monaro Highway and continuing our work planning to complete the duplication of Athlon Drive.

We are delivering our promised investment in a second Common Ground community housing complex in Dickson, building on the success of our city's first Common Ground in Gungahlin.

The Dickson project will provide 40 housing units, as well as communal facilities and space for social enterprises. The Common Ground model provides intensive support to people who are experiencing, or at risk of, homelessness, as well as providing affordable rental accommodation for Canberrans on low incomes.

This sees us continue to build on the next stage of investment in public housing across our city. Through this Budget we will invest \$100 million in a five-year program to deliver at least 200 more homes and renew another 1,000 properties across the city.

This investment will commence following completion of our major public housing renewal program by the middle of this year, which has seen 1,288 ageing public housing properties replaced with modern and energy efficient homes that better meet the diverse needs of our tenants.

We continue to invest in the arts. We are investing in a new cultural hub for our city, with the creation of the Kingston Arts Precinct. The precinct will add to the vibrancy of the Kingston Foreshore, with many of Canberra's leading visual arts organisations

to be based in this new facility that will be purpose-built for creating, exhibiting, teaching and running community events.

Our creative industries are a key source of Canberra's vibrancy and one of our strong suits in attracting more people to visit our great city. So we are investing in a new hub to showcase our arts and cultural scene and make it more accessible.

### **Investing in people for a brighter future**

Investing in our people is just as important as investing in our city's infrastructure and services. We are a prosperous city, but some people are still falling behind.

That is why we are stepping up our investment in early intervention to improve social connectedness, strengthen families and help end the stubborn disadvantage that persists through generations.

We will continue to grow our investment in support for Canberrans with disability, with the full scheme arrangements for the NDIS in place from 1 July 2019.

Over 6,800 Canberrans are now accessing tailored support through the NDIS, and our shared investment with the Commonwealth Government is projected to see another 500 Canberrans join the scheme over the next four years.

At the same time as we are growing our contribution to the NDIS, we will maintain existing disability services that are not eligible to be considered as in-kind contributions to the scheme from 2019 on.

This will ensure services like the Child Development Service, the Integrated Service Response Program and the Rehabilitation, Aged and Community Care supports remain free and accessible for Canberrans with disability who are not currently receiving an individual support package through the NDIS.

We introduced the Safer Families Levy in 2016 as part of our community-wide effort to tackle family and domestic violence. As the initial four-year programs reach completion, we are updating our approach in this Budget to continue the focus on front-line services whilst providing start-up funding for government agencies to test and demonstrate the practical potential of innovative new services.

New initiatives to be funded under this pilot approach in 2019 will focus on delivering family-centred responses for Aboriginal and Torres Strait Islander families impacted by family violence; reducing the risk of deaths from family violence; supporting pregnant women at risk of domestic and family violence; extending the Room4Change program, which works with men who want to stop their use of violence and build healthy relationships; and training ACT Government front-line workers to respond to family violence.

The ACT Government has responded strongly to the Royal Commission into Institutional Responses to Child Sex Abuse by creating laws that make it the

responsibility of every adult to make a report to authorities if they believe a child is subject to abuse.

Through this year's Budget we will now introduce an intermediary scheme which will help vulnerable witnesses, including children and people with disability, to overcome the challenges they face being heard by the criminal justice system.

We are also working to reduce recidivism by providing real alternatives to prison and helping more detainees onto a better path for themselves, their family and the community, after leaving a custodial sentence.

This year's Budget invests in a Justice Housing Service that will provide accommodation for women and Aboriginal and Torres Strait Islander Canberrans to support them to live free of crime. At the same time, we are making a major investment in more police and a new approach to policing that will focus on crime prevention and disruption, helping to deliver on our goal of reducing recidivism by 25 per cent by 2025.

And we are strengthening our city's emergency services by recruiting 36 new firefighters, and starting work on new combined fire and ambulance stations in the city and the Molonglo Valley.

These investments will help keep the ACT's emergency response times some of the best in the country as our city continues to grow.

### **Investing in our environment and neighbourhoods**

The ACT is Australia's leader in tackling climate change and transitioning to a zero emissions future.

We are on track to be powered by 100 per cent renewable electricity within the next 12 months and we have set the ambitious target of achieving zero net emissions by 2045.

Through investments in the 2019 Budget, we will continue to support the achievement of our renewable electricity and emissions reductions targets and increase Canberra's resilience to the impacts of climate change.

In the coming months we will release our new Climate Change and Living Infrastructure plans, mapping out the next phase of action to 2025.

Our first tranche of investment through these plans focuses on transport, reducing natural gas use and mitigating the heat island effect by increasing the tree canopy and other living infrastructure.

In particular, through this Budget, we are getting work underway to plant over 17,000 more trees in our city over the next four years, renewing Canberra's urban forest and boosting our city's green canopy.

The decisions we make now about our city's development, our energy supply and how people move around Canberra will make a big difference to our sustainability in the decades to come. So we understand the urgency of working with our community today to drive change.

Our city's parks, playgrounds and local community centres are hubs for Canberrans to come together, spend time with family and friends or just enjoy being outdoors. As our city grows, we want to make sure that people in new suburbs and urban renewal areas have access to this great kind of great infrastructure, while also ensuring that facilities in more established suburbs are maintained to a high standard.

Through investments in this Budget, we will deliver a dedicated Home of Football at Throsby, which will include football pitches and an indoor futsal facility. The ovals will also be available for informal community use.

We are also undertaking early design and planning for the Stromlo Forest Park District Playing Fields, as part of our efforts to ensure local infrastructure grows alongside the new communities in the Molonglo Valley.

And we will start work on delivering a new community centre in the Woden Town Centre. The centre will provide a new home for Woden Community Service to deliver a range of integrated services, as well as space for community use.

Buying a house or apartment is a big commitment, and Canberrans want to know that their new home is going to last. Good quality building is important to ensure new homes are livable, safe, environmentally efficient and do not end up with expensive defects.

In response to feedback from the community, we will continue working to improve building quality across our suburbs and town centres by boosting resources for the ACT's building regulator.

We will hire 16 more staff for Access Canberra to undertake more monitoring and compliance activity, as well as provide more information to industry and homebuyers about their rights and obligations when carrying out building work. These staff will also deliver more examinations for builders' licences, ensuring local builders have the right knowledge and skills to do quality work.

Through this Budget we are investing in Canberra's infrastructure, people, environment and neighbourhoods, to make sure that this place—our home and our community—keeps getting better in the years to come.

### **Making smart and sustainable use of our balance sheet**

Building for the future means investing today.

The investments we are making through this Budget will benefit Canberrans for years to come. So we are not going to ask the community to pay for these up front through higher taxes or more fees and charges.

Instead, we will use the Budget to get on with this important work because it needs to happen now.

Under the federal Coalition Government, we have had to do the heavy lifting of delivering infrastructure and services for Canberrans for the past six years.

Despite the ACT's steady and ongoing growth, we have received far less than our fair share of national infrastructure investment. Public service job cuts, decentralisation and unequal funding deals in key areas like health and education have underlined the federal Government's disregard for Canberra.

In the past, we have used the Territory Budget to offset the effects of the Mr Fluffy crisis and keep our economy growing in the face of cuts in Commonwealth spending from 2014-15 to 2016-17. We have since delivered consecutive budget surpluses.

Following the re-election of the Coalition Government federally, we have again determined to step up our investment in Canberra to ensure that services and infrastructure do not fall behind as our city continues to grow.

Our fiscal strategy remains consistent: a balanced fiscal position across the forward estimates.

Including the estimated outcome for this current fiscal year, 2018-19, over the last three years we have seen a cumulative surplus of around \$100 million.

Over the coming four years from 2019-20, we are projecting a cumulative surplus of around \$400 million.

We would, of course, welcome a further contribution from the Commonwealth towards the important initiatives delivered through this Territory Budget. But we simply cannot afford to wait and see if any new investment will be forthcoming.

Canberrans need their government to be delivering today and building for tomorrow, and that is exactly what we are doing.

## **Conclusion**

This Budget takes us into a new decade. We are building today for Canberra's future.

Canberra in the 2020s can be a place that is even more livable, sustainable and inclusive than it is today.

It can be one of the few cities in this country that gets growth right, and a community that leads the way in balancing care for our environment with caring for people's futures.

It can be a place where our wellbeing matches our prosperity, and everyone shares in that.

That is the Canberra we see in the 2020s, and that is what this Budget invests to deliver. I commend it to the Assembly.

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

## **Appropriation (Office of the Legislative Assembly) Bill 2019-2020**

**Mr Barr**, pursuant to notice, presented the bill, its explanatory statement, a Human Rights Act compatibility statement and the following supplementary paper:

Budget 2019-20—Financial Management Act, pursuant to section 20AC—Appropriation (Office of the Legislative Assembly) Bill 2019-2020—Departures from Recommended Appropriations—Statement of Reasons.

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) (3.23): I move:

That this bill be agreed to in principle.

I am pleased to table the Appropriation (Office of the Legislative Assembly) Bill 2019-2020. The bill is the mechanism for appropriation of moneys for this coming fiscal year for the Office of the Legislative Assembly and officers of the Assembly, the Integrity Commissioner, the Auditor-General and the Electoral Commissioner. The bill provides for appropriations for the Integrity Commissioner, the Auditor-General, the Electoral Commissioner and the Office of the Legislative Assembly in relation to net controlled recurrent payments, capital injections and payments to be made on behalf of the territory.

Most notably, clause 6 provides for an appropriation of \$2,668,000 for controlled recurrent payments to the Integrity Commissioner in the 2019-20 financial year; clause 7 provides for the appropriation of \$3,124,000 for controlled recurrent payments to the Auditor-General in the 2019-20 financial year; clause 8 provides for the appropriation of \$4,998,000 for controlled recurrent payments and capital injections to the Electoral Commissioner for the 2019-20 financial year; and clause 9 provides for the appropriation of \$21,386,000 for controlled recurrent payments, capital injections and payments on behalf of the territory to the Office of the Legislative Assembly in the 2019-20 financial year.

I commend these appropriations to the Assembly.

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

## **Supplementary answers to questions without notice**

**Justice—parole conditions**

**Electricity—feed-in tariff**

**MR RATTENBURY:** Earlier today I was asked some questions about parole in the ACT by Mr Hanson and Mrs Jones. I would like to note that if somebody is on parole, they can also apply to ACT Corrective Services to transfer their order to another jurisdiction. This is provided for under the Crimes (Sentence Administration) Act. That is in addition to the comments I made earlier.

I was also asked in question time by Mr Coe about the audit being undertaken on and with Evoenergy. I was remiss to not mention at the time that Evoenergy has made a public statement noting that no customer will be out of pocket as a result of any Evoenergy data reporting discrepancies, and that customers with questions about their feed-in tariff can contact Evoenergy on 13 23 86 if they have detailed questions about this matter.

I was also asked when the matter was first raised with the minister. The then Environment and Planning Directorate briefed the former minister in December 2015 and expressed concern about the information provided by the distributor in relation to the small and medium scale feed-in tariff schemes. The then minister agreed that the directorate would write to the distributor and seek a response on the steps it would take to ensure data quality issues were resolved. I was asked who the auditor will be. The auditor will be Protiviti. The cost of the audit is \$22,975.

## **Papers**

**Mr Assistant Speaker** presented the following papers:

Auditor-General Act, pursuant to subsection 17(5)—Auditor-General’s Report No 5/2019—Management of the System-Wide Data Review implementation program, dated 30 May 2019.

Standing order 191—Amendments to:

Motor Accident Injuries Bill 2019, dated 31 May 2019.

Working with Vulnerable People (Background Checking) Amendment Bill 2019, dated 22 May 2019.

**Mr Gentleman** presented the following papers:

**Subordinate legislation (including explanatory statements unless otherwise stated)**

Legislation Act, pursuant to section 64—

Building Act—

Building (ACT Appendix to the Building Code) Determination 2019—Disallowable Instrument DI2019-45 (LR, 30 April 2019).

Building (ACT Appendix to the Building Code) Determination 2019 (No 2)—Disallowable Instrument DI2019-55 (LR, 8 May 2019).

Dangerous Goods (Road Transport) Act—Dangerous Goods (Road Transport) Fees and Charges Determination 2019—Disallowable Instrument DI2019-49 (LR, 6 May 2019).

Dangerous Substances Act—Dangerous Substances (Fees) Determination 2019—Disallowable Instrument DI2019-53 (LR, 6 May 2019).

Epidemiological Studies (Confidentiality) Act—Epidemiological Studies (Confidentiality) Amendment Regulation 2019 (No 1)—Subordinate Law SL2019-6 (LR, 26 April 2019).

Government Procurement Act—Government Procurement (Secure Local Jobs) Code 2019—Disallowable Instrument DI2019-47 (LR, 2 May 2019).

Lakes Act—Lakes Regulation 2019—Subordinate Law SL2019-8 (LR, 9 May 2019).

Legal Aid Act—Legal Aid (Commissioner—ACTCOSS Nominee) Appointment 2019—Disallowable Instrument DI2019-27—Revised explanatory statement.

Machinery Act—Machinery (Fees) Determination 2019—Disallowable Instrument DI2019-52 (LR, 6 May 2019).

Magistrates Court Act—Magistrates Court (Lakes Infringement Notice) Amendment Regulation 2019 (No 1)—Subordinate Law SL2019-7 (LR, 9 May 2019).

Medicines, Poisons and Therapeutic Goods Regulation—Medicines, Poisons and Therapeutic Goods (Vaccinations by Pharmacists) Direction 2019 (No 1)—Disallowable Instrument DI2019-42 (LR, 15 April 2019).

Public Unleased Land Act—Public Unleased Land (Movable Signs) Code of Practice 2019 (No 1)—Disallowable Instrument DI2019-41 (LR, 15 April 2019).

Race and Sports Bookmaking Act—Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2019 (No 3)—Disallowable Instrument DI2019-44 (LR, 26 April 2019).

Rail Safety National Law (ACT) Act—Rail Safety National Law (Drug and Alcohol Analysts) Appointment 2019 (No 1)—Disallowable Instrument DI2019-57 (LR, 9 May 2019).

Road Transport (General) Act—Road Transport (General) Autonomous Vehicle Trial Declaration and Order 2019 (No 1)—Disallowable Instrument DI2019-43 (LR, 18 April 2019).

Veterinary Practice Act—

Veterinary Practice (Board) Appointment 2019 (No 2)—Disallowable Instrument DI2019-54 (LR, 16 May 2019).

Veterinary Practice (Fees) Determination 2019 (No 1)—Disallowable Instrument DI2019-48 (LR, 1 May 2019).

Water and Sewerage Act—

Water and Sewerage (ACT Appendix to the Plumbing Code) Determination 2019—Disallowable Instrument DI2019-46 (LR, 30 April 2019).

Water and Sewerage (ACT Appendix to the Plumbing Code) Determination 2019 (No 2)—Disallowable Instrument DI2019-56 (LR, 8 May 2019).

Work Health and Safety Act—Work Health and Safety (Fees) Determination 2019—Disallowable Instrument DI2019-50 (LR, 6 May 2019).

Workers Compensation Act—Workers Compensation (Fees) Determination 2019—Disallowable Instrument DI2019-51 (LR, 6 May 2019).

## **Adjournment**

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

That the Assembly do now adjourn.

**The Assembly adjourned at 3.30 pm.**

## Schedule of amendments

### Schedule 1

#### Senior Practitioner Amendment Bill 2019

Amendment moved by the Minister for Disability

1

**Clause 6**

**Proposed new section 10 (b) (i)**

**Page 3, line 9—**

*omit proposed new section 10 (b) (i), substitute*

- (i) the provider or relevant person believes on reasonable grounds that it is necessary to use the restrictive practice to avoid imminent harm to the person or others;
-