



Debates

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Tuesday, 18 February 2020

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.

Justice and Community Safety—Standing Committee Scrutiny report 39

MRS JONES (Murrumbidgee) (10.01): I present the following report:

Justice and Community Safety—Standing Committee (Legislative Scrutiny Role)—Scrutiny Report 39, dated 17 February 2020, together with a corrigendum to the Report and 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 No 39 contains the committee's comments on proposed amendments to the Magistrates Court (Infringement Notices) Amendment Bill 2019 and the Unit Titles Legislation Amendment Bill 2019, 50 pieces of subordinate legislation, three regulatory impact statements and three government responses. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

Health, Ageing and Community Services—Standing Committee Statement by chair

MS CODY (Murrumbidgee) (10.02): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Health, Ageing and Community Services relating to statutory appointments in accordance with continuing resolution 5A. Continuing resolution 5A was agreed by the Legislative Assembly on 23 August 2012. The schedule is required to include the statutory appointments considered and, for each appointment, the date the request from the responsible minister for consultation was received, and the date the committee's feedback was provided. For the reporting period 1 July 2019 to 31 December 2019 the committee considered nil statutory appointments.

Planning and Urban Renewal—Standing Committee Statement by chair

MS LE COUTEUR (Murrumbidgee) (10.03): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Planning and Urban Renewal relating to statutory appointments in accordance with continuing

resolution 5A. I wish to inform the Assembly that during the period 1 July 2019 to 31 December 2019 the standing committee considered no statutory appointments.

Health—hydrotherapy services

Ministerial statement

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Children, Youth and Families, Minister for Health and Minister for Urban Renewal) (10.03): I rise today to update the Assembly on progress regarding arrangements for the provision of hydrotherapy in the south of Canberra. As members are aware, it has been the government's consistent position that the hydrotherapy pool at the Canberra Hospital needs to close. This was originally scheduled to occur when a new, state-of-the-art hydrotherapy pool opened at the University of Canberra Hospital in 2018. Given the advice we received about the work health and safety risks associated with keeping the Canberra Hospital pool open, in addition to the inherent uncertainty as to the reliability of the ageing facility, there was no other responsible decision to take.

In line with the commitment my predecessor, Minister Fitzharris, made in this place on 15 May 2019, I also reaffirmed a number of times last year that the government would not close the Canberra Hospital hydrotherapy pool until an appropriate level of access at other suitable locations, readily accessible for those on Canberra's south side, could be continued. To support the government's commitment, the ACT Health Directorate has worked with Arthritis ACT to ensure the continuity of hydrotherapy services on the south side of the ACT and, importantly, the delivery of these services in a safe and sustainable way.

Last Friday I announced with Arthritis ACT's CEO, Ms Rebecca Davey, that Aqua Harmony in Kambah has been identified as the most appropriate facility to continue offering hydrotherapy services to Arthritis ACT's south side members. I can therefore advise the Assembly that the hydrotherapy pool at the Canberra Hospital will close from 29 February 2020.

I was pleased to be able to announce that the ACT Health Directorate and Arthritis ACT had signed a deed of variation to their existing service funding agreement, providing an additional \$305,645 for the period from 29 February 2020 to 30 June 2022 for Arthritis ACT to manage this transition. This funding will ensure that hydrotherapy sessions are delivered in a safe setting and are supervised by appropriately qualified staff. This new funding is in addition to the \$239,000 per annum under the current service funding agreement, which runs until the end of 2021-22.

The government recognises that there is strong community demand for this valuable service, and these arrangements will ensure the continuity of hydrotherapy services delivered by Arthritis ACT. Importantly, Arthritis ACT has been able to assure pool users that the Aqua Harmony hydrotherapy pool is heated to 34 degrees and that the pool's management has committed to maintaining this temperature.

The current service funding agreement commits Arthritis ACT to provide a minimum of 614 hydrotherapy sessions per annum. The additional funding will provide a further 13½ hours per week, which is the equivalent of approximately 688 sessions per annum.

A lot of work has been done by Arthritis ACT to look at the sessions being offered at Canberra Hospital to assess demand. Arthritis ACT has stated that it is confident that the new sessions at Aqua Harmony, along with some it is self-funding in Calwell and additional Saturday sessions at the University of Canberra Hospital, will meet the current demand. In order to properly accommodate this transition from the hydrotherapy pool at the Canberra Hospital and to address the recommendations of the Nous report on access to hydrotherapy in the ACT, Arthritis ACT has been funded to employ two appropriately qualified staff for the safe and supervised delivery of hydrotherapy sessions at Aqua Harmony.

I take this opportunity to express my thanks to Ms Davey, both for her commitment to Arthritis ACT's members and for the incredible amount of work she has put in to find a solution that will work for them. We know this has been a long process, and I recognise that not everyone will be happy with the outcome, but I am pleased that we have been able to find a path forward and provide certainty in relation to short-term arrangements.

In regard to longer term arrangements, the ACT government committed in November to a market sounding process to identify non-government organisations that may be interested in working with the government to facilitate new public hydrotherapy services in Canberra's south. Expressions of interest closed on 14 February, and the ACT Health Directorate will now review all submissions and its own internal work and will engage with relevant stakeholders, including Arthritis ACT.

The closure of the hydrotherapy pool at the Canberra Hospital is not a decision that has been taken lightly. The government recognises that hydrotherapy is an important therapeutic activity for many people with chronic illness to maintain their mobility, manage their pain and improve their overall wellbeing. We are pleased to be supporting Arthritis ACT to continue to run hydrotherapy sessions in a variety of settings, including in Canberra's south now and in the future. I present the following paper:

Hydrotherapy in the ACT—Update—Ministerial statement, 18 February 2020.

I move:

That the Assembly take note of the paper.

MRS DUNNE (Ginninderra) (10.08): It is with great sadness that we are faced with the inevitability today of this premature closing of the hydrotherapy pool at the Canberra Hospital because, despite the blandishments of this minister, the new facility is not a substitute for the facilities that are available at the Canberra Hospital. Without denigrating the facility at Aqua Harmony, it is not a hydrotherapy pool. It is a warm

pool that is heated to the right temperature, but it does not have the facilities that are appropriate, and there will be significant access issues for elderly people, who will not be able to negotiate the entrance to the facility or the entrance to the pool. This is the advice that I have received from Arthritis ACT, which is one of the reasons why Arthritis ACT has also sourced extra hours at an alternative pool and has also negotiated extra hours at the hydrotherapy pool at Bruce.

Really what we are seeing today is the cumulative result of successive health ministers who have essentially browbeaten Arthritis ACT into the ground. Arthritis ACT have made it very clear to me that they cannot go on fighting any longer because it is taking up too much of their resources and too much energy from a voluntary organisation.

This is really what you get from this Labor government if someone sticks their head up above the parapet and says that the service that this government is providing is not good enough. What they do to volunteers in the community is utterly appalling. Quite frankly, the conversations I have had with Arthritis ACT make it clear that they have been completely defeated and demoralised by this government and by the treatment meted out to them by this government and their agents.

This is not a long-term solution. The minister knows what the long-term solution is, but she has been hiding behind a sounding exercise rather than getting on with the business of working with the community to find a real alternative, a real hydrotherapy pool facility in the south of Canberra.

Question resolved in the affirmative.

Economic Development and Tourism—Standing Committee Statement by chair

MR HANSON (Murrumbidgee) (10.12): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Economic Development and Tourism relating to statutory appointments in accordance with continuing resolution 5A. I wish to inform the Assembly that during the period 1 January 2019 to 30 June 2019 the standing committee considered no statutory appointments. In the period 1 July 2019 and 31 December 2019 the standing committee considered two statutory appointments to the ACT Government Procurement Board. I present the following paper:

Economic Development and Tourism—Standing Committee—Schedule of Statutory Appointments—9th Assembly—Periods 1 January to 30 June and 1 July to 31 December 2019.

Heritage Amendment Bill 2019

Debate resumed from 24 October 2019, on motion by **Mr Gentleman**:

That this bill be agreed to in principle.

MRS JONES (Murrumbidgee) (10.13): In the absence of Ms Lawder, I would like to speak to the Heritage Amendment Bill 2019. I state that the opposition will be supporting the bill in its current form.

With the indulgence of the chamber, I seek leave to take a break in the debate to get this house in order. I draw attention to the status of the house.

(Quorum formed.)

MS CHEYNE (Ginninderra) (10.16): I am happy to speak while we wait for a replacement speaker on the opposition side. I think Ms Le Couteur will speak as well. Perhaps we will try to speak slowly to indulge those on the opposite side of the chamber, who are trying to work out what they are going to do.

For those who do not know, this bill strengthens heritage compliance and enforcement tools to ensure that the heritage of the ACT is better protected and conserved. So, what is heritage, and why is it important that we protect heritage? The word “heritage” is a relatively new catch-all term that in recent times has encompassed the Indigenous, built and natural worlds. The word has gained wide international acceptance and usage since 1972, when UNESCO created the world cultural and natural heritage convention, which Australia signed in 1974.

Shortly after the establishment of self-government here in the ACT, the former Land (Planning and Environment) Act 1991 commenced, with some heritage provisions. In May 1999, a consultancy report prepared by Dr Gerry Bates and commissioned by the ACT government, titled *Review of the ACT Heritage Function*, recommended a series of measures aimed at strengthening the ability to identify, assess and protect the heritage of the ACT. It specifically recommended revising the existing heritage legislation. Following five years of consultation with the community and key stakeholders, the Heritage Act 2004 came into force on 9 March 2005. Five years later, a further review was conducted and then a large suite of amendments were made in 2014. Now here we are in 2020—a new decade—and important new compliance provisions are being proposed in this bill.

The existence of standalone heritage demonstrates a level of community interest in, and value for, heritage. Heritage issues in the ACT tend to attract significant media interest, further demonstrating the far-reaching impacts of heritage regulation in the ACT, both positive and negative. While it is not possible to appease all parties with heritage matters, the reality is that we are merely temporary custodians of these important places and objects for future generations.

The vast majority of the places and objects on the ACT Heritage Register will outlast all of us here today. This Assembly and government must lead by example, not only in best practice management and conservation of heritage places and objects but also in ensuring that heritage compliance mechanisms under the heritage legislation are robust. We must ensure that a responsive system of heritage directions and compliance notifications are available to the government and the Heritage Council in order to respond effectively and efficiently to heritage compliance matters.

Registration is the first step in recognising the importance of a heritage place or object and its contribution to the ACT's story. However, we need to go beyond recognition and statutory planning processes and ensure that authorised officers and the Heritage Council have adequate tools to respond to compliance issues as they arise. The responsibility is made all the more pressing as it reflects a common concern that has arisen in our consultations with the Canberra community. Members of the Canberra community have told us that they want more effective and flexible ways to deal with breaches of the Heritage Act and damage to heritage places and objects.

A number of new offences will be created within the act to place greater enforcement procedures on those who harm heritage places and objects and those who do not comply with approvals or permits. This is a significant move in relation to individuals' understanding of what is appropriate and what is not. Should that be disrespected or a heritage place be damaged, I fully support the consequences in relation to the number of new offences that will deal with greater enforcement procedures.

This bill introduces a new provision to allow the council to issue a "repair damage" direction if a person causes unauthorised damage to a heritage place or object, including an Aboriginal place or object. New section 67C creates an offence, with a maximum penalty of \$500 penalty units, for failing to comply with a repair damage direction issued under new section 67A. However, section 67C(2) provides that an offence has not been committed if the person does have a reasonable excuse.

Section 69 of the act presently allows the Supreme Court to issue a heritage order if the respondent has contravened, is contravening, or is likely to contravene a defined offence provision, and an order is necessary to avoid material harm to the heritage significance of the place. Section 69(3) outlines defined offence provisions about which a heritage order may be issued by the Supreme Court, such as publishing restricted information without approval, contravening a heritage direction, diminishing the heritage significance of a place or object, damaging an Aboriginal place or object, or contravening an information discovery order. For consistency, section 69(3) is amended to include the contravention of a repair damage direction as a defined offence wherein a heritage order may be issued by the Supreme Court.

Section 116 presently outlines the criminal liability of executive officers and outlines the circumstances whereby an executive officer of a corporation commits a relevant offence. Section 116(6) defines the relevant offence provisions, such as contravention of a heritage direction, diminishing the heritage significance of a place or object, and damaging an Aboriginal place or object. For consistency, this clause is amended to include a contravention of a repair damage direction as a relevant offence.

This is a regulatory bill, and owners, occupiers, or a person undertaking work on a heritage place or object under a development approval under the Planning and Development Act 2007 or Heritage Council advice or approvals under the Heritage Act should be aware of their responsibilities and obligations in relation to the approval or the permit. Compliance with the provisions of the bill is important to ensure the protection of the ACT's heritage assets for current and future generations.

Heritage compliance is the responsibility of all businesses, organisations, governments and individuals. Everyone has obligations under the law and a duty of care to protect heritage places and objects to ensure that current and future generations have the opportunity to experience them. The new laws will apply to an owner occupier and the custodian of an object, or a person whose work affects the place or object, such as a tradesperson. The laws apply to both government and private owners and occupiers. The proposed amendments do not impose appreciable regulatory impact or costs on the community and will not affect most heritage owners, the vast majority of whom manage heritage assets under their care appropriately.

A repair damage direction is a common regulatory provision under heritage legislation in all Australian jurisdictions. Additionally, similar provisions—such as stop orders and protect, repair and rectification directions and orders—are common under other similar ACT legislation, such as the Planning and Development Act 2007, the Building Act 2004, the Nature Conservation Act 2014, the Environment Protection Act 1997 and the Tree Protection Act 2005.

As with any regulatory regime, the optimal outcome for the protection of heritage places and objects is voluntary compliance. Education has a key role to play in maximising compliance. Heritage compliance policy will be released in due course after the new laws are made to guide the Heritage Council and compliance officers on which compliance tool they should use—a direction, an infringement notice and/or prosecution—or whether to use more than one. Current options for prosecution for serious damage will remain. The policy will be based on the best practice of other jurisdictions and other ACT government compliance and enforcement policies.

The heritage compliance policy will apply a risk-based compliance approach to enable the targeting of resources to those areas where they are most needed and will be most effective. This policy will explain how the heritage compliance priorities are set. It will also guide the decision-making process so that decisions are legally robust, credible and consistent. The policy aims to encourage owners and managers of heritage places and objects to comply with the Heritage Act. In summary, this bill provides a good step forward in protecting the ACT's heritage for generations to come. The ACT is likely to undergo significant growth and development in future years. It is critical that this takes account of our significant places and objects, and that these places and objects are incorporated in development opportunities in sensitive, meaningful and creative ways.

Canberra is strengthening its international reputation as the hub for knowledge creation and policy innovation, as an attractive tourist destination nationally and internationally, and as a forward-looking, progressive and socially inclusive city. The ACT government is focused on ensuring that our policy framework is geared towards driving and supporting these changes. I am pleased to support the Heritage Amendment Bill 2019. Thank you.

MS LE COUTEUR (Murrumbidgee) (10.27): As will surprise no-one, the Greens are supporting this bill. Total destruction of heritage is very rare in Canberra, but it can have a significant impact on the community when it occurs—possibly more so in

Canberra because we are, comparatively speaking, a young community. Fairly recently we celebrated 100 years of Canberra, so when our limited heritage is destroyed it can have a really concerning, negative effect.

The instance that I want to talk most about is that in 2017 two scar trees were cut down in Wanniasa. Both of these trees were heritage listed. It is not at all clear exactly what happened. One of them that was cut down was on primary school land; the other was close by. The one that was cut down outside was reported to the heritage unit by a member of the public. The one that was cut down on the primary school site, I understand, was self-reported. It is totally unclear why this happened, but what is clear is that the Indigenous custodians of this land, who we acknowledge every morning, felt that they were not told about it. Wally Bell said:

Every part of the landscape has a different story to tell and by removing those things from the landscape, we're taking away those cultural stories ...

That is what Mr Bell was quoted in the *Canberra Times* as saying. He went on to say:

There's a lot of that total disregard.

That is certainly very true for the Indigenous community. One of the things that made this particular instance worse was the lack of communication with the community about what happened.

I also point out that this is an issue for newcomers to Canberra, such as the people in this chamber. We are living here now, and I think most of us are really concerned about the heritage of the place in which we live; so this is really important. There are also instances of total disregard for and destruction of European heritage. I am aware of some things that have happened in the inner south which have been basically described as such. I am very pleased that there will be more enforcement options available for when heritage is destroyed.

As an aside, what is probably more of a danger to heritage in the ACT is not so much total destruction, as happened with the scar trees—I should note that one of the trunks has been preserved, but I am not sure what has happened to it—but it is more likely to be death by a thousand cuts, with heritage items just not being maintained. In that vein, I am pleased to see that the ACT government is trying to take steps to ensure that the Sydney and Melbourne buildings get back to something closer to their former glory. I can remember the days when they were new and contained the only shops in Civic. It will be good to see them going back to that state.

As Ms Cheyne talked about at length, the current law has great limitations to it. There is no power at present to ensure that whatever damage is done is repaired. I guess the people who wrote the law in the first place did not think that people would do damage. Unfortunately, we are not so optimistic anymore, and the legislation will now enable orders to be made to fix the problem, which is a great step forward. It is unfortunate that it is needed but it is a great step forward.

With respect to the other thing that the legislation will do, currently the Heritage Council can only act after something has been destroyed. As Ms Cheyne went through in detail, the Heritage Council will now be able to act when it believes there is an eminent threat to a heritage item or place. Again, this is a very good thing. It is better to stop the problem rather than try to tidy up afterwards.

The bill that Mr Gentleman has introduced will fix these limitations. The Greens are very pleased that these issues are being addressed. We discussed the scar tree at some length in estimates last year, because that seemed to be the only venue in which to discuss it. I am very pleased that, as a result of those discussions, there will be changes to the legislation. As I said, the Greens will support it.

MRS DUNNE (Ginninderra) (10.33): Before I begin I would like to apologise to the Assembly for the small communication breakdown; the member responsible has been taken ill and has had to leave the building at very short notice. I apologise for the disruption.

The existing Heritage Act caters for serious and intentional damage of heritage, but it does not respond to or deter unintentional or less severe actions against heritage sites. The purpose of this bill is to strengthen and expand the enforcement mechanisms in place so that less serious cases are adequately responded to and heritage is properly protected.

Before embarking on an examination of the current bill, it may be informative to reflect on what we mean by heritage and why this bill is so important. Borrowing from an essay by Susan Tonkin, who worked in many heritage roles, I would like to touch on the Australian understanding of heritage. In the broadest sense it is everything that our predecessors bequeathed, which may include landscapes, structures, objects and traditions. Humans have understood the concept of heritage ever since we developed artefacts and language. People also discriminate between things which are worth inheriting and passing on and things which they prefer to forget.

It has been obvious that while Australians generally define heritage very broadly and understand it to include a wide range of objects, places and experiences, they feel uncertain as to the validity of their views about heritage values. Perhaps this is especially so for those of us who live in Canberra, with its ancient Indigenous heritage and its much briefer European history. For Canberrans, our understanding of local heritage and local heritage value is evolving and maturing. The presentation of this bill today is another step along the path of identifying and protecting our ancient and more modern heritage.

The bill amends section 62 of the Heritage Act, taking away the word “serious” so that heritage directions can be issued for more minor violations of the Heritage Act. The bill also empowers the Heritage Council to pursue repair damage directions. This means the individual can be made to repair the damage they created. If they do not carry out the repair, the offender can be charged with an offence, unless they have a reasonable excuse, receive a heritage order from the Supreme Court—a provision in a

district plan to protect the site—and be made to reimburse the territory if it has repaired the damage on their behalf. Additionally, the bill introduces an infringement notice scheme—effectively on-the-spot fines—for minor damage to heritage.

The Canberra Liberals would like to note the context in which this bill arises; that is, the destruction of two heritage-listed trees in 2017 by ACT government contractors. These trees were sacred Indigenous scar trees, and their mulching—at least of one—represented a tragic loss of 25,000 years of culture for the Ngunnawal people. This failure on behalf of the government was devastating, and it must not be allowed to happen again. The incident has served as a reminder of the sociocultural significance of heritage sites and objects in the lives of those who enjoy them. It is a reminder that Canberra's heritage sites shape the identity and character of Canberrans today.

This incident was a reminder of the utmost necessity of conserving these sites to the best of our ability. The Heritage Amendment Bill makes the preservation of heritage sites more efficient. The existing Heritage Act was simply not meeting the standards of the day. It had no proper mechanism to deter or respond to less intentional and severe damage of heritage sites.

The new bill provides options to adequately respond to these incidents. It empowers the Heritage Council to issue repair damage directions, which means an individual can be made to repair the damage they created. If the individual does not repair the damage they have created, they can be charged with an offence or receive a heritage order from the Supreme Court. It also introduces an on-the-spot fine system for damage to heritage.

Knowing that you will be fined a large sum on the spot is a great deterrent to the reckless damage of important heritage sites. This also ensures that those dealing with heritage sites, such as a contractor, take extra care in their actions. Finally, the heritage repair directions absolve all other people, apart from the person directly responsible, from having to repair or fix heritage sites. This means that heritage is repaired in a time and resource-efficient way.

There are limitations with this bill, however, and I would like to outline those limitations. It works to deter people from destroying heritage, but the relatively small fines or repair damage orders cannot fix major mistakes retrospectively. Referring once more to the destruction of the Aboriginal scar trees, finding the contractor responsible would not be enough to take away the pain that the Ngunnawal community is facing. I also note that a repair damage direction would not be helpful in this scenario, as at least one of the trees has been mulched and therefore cannot be repaired by the contractor.

With this in mind the Canberra Liberals are pleased to support the Heritage Amendment Bill. It is part of our determined commitment to the preservation of the heritage of the ACT, but we do have some concerns, as I have outlined. Having said that, we are pleased to support the bill today.

MR GENTLEMAN (Brindabella—Minister for Advanced Technology and Space Industries, Minister for the Environment and Heritage, Minister for Planning and

Land Management and Minister for Police and Emergency Services) (10.39), in reply: I thank members for their comments today in support of this bill and I table a revised explanatory statement on the Heritage Amendment Bill 2019. I am pleased to debate the Heritage Amendment Bill 2019 today. I wish to summarise, for the benefit of members, the provisions of the bill.

The government is taking action to improve people's understanding of the value of heritage places. As part of this, a more flexible and responsive system of heritage directions and compliance notifications is being introduced. The Canberra community are passionate about our shared heritage and have been calling for more effective ways to deal with breaches of the Heritage Act. We have answered the community's call with a responsive system of heritage directions and compliance notifications.

An information campaign on the proposed amendments commenced in August 2019 to inform key heritage stakeholders, the community and traditional custodian groups that new heritage compliance laws were coming. The purpose of this bill is to make a range of amendments to strengthen the way damage to heritage places and objects can be dealt with, both to deter people from doing damage in the first place and to make them responsible for repairing any damage to heritage places or objects.

This important bill seeks to improve heritage compliance tools, resulting from the investigations of the unauthorised removal of two Aboriginal scar trees in recent years. First, I would like to state that I recognise the importance of Aboriginal scar trees to our region's heritage and I share the significant disappointment in the loss of these two important trees. The loss of these trees has been felt strongly by all of us here today, but even more so by our local Aboriginal community. The removal of these trees represents a significant loss of the important connection to culture and their past.

These recent heritage compliance matters have highlighted that the current deterrence system in place for heritage offences is not as effective as it could be. A key recommendation resulting from the investigation of one of the removed trees was that consideration be given to expanding a range of heritage enforcement tools currently available. As a matter of urgency, I asked the Environment, Planning and Sustainable Development Directorate to explore the introduction of an on-the-spot fine scheme and repair orders, and this bill seeks to do just that.

The bill will give the Heritage Council the power to issue repair damage directions to people who repair damage to heritage places and objects, if they can be repaired. The new repair damage directions will apply to an owner, an occupier, a custodian of an object or a person whose work affects that place or object. The bill establishes an offence, including substantial penalties, to contravene a repair damage direction. The maximum penalty of 500 penalty units is proposed for this offence, equating to a monetary value of \$80,000 for an individual and \$405,000 for a corporation.

If the territory has to carry out the requirements of a heritage direction, costs can be recovered from the person the direction was given to. The giving of a repair damage direction and a refusal by the Heritage Council to give an extension of time to comply with a repair damage direction will become reviewable decisions in the ACT Civil and Administrative Tribunal. The bill will also establish that, in line with current

defined offence provisions relating to the damage of a heritage place or object, the failure to comply with a repair damage direction can be grounds for a heritage order made by the Supreme Court.

The bill will also give the Heritage Council the authority to issue a section 62 direction where there is an imminent threat to the heritage significance of a place or object. The current threshold wording of “serious” will be removed so that heritage directions will be able to be issued for minor to moderate offences. The bill does not propose to change the offence for not complying with a section 62 heritage direction. Substantial penalties of a thousand penalty units will remain for this offence. This equates to \$160,000 for an individual and \$810,000 for a corporation.

Five penalty units are necessary in the heritage context, to provide a genuine disincentive; to protect these often rare and unique places and objects as, once these places are lost, they are lost forever; and to send a strong message to the community that disregard for the law should not be seen as a mere cost of doing business. If penalty units are set too low, the cost of penalties to be paid may in some cases simply be viewed as an effective cost of redeveloping a site to its maximum potential to achieve a desired development outcome, resulting in significant commercial advantage. As such, penalty units for damage to heritage places and objects must be significant enough to deter such thinking, to protect these important places and objects.

A clear message must be sent that wilful and illegal destruction of our heritage will not be tolerated. The ACT government plays a critical and public role in safeguarding the ACT’s heritage assets for current and future generations. It is important that the ACT government leads by example in the way it cares for, maintains and protects these assets. This includes robust, efficient and effective regulatory and compliance legislation.

While not part of this bill, the government will also introduce an infringement notice scheme where compliance officers can issue an immediate \$1,000 fine to an individual and \$5,000 to a corporation for minor damage to a heritage place, regardless of whether it can be repaired. The strict liability offences, or infringements, are primarily aimed at conduct on the less serious side of the criminal spectrum. The maximum penalty is usually limited to a monetary penalty of 50 penalty units. However, the Heritage Act establishes strict liability offences for damage to a heritage place or object as 100 penalty units and this is not proposed for amendment.

On-the-spot fines will act as a deterrent to discourage people from causing damage, deliberately or accidentally. These amendments will enable immediate action where a heritage place or object is damaged. There are limitations in the use of heritage directions for the protection of heritage places or objects. Currently, section 62 heritage directions can only be issued for places at serious and imminent threat, which does not generally allow for repair directions to be issued after damage to a heritage place has occurred, such as in the case of unapproved works.

Additionally, section 62 heritage directions are unable to be used for minor to moderate offences due to the threshold wording of “serious”. Due to the current limitations in issuing heritage directions, offences cannot be dealt with simply. There

is no mechanism to direct that the damage be repaired, and it instead must be prosecuted through the courts. As you can see, new processes are urgently needed to cut red tape and give the Heritage Council more flexibility in dealing with problems, allowing quicker and more appropriate outcomes.

The proposed bill will also bring the ACT into line with other jurisdictions where repair orders and damage directions are a common regulatory feature. Once heritage places are lost, they and all that they represent are permanently lost for future generations. To help protect heritage places and objects, the Heritage Act establishes a number of offences. This legislative protection both penalises those who breach the act and aims to provide an essential deterrent to anyone wanting to damage the ACT's heritage. However, in the past people have got away with minor damage because we have only had the big stick of prosecution, which is a costly, drawn-out and inflexible way to deal with small issues.

Limitations in the legislation have meant the Heritage Council has not been able to insist on repairs. These amendments will let us take immediate action when a heritage place or object is damaged and, because we can deal with the matters quickly and issue on-the-spot fines, should discourage people from committing an offence in the first place. Increased enforcement tools and options will better protect the ACT's heritage, influence the attitude and behaviour of persons whose actions may have adverse heritage impacts, ensure that no benefit or advantage is obtained by a person who fails to comply with the ACT heritage laws and deter others from committing similar breaches in the future.

As I previously noted, repair damage directions are a common regulatory provision under heritage legislation in all Australian states and territories. The repair damage direction model proposed in this bill is based on the existing repair damage direction models in the Nature Conservation Act 2014 and the Public Unleased Land Act 2013. It also utilises features of an existing section 62 heritage direction model in the Heritage Act 2004. The bill was developed in consultation with the human rights unit within the Justice and Community Safety Directorate, which issued a compatibility statement advising that the bill is compatible with the Human Rights Act 2004.

I note that the Standing Committee on Justice and Community Safety, in its legislative scrutiny role, in scrutiny report 37 recommended amending the explanatory statement of the bill to provide greater clarification for the limitations on human rights in the bill. In response to the committee's recommendation, I have tabled the revised explanatory statement for the bill. I will touch on some of the issues raised by the committee and my response.

The bill engages the following rights contained in the Human Rights Act 2004: the right to recognition and equality before the law, section 8; and the right to privacy and reputation, section 12. A scheme to issue and enforce repair damage directions created by the bill engages the right to equality before the law, because some recipients of a repair damage direction may not have the financial resources to comply with the direction or to reimburse the territory for repair works undertaken by an authorised person. However, I would like to highlight the safeguards to minimise the limitation on the right to equality before the law that have been built into the bill.

Section 46 of the Legislation Act 2001 operates to provide the Heritage Council with the power to amend or appeal a direction. In this context, the council has the power to revoke a repair damage direction if the recipient can demonstrate that they are under financial hardship. Additionally, new section 67B allows the Heritage Council to give an extension of time to comply with a repair damage direction upon application from a person who has been given the direction. An application for an extension must be in writing and state the reasons why the extension is required. In this context, financial hardship may be demonstrated by the applicant as a reason for an extension.

A prescriptive list of reasons why an extension may be required is not defined in the bill, to ensure that the Heritage Council's direction when making the decision is not limited. However, the explanatory statement outlines that the reason must be one that an ordinary member of the community would accept as reasonable in the circumstances.

Additionally, the explanatory statement outlines a number of factors the Heritage Council may take into account, including serious or life-threatening injury or illness of the applicant or someone for whom they have caring responsibilities; disabilities the person may have; family emergencies or bereavements; planned or unplanned travel; financial hardship; or unavailability of a suitable or qualified tradesperson to undertake the work. The decisions of the Heritage Council to issue a repair damage direction or to refuse to give an extension of time to comply with a direction are reviewable by the ACAT.

Under section 40B of the Human Rights Act, it is unlawful for the Heritage Council, as a public authority, to act in a way that is incompatible with a human right or to fail to give proper consideration to a relevant human right in making a decision. The Heritage Council must therefore consider the individual circumstances of any person to whom it intends to issue a repair damage direction or who requests an extension of time to comply with that direction.

With regard to debt owing to the territory following repairs to a heritage place or object undertaken by an authorised person, an additional safeguard to minimise the limitation on the right to equality before the law can be found in section 131 of the Financial Management Act 1996, which permits the Treasurer to waive the territory's right to payment of an amount payable to the territory; postpone any right of the territory to be paid a debt in priority to another debt; allow the payment by instalments of an amount payable to the territory; or defer the time for payment of an amount payable to the territory. (*Extension of time granted.*)

The repair damage direction scheme is designed to provide a disincentive to damaging heritage places and objects, to send a strong message to the building and development community that disregard for the law should not be seen as a mere cost of doing business.

Those who are most likely to be issued a repair damage direction will be the owners, occupiers or custodians of heritage places or objects, although a direction can be issued to a person whose work affects a place or object that has heritage significance.

Owners, occupiers and custodians are expected to be aware of their duty to care for and maintain heritage places and objects under their control and to avoid causing damage to them.

Limiting the right to equality before the law by introducing a repair damage direction scheme, including an offence of failing to comply with a direction, provides an additional incentive for people to protect heritage places and objects—whether they have the financial means or not—and to repair any damage they may cause to a place or object. The proposed repair damage direction scheme provides an additional protection for the ACT’s irreplaceable places and objects of heritage significance.

The proposed repair damage directions will act as an additional compliance tool for the Heritage Council. Existing compliance tools to protect heritage in the ACT include heritage directions made under section 62 of the act and the option of prosecuting a person for the offence of diminishing the heritage significance of a place or object, section 74, or damaging an Aboriginal place or object, section 75. Repair damage directions may only be issued if the damage can be repaired, and are designed as a softer compliance tool than prosecution.

The bill has inserted safeguards to minimise the limitation that repair damage directions place on the right to equality before the law, including permitting the recipient of a repair damage direction to apply to the Heritage Council for an extension of time to comply with the direction, requiring the Heritage Council to consider the reasons why the applicant wants an extension of time, and providing that the decisions by the Heritage Council to issue a repair damage direction or to refuse to give an extension of time to comply with a direction are reviewable.

The bill engages the right to privacy and reputation in two ways. New section 67D provides that if a person subject to a repair damage direction fails to comply with the direction within the time stated in the direction, or an extended time, an authorised person may, with necessary assistance, enter the premises and repair the damage. This may include entering a person’s home if it is heritage registered. Clause 5 of the bill requires that the repair damage direction be included in the public heritage register, which may affect a person’s right to privacy and reputation by publishing the fact that they have had a repair damage direction issued to them.

The limit that the bill places on the right to privacy and reputation is considered reasonable and justified in a free and democratic society, taking into account the factors enumerated in section 28(2) of the Human Rights Act. The purpose of limiting the right to privacy and reputation through the bill is to provide better protection of heritage places and objects and Aboriginal places and objects.

Allowing an authorised person, with necessary assistance, to enter premises belonging to another person in order to undertake repairs on damaged places and objects ensures the protection of the places’ or objects’ heritage significance for future generations. The requirement to notify a repair damage direction on the heritage register ensures that the complete history of a place’s or object’s heritage registration is captured.

Section 20(4) of the act already requires that the heritage register include each heritage guideline, heritage direction, heritage agreement and enforcement order that applies to a heritage place or object. Providing a requirement to also include repair damage directions on the heritage register is consistent with the approach of section 20(4) and gives the community the complete picture of a heritage place's or object's history.

Section 21 of the act requires the Heritage Council to give the public access to the heritage register. The new section 67D permits an authorised person, with necessary assistance, to enter the premises where the place or object to which a repair damage direction applies is located, in order to do the thing stated in the direction, do or finish any work stated in the direction, or direct or supervise another person that the authorised person has asked to carry out the task.

An authorised person may only enter the premises that are the subject of a repair damage direction if the person subject to the direction fails to comply with the direction in the time stated in the direction or by an extension of time given by the Heritage Council. New clause 67D limits the right to privacy and reputation by permitting an authorised person to interfere with the person's home to repair any damage.

I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Unit Titles Legislation Amendment Bill 2019

Debate resumed from 28 November 2019, on motion by **Mr Gentleman**:

That this bill be agreed to in principle.

MR PARTON (Brindabella) (11.00): I have lived in Canberra for over 20 years. In that time, the changes to the built form of the city have been quite remarkable. As a city, we have grown up in many ways. I think most of it is positive. Some of it is not, at least from my perspective.

In his introduction to this bill last year, the Minister for Planning and Land Management made a somewhat repetitious but still remarkable assertion. He said that Canberrans prefer a "city experience" and that more people in Canberra are choosing to buy or live in a unit, so the skyline reflects the way that people are choosing to live.

He is right for a growing cohort, but, for the most part, for the vast majority of Canberrans, he is wrong. The Winton report from a number of years ago said that 80 to 90 per cent of Canberrans prefer to live in a standalone house. I know that as time goes by this report gets a little older, but we think it is still quite relevant. Its metrics on Canberra's housing preferences back then were very clear indeed, and my conversations out in the suburbs right across town do not indicate a great change.

Nevertheless, our reality as a city is that we have many thousands more Canberrans living in apartment blocks in mixed-use developments than we did when I came to town. We were long overdue a change in the rule book for apartment living and, although it is not yet complete, this is a major part of it.

We often criticise this government for failing to consult, but we cannot in this instance. A lot of work has gone into this bill, a lot of work. I commend all of those responsible for putting it together. The bill is necessary, it is overdue, and from our perspective it appears to be well drafted. We have consulted widely since it was tabled, and although we encountered some grumbling, for the most part there is widespread support from most of the stakeholders. I believe that we—and when I say we, I mean my office—have consulted extremely widely. The consultation from the directorate on this was extraordinary.

We have no argument with the core concepts in the bill in regard to improved disclosure statements and building management statements, because prospective buyers have an entitlement to clarity in terms of what they are buying. And in developments where commercial activities are structured into a residential complex, there is clearly a need for a different strata management model. The bill seems to provide this.

What is not clear from the bill is any evidence of guarantees for the rights of residents in mixed-use developments. The fundamental right I am referring to is the right to quiet enjoyment of your residential space inside the residential complex. Granted, it is not necessarily going to be addressed by a bill of this nature, but it is something that we have to keep an eye on. Even at this early stage in the growing prevalence of mixed-use developments, we are getting many pleas from people who are suffering from unbearable noise and intrusion. Typically, this is coming from business operations immediately above or below their units, along with various other intrusive activities.

Solutions for these negative impacts should be thought out in the design and construction stages to allow commercial activities to flourish. It is interesting that, in the conversations around this, one of the great differences that was pointed out to me in regard to mixed-use developments in larger cities—Melbourne, Sydney and Brisbane—is that without height limits often we get a scenario where the mixed-use commercial development on the bottom is separated by two or three levels of car parking from the residential, so a lot of the problems dissipate.

The location of commercial units within a complex needs to be accompanied by structural standards and provisions for soundproofing and design features to eliminate

the negative impacts of all the other by-products of a commercial activity. Things like waste handling, storage and removal, along with customer traffic, must be carefully thought out. It should not be impossible to get the right balance at the design and construction stages. I note that there is an ongoing conversation in the community at the moment over commercial gyms in mixed-use developments, and I think the concerns that have been raised there are quite valid.

There were some concerns raised with us about this bill regarding the renewed ability for off-the-plan buyers to exit their contracts if there is sufficient change from the original offer subsequent to signing the contract. Suggestions have been made that this would affect the financing of said apartments and that the banks may be reluctant because of the weakening of the contract. We are supportive of this change because of the protection that it offers to consumers, but I note that that concern has been raised.

All in all, we will carefully monitor the practical impacts of this legislation, as I am sure will the minister and those in the chamber with us today. We will not hesitate to perform surgery on the legislation if affected stakeholders find its practical application an overwhelming or impossible challenge. I also hope that the impacts of this bill do not result in a massive and constipated pipeline of disputes awaiting ACAT attention. ACAT already carries a major workload, and this bill has the potential to create even more additional costs and even more frustration.

I would like to thank Ms Le Couteur and her staff for our extremely positive engagement regarding this bill, and also, albeit late in the piece, the engagement from the minister's office. In conclusion, this side of the chamber will assume a degree of cautious optimism and support this bill, with more to come in the amendment space.

MS LE COUTEUR (Murrumbidgee) (11.07): The Greens will be supporting Mr Gentleman's bill. It represents the first tranche of work to reform our strata laws. It is a complex bill and it amends a breathtaking 10 different acts. I am very indebted to OCN, who provided—for me, for my office and possibly for other offices—a written up set of all 10 of the acts with the different amendments. It is a huge body of work.

On the subject of it being a huge body of work, I would like to very much thank the staff in EPSDD for the work they have done on it. I understand from some of the participants in the consultative group that they felt that this process was very well managed by directorate staff. They had some comments that it would have been nice if it had been quicker, and I do not think anyone would disagree with that, but basically they felt the result was very positive. I would also like to acknowledge the drafters in PCO for trying to get the 10 bills to all line up the same and do the right bits. It must have been quite a significant task and we thank them all for that.

I would also like to thank Mr Parton's office and Minister Gentleman's office. Both of them have been particularly communicative and easy to deal with. That is particularly important, because this is a very long and complicated bill. Most of it comes under the category of dull but worthy, and almost all of it also comes under the category of it not being totally obvious what is going on, because of the 10 different bills that it is trying to amend. But some of it is seriously important. I am not going to go through

all of it, because Minister Gentleman already has gone through a fair bit in his tabling speech, and I anticipate that we will again go through all the major points to close the debate. But I will highlight a few things.

First, the changes around developers selling off-the-plan properties are very welcome. Once upon a time they were not such an issue because the buildings were much more straightforward and there was not much chance that the developer was going to end up doing something different from what was on the plans they put in. This was something that we talked about in the estimates hearings last year. The issue is that you can sign a contract to buy a unit before the development application potentially has even been put in, and certainly before it has been approved. Off-the-plan purchases are very common now. The developer can then change what is in the development application. The problem is that at present they do not have to communicate this to you at all. In some instances, it probably does not matter that much, but in some instances it really does. If your contract has changed substantially, you should be told about this and you should have the chance to say, “No, that is not what I was planning to buy,” and to get out of it.

The second issue is potentially very important. It is about building management statements. The very tall new apartment buildings which we are seeing in town centres are both very expensive and very complex. There are literally hundreds of highly technical systems and materials used in their construction, everything from fire detection and ventilation to waterproofing, sealants and insulation gaps. Within each of these systems and materials, builders have potentially dozens of different choices. They may have to choose between a product that needs to be inspected every 10 years and one that needs to be inspected every five years. The owners corporation, and usually their strata manager, take over running the building and have to manage all of this complexity. Currently they do this with very little idea of how it was built. That works okay with body corporates, like the one for the complex where I am living, which has one-storey townhouses. They are not hugely complicated; it is very standard construction. But for the new buildings that are going in, that is really not the case.

To make an analogy, can you imagine an airline going out and buying a new plane, which could well cost in the same order of money as one of the new high-rises, and finding that it came with no maintenance plan, no technical manuals and no spare parts. Of course, no airline would do that. But for owners corporations, that is effectively what happens. They are given a building; the certificate of occupancy has been signed off; and that is it. I am very pleased that this bill is going to fix this. I am sure it is something which will not be acknowledged in the future, but it is something that body corporates will appreciate over the next decades.

The bill makes numerous other changes, most of which appear small and unimportant, but I think every one of them will make a real difference to the way strata complexes function and will attempt to address some of the many issues, usually just niggling little issues, that occur when you live in strata complexes.

One of the more important is the changes in methodologies for calculating levies for unit owners. This is really important as we get more mixed-use complexes. It is all

very well when you have got residential complexes. It has been pretty easy to work out if you have got a bigger, three bedrooms basically, unit. You pay more than for two bedrooms, who pay more than for one bedroom. That was pretty straightforward. But when you have got restaurants, gyms, offices and then a few residential units as well it is not nearly as obvious how the strata unit levies should be paid. This is really important stuff going forward.

Another one, which will be very interesting, is a shift in the threshold for special resolutions to require a 75 per cent majority and a special resolution, rather than an unopposed one, to make certain changes such as to grant use of common property. These are really important because what you have got in a strata title of community is, as I have said, the word “community”. It is sometimes a very small community. In fact, it can be a community of only two households or it can be a community of several hundred households and you may or may not know your neighbours.

Nonetheless, you are all joined in living in basically the same place, and decisions made collectively may well have a significant impact on your quality of life. Working out how you are going to negotiate those decisions also can have a significant impact on your quality of life. If you are living in a strata community then the executive committee and the strata manager make decisions about your common property which will include what you would call driveways but in other places you would call roads, and quite a bit of landscaping.

For the people of Canberra who do not live in unit titles or strata communities, we, as the ACT government, are their decision-makers. TCCS gets to make all those decisions for the other people about their roads, their access, their landscaping. It is a microcosm of what goes on here, you could say, but fortunately it is not party political.

I will now go very briefly through some of the amendments that are going to be moved to this bill. I understand that they are all going to be supported, which is very nice. We will be supporting all of Mr Gentleman’s small number of amendments, and they are mainly minor and technical in nature.

Mr Parton has also circulated amendments to this bill. One has been informed by the Owners Corporation Network, or OCN, who have been advocating for a change to the way that insurance is managed in multi-unit complexes. The OCN have informed Mr Parton and me and, I am sure, Mr Gentleman’s office that they are aware of a number of instances where individual owners have been told by strata managers or the executive committees of owners corporations that they must file an insurance claim themselves.

For many people this would be bewildering. They would not even probably know who the insurance company is, to start with. It is quite possibly a time-consuming process. They might also, rightly, wonder why they have been saddled with this task, because in many instances the insurable event relates to a fault in the building—for example, a water ingress issue that has nothing whatsoever to do with any action of their own.

Regardless of the fault, the general procedure, at least for larger complexes, is for the strata manager to manage the insurance claims process. What this amendment does is ensure that unscrupulous strata managers or executive committees do not straddle individual owners with this task. While I understand that strata insurance can be a complex issue, this amendment is straightforward and the Greens are happy to support it. We have until November this year before the bill commences, and this should provide ample time for the directorate to develop an implementation plan.

In the event that an unforeseen issue arises and Mr Parton's amendment requires some tweaking, I am sure that the Greens and, indeed, the Liberals would be happy to revisit this and support any changes that were needed to make Mr Parton's amendment workable. But, from what we can see, it is a very commonsense approach to one of the many little niggling problems that sometimes happen. The Greens are happy to support Mr Parton's amendment.

I will also be moving amendments to Mr Gentleman's bill. The effect of these amendments is, firstly, to clarify that sustainability infrastructure, as defined in the Unit Titles (Management) Act 2011, includes such infrastructure when it is installed within an individual unit area, not just on the common property of an owners corporation; secondly, to make it easier for members of owners corporations to see what conditions, if any, were placed on their development's approval; and, lastly, to make it a condition that, when a dwelling is offered for sale or lease, if it has been built as an adaptable dwelling then the advertisement and sale documentation specifies this. I will speak briefly about each of these.

The sustainability infrastructure amendment seeks to expand on and clarify the existing provisions within the Unit Titles (Management) Act 2011 regarding sustainability infrastructure. This will largely affect townhouse and, in particular, class B developments. It amends the act's dictionary to include sustainability infrastructure that is installed in or on an individual unit and specifies that the owners corporation's permission must not be unreasonably refused if an owner applies to install sustainability infrastructure.

The most common type of sustainability infrastructure that a unit owner would be likely to apply for is permission to install photovoltaic cells, solar cells, but it also could include solar hot water, a clothesline within a courtyard or possibly even a balcony or maybe a battery or infrastructure to charge an electric vehicle. It is important to note that the Greens are not proposing that such equipment be installed on a common rooftop or a common property. Indeed, there is already a provision within the Unit Titles (Management) Act that deals with this. The amendment simply aims to provide clarity regarding what is already happening across strata complexes.

The development approval is one that I know will probably affect only a small number of people but one that I know would have been useful in at least a couple of cases. It relates to conditions that have been placed on the approval of the development, such as privacy screens in front of windows to prevent overlooking of a neighbouring property.

In the example that I am aware of, the owners of a set of townhouses did not know one condition of the approval of their development was that such screens be installed. Several years after construction the owners corporation for this development voted unanimously to remove them because they blocked the view of the unit owners from their upstairs bedrooms. Little did they realise that these screens were a condition of the original development approval, and thus ensued an unsavoury situation involving the owner of the house next door who lived in a single, detached dwelling and who had been the one who lobbied for the privacy screens to be a condition of development in the first place. This amendment will ensure that any such conditions are tendered by the developer to the first annual general meeting of an owners corporation and that they are included in the developer's maintenance schedule for the property.

My third amendment relates to adaptable housing. Since 2003 the multi-unit development code has required that 10 per cent of dwellings in any given multi-unit complex that has more than 10 dwellings in it must meet certain accessibility standards. These relate to Australian Standard AS4299, commonly known as adaptable housing class C.

It is important to note that the dwellings that comply with this standard are not fully accessible. A wheelchair user could not just move in, but they could easily adapt the place if they had to. They would not have to make structural changes to the dwelling. This is because these class C dwellings have a few features over and above the standard building code requirements, including more circulation spaces in kitchens, near doorways, wider front doors, bigger bathrooms and a larger car park.

Many people, indeed one in 10 households living in units in the ACT that have been built since 2003, live in an adaptable unit. Often the only clue in comparing this to other apartments or townhouses in their complex is a bigger bathroom, possibly at the expense of having a smaller second bedroom or living area, a wider kitchen or a more usefully positioned and larger car space. I know this better than many people because I accidentally, truly accidentally, found myself living in one a few years ago. The only real giveaway was the disabled sign on our car parking space.

The problem is that, when people are looking to move into one because they actually need it, they really have no idea how to find one. The real estate agents do not have this information and will seem quite bemused about it. The amendment will solve this problem by requiring real estate ads, whether for purchase or rent, to specify whether the apartment is, in fact, one of the adaptable ones—a real estate matchmaking service, if you like.

The other thing I should point out is that this is not going to require any additional work to find out whether the building was built as an adaptable building. As I mentioned before, 10 per cent of the units have to be. It is on the plans whether or not this unit is one of the 10 per cent that is adaptable or not. It is not like the EER where you have to get a new EER for a sale of premises. It is already on the plans and all we are hoping that will happen with this amendment is that the information that is on the plans be conveyed to the potential owners or tenants so that they can choose

the most appropriate unit. We have got the silly situation here where we have built 10 per cent of the units to be accessible but the people who want to use them simply cannot find them.

I now briefly echo some of Mr Parton's comments about quiet enjoyment as one of the issues with body corporates. To an extent, it is an inherent problem. As you get more and more people living closer and closer together then obviously there are potentially more issues where there will not be quiet enjoyment. But, given that we want people to be able to live peacefully and harmoniously in these situations, as many of us do—about a third of the people in Canberra live in townhouses or units—we need to make sure that our regulations do the best they can to ensure the quiet enjoyment of body corporates.

Part of the issue is design, as Mr Parton talked about. In places where there is sometimes car parking between commercial and residential, unfortunately this bill cannot do anything much about improving our designs. I have banged on about that at great length. Partially, it is operation. This is not something that the bill has talked about, but I understand that this is only the first bill that the government is planning to introduce on unit titles. I hope it looks at some of the quiet enjoyment issues in the future.

I am particularly aware that gyms are one of the contributors in a number of instances to residential users not being able to have quiet enjoyment of their units. Members will be aware that last week someone who was in that situation was outside the Assembly with a sign about gyms in multi-unit apartments. Yes, he was certainly suffering quite severely. But I know he is not the only one. I have spoken to other people who are in multi-unit complexes where there is a gym on the ground floor and it is not just the techno music. I understand it is the dropping of weights. I have run out of time. We will support the bill. *(Time expired.)*

MS CHEYNE (Ginninderra) (11.27): I welcome the opportunity to address the Assembly today as we debate the Unit Titles Legislation Amendment Bill 2019. As you are aware, this bill delivers on the first stage of reforms, as well as the government's commitment to managing buildings better into the future, by introducing a number of proposed changes to buying, living in and managing units plans in the ACT.

We need legislation and regulations to reflect and support our various lifestyle choices as our city grows. Up-to-date and effective unit title laws and processes are necessary to support the variety of residential and commercial users of new developments and for realising their potential to provide an effective housing choice. Having a modern and robust framework to govern unit plans will be fundamental to supporting Canberrans living and working within these developments.

The changes proposed in the Unit Titles Legislation Amendment Bill 2019 deliver on the first stage of reforms by addressing many of the issues affecting unit plans and improving the livability, management and governance arrangements for all concerned. These reforms come at the right time to complement other areas of work the government has been undertaking, such as the better building quality reforms, the

apartment design guide review and, in particular, the ACT planning strategy, which has us moving towards 70 per cent of new development within our current urban footprint.

This reform forms an important component supporting the government's delivery of the ACT planning strategy to deliver a city that is compact and efficient, diverse, sustainable and resilient, livable and accessible. Canberra will continue to be a compact and efficient city in the landscape, with more growing up and not out. Reform to our unit titles legislation is a key way that the government can deliver on this objective and other themes of the ACT planning strategy.

In complementing the work of the better building quality reforms, a number of the managing buildings better reforms put the physical integrity of buildings front and centre. This is achieved through a number of new measures which require developers and owners corporations to discuss and clearly communicate maintenance responsibilities to owners. By implementing these reforms, we are working to ensure well-maintained buildings into the future and making it clearer to owners and buyers what their responsibilities are when it comes to ongoing building infrastructure and maintenance.

There are numerous important milestones and key benefits included in the bill. First, it includes amendments which formally recognise the application of the Human Rights Act and the Discrimination Act and the important role they have within decision-making and management of owners corporations under the Unit Titles (Management) Act 2011. The inclusion of these will mean that these essential rights will need to be considered when owners corporations make or amend their rules, particularly in consideration that developers and owners corporations will now be able to tailor their rules to the needs of the building and its owners and occupiers. Recognition of these rights will provide safeguards that owners corporations will need to take into account to make sure that rules are fair, equitable and non-discriminatory.

The bill has also taken into consideration the recent changes to the Residential Tenancies Act 1997 in relation to pets. Those changes, which commenced late last year, have recognised the issues tenants experience and improved the ability for a tenant to keep a pet in rental accommodation. This bill recognises this shift in policy and has been developed to complement these changes for tenants. Owners corporations will now be able to have pet-friendly rules, making it clear to tenants whether a potential rental property in a unit plan will be suitable for them and their pets and what the process will be. Further, landlords will be able to disclose information more readily to potential tenants about the status of any pet-friendly policy in the unit plan, resulting in a more transparent process for all parties involved.

In addition, the bill will improve consumer rights through significant changes to the Civil Law (Property) Act 2006 and the Civil Property (Sale of Residential Property) Act 2003. New disclosure requirements for buyers of new and existing unit plans will give greater power to buyers to receive information and updates about new developments. Comprehensive information for a potential purchaser is clearly critical to give the purchaser a clear idea of the nature of the unit, and the set of rights and

responsibilities the owner will acquire on becoming a member of the owners corporation.

These changes will ensure consumers are informed about what they are buying, including being informed about the proposed owners corporation rules, the methodology for distribution of costs, the use of common property, and other matters. Buyers of off-the-plan units will now receive a considerable amount of information not previously provided, through the new requirements for a disclosure statement. The bill also proposes better mechanisms for buyers to rescind contracts where changes to the development plans during construction led to changes that may be contrary to what the buyer thought they were purchasing.

The bill also provides benefits to the developers of unit plans in a number of ways. While they will be required to prepare and disclose significantly more information than previously, provisions related to the disclosure statements will also provide greater surety to developers by confirming guaranteed purchasers for their development. Where purchasers are informed of changes to the development and have no objections, developers will know earlier in the development and construction phase which purchasers will be completing their contracts. This removes the uncertainty for developers of buyers being able to rescind just prior to settlement if they have not been informed.

Additionally, developers will now be able to create more unique and adaptable developments through the ability to tailor the rules of the units plan. Developers will be able to consider the needs of the buildings and adapt the rules to suit these needs from the outset. This may relate, for example, to a special privilege rule for a commercial unit owner to operate an outdoor dining area in the common property or changing the methods of levy contributions to ensure that unit owners contribute more fairly and in proportion to their use for services like commercial waste collection, access to facilities and so on. These changes will encourage developers to create more innovative and adaptable buildings which people want to live and work in.

Finally, the bill provides a number of transitional arrangements to allow for a period of adjustment for owners and industry. For example, these include sufficient time for developers to adapt to the new requirements for providing disclosure statements to buyers, as well as developing the new maintenance schedules they will provide to their newly established owners corporations. These requirements will come into effect from 1 July 2021.

In addition, owners corporations will be given time to decide whether they want to adopt the new default pet-friendly rule, create their own specific one or maintain a consent process for the keeping of pets. They will have until the second annual general meeting post commencement of the legislation to determine what their pet policy will be. After this, the default pet rule will automatically apply. These transitional periods are important in facilitating an efficient and uncomplicated adjustment to the new legislative requirements.

In summary, I emphasise to the Assembly that this bill recognises the importance of these reforms as we move towards higher density living. This bill delivers many

benefits to unit owners, occupiers and developers through improving management and governance arrangements and providing for greater disclosure of information, and it recognises the needs of these developments into the future.

I thank Minister Gentleman for bringing forward this bill, which brings the needs of unit developments within the community to the fore. From the discussion earlier in the chamber, with the comments from Mr Parton and Ms Le Couteur, it is clear that there have been considerable discussions and good collaborative work between all parties in this chamber. I would like to put on the record my thanks for the collective willingness to work together to achieve the best outcomes for all involved in a unit development.

MR GENTLEMAN (Brindabella—Minister for Advanced Technology and Space Industries, Minister for the Environment and Heritage, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.36): We are progressing significant reform of the ACT unit planning legislation through our managing better building reforms. With this, I express my full support for the Unit Titles Legislation Amendment Bill 2019.

Today I am pleased to outline some of the amendments proposed under this bill. I thank Tara Cheyne for her statement in support. I would now like to provide further details about some of the very important changes the bill will introduce. But, before I begin, I wish to advise that I intend to move some government amendments to the bill on the basis that these amendments are minor and technical in nature. I also want to thank Ms Le Couteur and Mr Parton for their considered amendments to this bill. It is, as we have heard, pleasing to see all of us taking such an active interest in something that is affecting more and more Canberrans. I thank them for their cooperative approach to the legislation. I also want to thank Ms Louise Crossman from my office for her considered approach to working with their offices in this collaborative way.

Discussions, stakeholder consultation and comparisons with other jurisdictions have confirmed that there are opportunities to improve and modernise the territory's laws relating to unit plan developments. Our current laws were designed for a time when unit plan complexes were exclusively or predominantly for residential purposes. However, with more people choosing to live and work in mixed-use properties, it is important that we update the laws as our city continues to grow.

We are taking a staged approach to the unit plan reforms. This bill represents significant work in developing the reforms for stage 1. Stage 1 is focused on relatively less complex reforms to help with the management and governance of unit plans, such as separate budgets for commercial and residential areas, improvements to decision-making processes for owner corporations, and creating easier and more consistent administrative procedures for owners corporations. Stage 2 is anticipated to involve the detailed review of issues such as the development and design requirements, as well as a further look at governance arrangements for multiple unit plans in the one development complex.

Our commitment to engagement and co-creation has been at the forefront of this project, with a consultative group convened in early 2019 to engage in focused discussions to refine the issues and help develop solutions. The group consisted of 10 key organisations and directly involved the units planning community, including the Owners Corporation Network ACT, Strata Community Australia, the ACT Law Society and the Planning Institute of Australia. That group met on a number of occasions between February and November last year to finalise these reforms. I thank all the participants for their time and dedication in progressing these much-needed reforms.

The consultation with stakeholders also highlighted the need for improvements in three key areas. I will just mention some examples of issues raised in connection with these areas. One was to address the complexities involved in today's unit plan buildings. For example, the Unit Titles (Management) Act 2011 requires all proposed new units plans to adopt from inception a single, one-size-fits-all set of owners corporation rules. There is no scope in that for new unit plans to depart from the standard rules, despite modern developments having specific requirements. There is also no scope to develop particular rules or engagements for the sharing of common spaces between commercial operators and residents—entryways, for example. The Unit Title Legislation Amendment Bill addresses this by allowing the option for alternative rules to be proposed by developers up-front.

Another area of concern is in relation to governance and management. In particular the Owners Corporation Network raised the issue of fairness: fairness in the distribution of the cost of running the units plan building and in paying for water and other utility services, as well as fairness in the use of and access to common areas. Payment for costs of the running of the units plan is chiefly through the contribution of levies payable by each owner. I am confident that the proposed bill will address some of these issues. The way to address this is to allow owners corporations greater flexibility to adopt different methods of determining how they can contribute to the levies they pay.

Everybody should support the bill, and I thank everybody for their work during the process of development.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 23, by leave, taken together and agreed to.

Proposed new clause 23A.

MS LE COUTEUR (Murrumbidgee) (11.42): I move amendment No 1 circulated in my name, which inserts a new clause 23A [*see schedule 1 at page 443*]. This new section amends the Civil Law (Sale of Residential Property) Act 2003 by adding that

drawings and plans of an adaptable housing dwelling must be included as one of the required documents in relation to the sale of residential property.

Amendment agreed to.

Proposed new clause 23A agreed to.

Clause 24 agreed to.

Proposed new clause 24A.

MS LE COUTEUR (Murrumbidgee) (11.43): I seek leave to move an amendment which has not been considered by the scrutiny committee.

Leave granted.

MS LE COUTEUR: I move amendment No 2 circulated in my name, which inserts a new clause 24A [*see schedule 1 at page 443*]. This amendment continues the theme of better accessibility. It provides a definition of “adaptable housing dwelling” and it makes an offence for a person to advertise an adaptable dwelling for sale that does not contain a statement that the unit is an adaptable dwelling.

Amendment agreed to.

Proposed new clause 24A agreed to.

Clause 25 agreed to.

Proposed new clauses 25A and 25B.

MS LE COUTEUR (Murrumbidgee) (11.44): I seek leave to move an amendment which has not been considered by the scrutiny committee.

Leave granted.

MS LE COUTEUR: I move amendment No 3 circulated in my name, which inserts new clauses 25A and 25B [*see schedule 1 at page 443*]. This amendment inserts a new part 3A in the Civil Law (Sale of Residential Property) Act 2003. New section 23A provides a definition of “adaptable housing dwelling”. New section 23B makes it an offence for a person to advertise an adaptable unit for sale that does not contain the statement that the unit is an adaptable dwelling. Proposed new clause 25B inserts a new dictionary definition for an “adaptable housing unit” into the dictionary of the Civil Law (Sale of Residential Property) Act 2003.

Amendment agreed to.

Proposed new clauses 25A and 25B agreed to.

Clauses 26 to 42, by leave, taken together and agreed to.

Proposed new clauses 42A and 42B.

MS LE COUTEUR (Murrumbidgee) (11.46): I seek leave to move an amendment which has not been considered by the scrutiny committee.

Leave granted.

MS LE COUTEUR: I move amendment No 4 circulated in my name, which inserts new clauses 42A and 42B [*see schedule 1 at page 444*]. These clauses amend the Residential Tenancies Act 1997. New clause 42A requires that if a dwelling is an adaptable dwelling the lessor must provide tenants with a statement that the unit is an adaptable housing dwelling. New clause 42B inserts the definition of “adaptable housing dwelling” into section 12 of the Residential Tenancies Act 1997.

Amendment agreed to.

Proposed new clauses 42A and 42B agreed to.

Clauses 43 to 54, by leave, taken together and agreed to.

Proposed new clause 54A.

MR GENTLEMAN (Brindabella—Minister for Advanced Technology and Space Industries, Minister for the Environment and Heritage, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.47): I seek leave to move amendments to this bill that were not circulated in accordance with standing order 178A and, pursuant to standing order 182A(b), I seek leave to move amendments to this bill that are minor and technical in nature.

Leave granted.

MR GENTLEMAN: I move amendment No 1 circulated in my name, which inserts a new clause 54A [*see schedule 2 at page 445*]. I table a supplementary explanatory statement to the government amendments. The explanation for my amendments is in the supplementary explanatory statement.

Amendment agreed to.

Proposed new clause 54A agreed to.

Clauses 55 to 86, by leave, taken together and agreed to.

Clause 87.

MR PARTON (Brindabella) (11.48): I move amendment No 1 circulated in my name and seek leave to table a supplementary explanatory statement to my amendments [*see schedule 3 at page 447*].

Leave granted.

MR PARTON: I am proposing a couple of minor but, we think, important changes to Mr Gentleman's bill. As per the supplementary explanatory statement and the amendment itself, the change is pretty simple. My amendment seeks to make it absolutely clear that the responsible entity is in charge of making building insurance claims and for paying the excess on any given claim. This is consistent with the essence of clause 87 of the amendment bill.

The responsible entity is either an owners corporation or a management committee, as defined in amendment clause 87. These changes remove any ambiguity regarding the owners corporation function in relation to building insurance and ensure that individual unit owners are not liable for paying the excess on any given claim. If it were necessary for an individual unit owner to assume a liability for such a payment, the legislation does allow for an owners corporation to take appropriate action regarding that liability. I commend my amendment to the chamber.

Amendment agreed to.

Clause 87, as amended, agreed to.

Proposed new clause 87A.

MR PARTON (Brindabella) (11.50): I move amendment No 2 circulated in my name, which inserts a new clause 87A [*see schedule 3 at page 447*].

Amendment agreed to.

Proposed new clause 87A agreed to.

Clauses 88 to 92, by leave, taken together and agreed to.

Clause 93.

MS LE COUTEUR (Murrumbidgee) (11.50): I seek leave to move an amendment which has not been considered by the scrutiny committee.

Leave granted.

MS LE COUTEUR: I move amendment No 5 circulated in my name [*see schedule 1 at page 444*]. This proposed new section amends the Unit Titles (Management) Act 2011 to prevent an owners corporation from changing its rules to prohibit or restrict the installation, operation or maintenance of sustainability infrastructure in or on the unit owner's unit. This section ensures that sustainability infrastructure in or on a particular unit is treated the same way that sustainability infrastructure is treated on the common property of an owners corporation under the existing provisions of the Unit Titles (Management) Act 2011.

Amendment agreed to.

Clause 93, as amended, agreed to.

Clauses 94 to 103, by leave, taken together and agreed to.

Clause 104.

MR GENTLEMAN (Brindabella—Minister for Advanced Technology and Space Industries, Minister for the Environment and Heritage, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.52), by leave: I move amendments Nos 2 and 3 circulated in my name together [*see schedule 2 at page 446*]. I simply refer members to the description of these amendments in the supplementary explanatory statement that I tabled earlier.

Amendments agreed to.

Clause 104, as amended, agreed to.

Clauses 105 to 112, by leave, taken together and agreed to.

Clause 113.

MS LE COUTEUR (Murrumbidgee) (11.53): I move amendment No 6 circulated in my name [*see schedule 1 at page 444*]. Section 3.4(c) of the Unit Titles (Management) Act 2011 currently provides that the developer of a units plan must provide any plans, specifications, diagrams or drawings that relate to the design or service of the units of common property of the unit plan. Clause 113 of the Unit Titles Legislation Amendment Bill 2019 adds to this by requiring that developers provide a maintenance schedule for the common property of a unit plan. This amendment to section 3.4(c) of schedule 3 of the Unit Titles (Management) Act 2011 provides that the developer must provide the development approval and any conditions on the approval to the first annual general meeting of an owners corporation.

Amendment agreed to.

Clause 113, as amended, agreed to.

Clauses 114 to 133, by leave, taken together and agreed to.

Proposed new clause 133A.

MS LE COUTEUR (Murrumbidgee) (11.55): I move amendment No 7 circulated in my name, which inserts new clause 133A [*see schedule 1 at page 444*]. This amendment provides a new dictionary definition of sustainability infrastructure. This definition extends the current definition to include sustainable infrastructure that is installed in or on an owner's unit.

Proposed new clause 133A agreed to.

Clause 134.

MR GENTLEMAN (Brindabella—Minister for Advanced Technology and Space Industries, Minister for the Environment and Heritage, Minister for Planning and Land Management and Minister for Police and Emergency Services) (11.55): I move amendment No 4 circulated in my name [*see schedule 2 at page 447*]. Again, a description of this is circulated in the supp ES that I tabled earlier.

Amendment agreed to.

Clause 134, as amended, agreed to.

Clauses 135 and 136, by leave, taken together and agreed to.

Clause 137.

MS LE COUTEUR (Murrumbidgee) (11.56): I move amendment No 8 circulated in my name [*see schedule 1 at page 445*]. Clause 137 of the Unit Titles Legislation Amendment Bill 2019 inserts a new schedule 1 into the Unit Titles (Management) Act 2011. This schedule sets out the default rules for owners corporations. This amendment inserts a new section 1.4(3). This specifies that permission cannot be unreasonably withheld if a unit owner makes an application to install sustainability equipment in or on their unit.

Amendment agreed to.

Clause 137, as amended, agreed to.

Clauses 138 and 139, by leave, taken together and agreed to.

Schedule 1.

MS LE COUTEUR (Murrumbidgee) (11.58): I seek leave to move an amendment which has not been considered by the scrutiny committee.

Leave granted.

MS LE COUTEUR: I move amendment No 9 circulated in my name [*see schedule 1 at page 445*]. This simply provides that the development approval has to be put in as part of the schedule, as I talked about earlier regarding the instance of units where there was a privacy screen that was not known about. It requires this to be identified in the development approval and communicated to the body corporate.

Amendment agreed to.

Schedule 1, as amended, agreed to.

Title agreed to.

Bill, as amended, agreed to.

Leave of absence

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

That leave of absence be granted to Mr Wall and Ms Lawder today for personal reasons.

Sitting suspended from 11.59 am to 2 pm.

Questions without notice Canberra Health Services—budget

MR COE: The question I have is for the Minister for Health. Minister, has the directorate been in discussion with you about Canberra Health Services' financial position or the directorate's financial position and were there concerns about the budget before the recent appropriation?

MS STEPHEN-SMITH: I thank the Leader of the Opposition for his question. The ACT Health directorate is responsible for the local hospital network which in turn funds Canberra Health Services. I have regular conversations with both the Health Directorate and Canberra Health Services about the various pressures that are on our budgets as we see a growing city and a need to support not only the ACT but the surrounding New South Wales region, and an increasing complexity of patients. We know that there is increasing demand for health services and it is an ongoing conversation about how we ensure that we fund those.

The midyear review of course will appropriate an additional \$60 million for Canberra Health Services to ensure that we can meet the demand that we have been seeing particularly for additional emergency surgeries and additional complexity in the emergency department while not compromising the delivery of our elective surgery targets. And we are on track.

Last year we delivered a record 14,015 elective surgeries for the ACT, an increase in elective surgeries that is continuing beyond population growth. We are on track to deliver the target of 14,250 elective surgeries this year. The government made a decision that we did not want to compromise that on the basis of the demand that we have been seeing in our system.

MR COE: Minister, in those discussions with the directorate, was a likely scenario put to you that services would need to be cut, that you would not be able to meet the elective surgery target or there would be a freeze on new staff appointments or short-term contract renewals if a further appropriation was not made?

MS STEPHEN-SMITH: I thank the Leader of the Opposition for his supplementary question. I think I have been quite clear that, in fact, it was the case that we have continued to meet emergency department complexity, we have continued to meet increased demand for emergency surgeries and, of course, that has put us in a position

halfway through the year where decisions needed to be made about how we were going to meet our budget target.

The decision that the government has made is that this is not the time to be looking at whether we need to scrimp and save in our health system. We are facing a growing population, a growing demand for health services and an increasing complexity of our patient cohort. We have a commitment to meet that elective surgery target and we will continue to deliver on that commitment.

MRS DUNNE: Minister, outside the proposed midyear cash injection that is envisaged in the appropriation, what was the estimated financial outcome for the directorate and Canberra Health Services for this financial year?

MS STEPHEN-SMITH: I thank Mrs Dunne for the supplementary question. I do not have the budget papers in front of me but all of those outcomes were printed in the budget papers earlier, at the end of last financial year, and in the annual reports and statements tabled late last financial year. I can take the question from Mrs Dunne on notice if she really wants me to but that information is already available in the public statements.

Housing—Tenants Union

MS LE COUTEUR: My question is to the Attorney-General and relates to the defunding of the Tenants Union. Attorney, why did the government not provide the Tenants Union with feedback about any performance issues before the government chose to put the tenants advice service out to tender?

MR RAMSAY: I thank Ms Le Couteur for the question, an important question in relation to an important service for the people of Canberra. I do not accept that there was no feedback provided to the Tenants Union. Certainly, the directorate was in regular contact, as it is across all of the community legal centres, including with the Tenants Union. In particular, in relation to the Tenants Union tenants advisory service, there was advice on 28 August that a tender process would be taking place. That was on the basis of ensuring the highest quality service being provided to those people who are renting in the ACT.

The last procurement service that was provided in relation to the TAS was in 2015, and that package was released to tenders in November last year. That tender was released to select tenders on 6 November. That tender process finished on 3 December. The responses to the tender were evaluated in December and the participating entities were advised on 18 December. The unsuccessful tenderers have been invited to debrief about the process and in relation to the service provision that they offered as part of the tender.

MS LE COUTEUR: Will the government be providing new funding for events such as International Tenants Day; the tenants art competition; outreach such as stalls at shopping centres and universities; and policy development and advocacy for tenants' rights and tenancy law reform? How will that funding be allocated?

MR RAMSAY: I thank Ms Le Couteur for the supplementary question. The service that has been provided under the tenants advisory service contract, as members would be aware, has now been awarded to Legal Aid as the successful tenderer. The details of that contract are under negotiation at the moment, so it would be inappropriate for me to speculate on what may or may not be in that particular contract at this stage.

MR PARTON: Attorney, how did the government manage any conflicts of interest, or perceived conflicts of interest, involving key players in the tender process and the subsequent awarding of that contract to Legal Aid?

MR RAMSAY: I thank Mr Parton for the question. Transparency is obviously an important part of that. In terms of the procurement process and the potential conflicts of interest or perceived conflicts of interest, they are managed under longstanding government procurement guidelines and longstanding procurement processes which apply across all portfolios.

Canberra Health Services—service improvements

MRS DUNNE: My question is to the Minister for Health. Minister, will the government's midyear cash injection into the ACT's health system result in improved emergency department waiting times by the end of 2019-20?

MS STEPHEN-SMITH: Mrs Dunne, that is not what this is in relation to. We are looking at the fact that we have seen increased activity over the past six months in relation to the emergency department. There is of course a range of measures in place that we have talked about many times in this place which respond to the need for improved emergency department wait times. I have acknowledged—and last Wednesday, I believe, I was asked a number of questions about this, as well as many times publicly—that emergency department wait times are not where we want them to be and not where we know that Canberrans expect them to be.

But we have already made some significant investments to expand emergency department capability and treatment spaces across the system. That includes an additional two senior staff specialists for Canberra Hospital's ED; 12 additional medical beds at Canberra Hospital to reduce the bed block that can add to ED wait times; a major ED expansion at Calvary Public Hospital, Bruce, which is due for completion in March this year and which will deliver 50 per cent more emergency department treatment spaces at Calvary; and a 20 per cent increase in emergency department capacity across the system, in addition to investments in programs that are designed to keep people safe at home and reduce the impact on emergency, such as the GRACE program.

Canberra Hospital itself is undertaking a range of strategies, including the timely care strategies that Mrs Dunne was briefed on last year, and specific strategies in relation to supporting some of the improved wait times that we want to see in the emergency department. That includes a multi-disciplinary approach to initial assessment and treatment commencing, ensuring that all patients commence care as soon as possible. That includes earlier physician engagement in the care provided as well as expanded nurse protocols to ensure that people are getting that initiation of care in a timely way.

MRS DUNNE: I note that it took two minutes to say no. Minister, will the government's midyear cash injection into the ACT health system result in improved elective surgery wait times by the end of 2019?

MS STEPHEN-SMITH: I thank Mrs Dunne for her supplementary question. What we have seen in elective surgery is an improvement, over the past six to 12 months, in the number of people overdue for elective surgery. We have seen a record number of elective surgeries performed in 2018-19—14,015 elective surgeries performed in 2018-19—and we are on track to deliver 14,250 elective surgeries this year. This is a result of our specific investments in reducing elective surgery wait times, which have come down, I recall, for some categories. We have seen the number of people waiting for longer than is recommended, particularly in category 1, continue to come down. The investments that we have made to deliver that include two new theatres at Calvary—one that opened this year and one that will open next year—to ensure that we can continue to deliver record numbers of elective surgeries and to ensure that we can continue to improve performance in elective surgeries, something that we are already doing.

MR COE: Minister, as of the end of January, were the actual financials consistent with the year-to-date budget?

MS STEPHEN-SMITH: I thank Mr Coe for his supplementary question. If I understand him correctly, I think he is asking: were we overspent on the point-of-year budget where we expected to be? Obviously, we were over budget at that point in time, which is why the decision was made to provide an additional \$60 million to Canberra Health Services to ensure that there was not a need to cut back on elective surgery in the second half of the year or to scrimp and save as a result of the increased demand that we are seeing on our emergency department and the complexity of our emergency department patients and on our demand for emergency surgery, to ensure that we can continue to meet our targets and benchmarks and deliver excellent patient care, person-centred care, to patients in our community for the rest of the year.

Economy—performance

MR PETTERSSON: My question is to the Chief Minister. Chief Minister, can you please update the Assembly on the performance of the ACT economy?

MR BARR: It is my pleasure to do so. I thank Mr Pettersson for the question. The territory economy grew by three per cent in 2018-19, which was well in advance of the national growth rate of two per cent. I can advise the Assembly that the territory's gross state product is now approaching \$42 billion, and has been growing, as I said, faster than the national average.

As a point of interest, members might be aware that the ACT economy is bigger now than the state of Tasmania's, and certainly significantly bigger than the Northern Territory's. We have the lowest unemployment rate in the nation, at 3.1 per cent, and our annual employment growth of 3.3 per cent is the highest of all jurisdictions. In

practical terms, that meant that 7½ thousand additional jobs were created in the ACT in calendar year 2019. So we have a situation now where there are more job vacancies in the ACT than there are unemployed people.

Sixty per cent of the jobs created since the beginning of 2016 have been in the private sector, and 18 of the 19 industry categories in the ACT recorded growth in 2018-19. The only industry sector that did not grow in the territory was the mining sector, which, as I am sure members would understand, is not a particularly significant industry sector in the ACT.

MR PETTERSSON: Chief Minister, what are some of the upcoming challenges facing the ACT economy?

MR BARR: We are facing the most uncertain set of economic circumstances nationally, and indeed in the territory, since the global financial crisis. There has been the significant impact of the natural disasters this summer season: the bushfires, smoke haze and hailstorms—with another, potentially, this afternoon—which have caused hundreds of millions of dollars worth of damage. These extreme events are a new risk to our economic outlook as the realities of climate change become more apparent.

There are also significant economic implications of the coronavirus which affect our two major export-earning sectors: international education and tourism. For example, each international student studying in Canberra contributes around \$50,000 to our economy by way of their tuition fees and their local expenditure. The ANU is down 4,000 students from China at this point who have been unable to arrive. That is about \$200 million worth of economic impact. The University of Canberra has a little over 400 students who have been unable to arrive, an economic impact of around \$20 million. That is just those cases.

It is a challenging economic environment, the most challenging one that this nation has faced for more than a decade. It is something that all levels of government are working to respond to.

MR GUPTA: Chief Minister, how will the government prepare our economy for these challenges and take advantage of opportunities?

MR BARR: We will continue to focus on the priority areas for public investment in our economy: in health, in education, to keep the territory's strong infrastructure program going, in transport, in responding to climate change and in supporting vulnerable Canberrans. It is important at this point that all governments continue to invest in major infrastructure projects to support economic growth. It is going to be public sector investment that keeps Australia out of recession in the first part of this calendar year. It is important that we make good long-term infrastructure investments to provide the services that Canberrans need now and into the future. The public sector has an absolutely integral role to play in driving economic growth in our nation at this time of very significant economic challenge. Now more than ever, Canberra needs certainty from government.

Canberra Health Services—cost-effectiveness

MRS KIKKERT: My question is to the Minister for Health. Minister, in a media story of 6 February 2020, you said:

We know there are areas within the ACT public health system that are not as cost-effective as we could expect when compared to other jurisdictions ...

Which areas within the ACT public health system are not as cost-effective as they could be?

MS STEPHEN-SMITH: I thank Mrs Kikkert for her question and her interest in the efficiency of Canberra Health Services and our public health system more broadly. For Mrs Kikkert's interest, there are national reports produced that compare the costs of services between hospitals, both at the jurisdictional level and at a peer-group level. I do not have all of that detailed information in front of me. There is a range of areas where those comparative costs are assessed. I can come back to Mrs Kikkert with some references that will help her out on this.

MRS KIKKERT: Thank you, that would be great. Minister, will you provide an assurance that health staff will not be negatively impacted by your measures to ensure cost-effectiveness

MS STEPHEN-SMITH: I thank Mrs Kikkert for her question and her concern for ACT Health, Canberra Health Services and Calvary Public Hospital staff. Absolutely; I think I spoke about this last week. Michael De'Ath, the director-general of ACT Health and Bernadette McDonald, CEO of Canberra Health Services, have spent the past 12 months responding to the culture review in response to the many concerns that were raised about culture.

They are really ensuring that they are building an environment of trust, an environment where people feel safe to come forward if they see something wrong but also an environment where people feel supported and encouraged to come forward if they see opportunities for improvement in the efficiency of our system. Now is the time when we are able to work with staff in a collaborative way to identify opportunities to improve the efficiency of our hospital and health systems, and that is exactly what is happening.

MRS DUNNE: Minister, can you assure staff that staff will not have their resources cut? It has been reported, for instance, that community nurses were told not to use post-it notes. Can you also assure the Assembly that short-term contracts will be honoured in the run-up to the end of the financial year?

MS STEPHEN-SMITH: I thank Mrs Dunne for the supplementary. I have no advice to indicate that contracts would not be honoured. If Mrs Dunne has any specific contracts that she is aware of where people have been advised that a contract may not be honoured, I would ask her to raise that with me. I am not aware of any such contracts.

I would reflect—I know I am probably on thin ice in terms of points of order here—on Miss C Burch’s first speech in this place when she talked about the importance of the efficiency of government. We are working with staff collaboratively across Canberra Health Services and across the hospital system to ensure that resources are used efficiently and to reduce waste. We all have a responsibility, as people who work in the public service and people who work for the benefit of taxpayers, to ensure that our resources are used efficiently and are not wasted.

Light rail—stage 2 cost

MISS C BURCH: My question is to the Minister for Transport. I refer to a *Canberra Times* article dated 17 February entitled ‘Transport Minister Chris Steel says work to extend the light rail service to the lake is on track’. Minister, how much is light rail stage 2A going to cost?

MR STEEL: I thank the member for her question. As she is aware, we are currently in negotiation with Canberra Metro. We want to make sure that we get the best value for money for the people of the Australian Capital Territory in that negotiation. So we will not be letting the auctioneer know what our loan approval is for the amount of money that we are going to spend on a project going forward before we have gone through that process. As soon as we can make that available to the people of the Australian Capital Territory, we will make it public.

MISS C BURCH: Minister, will you release the detailed costings and cost-benefit analysis of light rail stage 2A prior to work on the project commencing?

MR STEEL: I refer to my previous answer. We will continue to work on negotiations with Canberra Metro because our government is determined to extend the benefits of light rail to other parts of Canberra. We want to make sure that it goes down to Woden and to other parts of Canberra.

Mrs Jones: I have a point of order.

MADAM SPEAKER: Resume your seat please, minister.

Mrs Jones: The question has not been answered, on relevance, and the minister has gone off on his political tirade already. We are looking for the answer to the question: will he release detailed costings prior to work commencing? I do not think it is a weird thing to ask, and the minister has not answered it at all.

MADAM SPEAKER: Mrs Jones, you took a point of order 40 seconds into the answer. The minister is on topic about the costings and the programs of light rail.

MR STEEL: Thank you. I did refer to my answer to the first question that was asked of me, which was that when we can provide those costings we will, publicly. We are currently going through that negotiation. Once that is concluded we will provide those costings as soon as we can. Our government is determined to make sure that we extend the benefits of light rail to other parts of Canberra. We have seen to huge success of light rail—

Mrs Jones: Point of order. The question still has not been answered: whether it will be released before work begins. That has not been answered and I ask the minister to be directly relevant to that question.

MADAM SPEAKER: Mrs Jones, there is no point of order. He has referred to when he will be able to release that information. He has 30 seconds—

Mrs Jones: He has not, actually. He has not said a thing about when.

MADAM SPEAKER: Mrs Jones, you are warned.

MS LEE: Minister, why has the government continued to operate in the shadows with projects like light rail stage 2A, especially given that the ACT budget deficit has blown out by over \$278 million?

MR STEEL: I thank the member for her question, and I refer to stage 1, where we came in under budget for this massive infrastructure project, the largest in the city's history. We were able to deliver that under budget, and now it has proven its success, in terms of the patronage that we are experiencing, which goes beyond the business case for the project; numbers that we did not expect until 2021. Our government promised to deliver light rail, we did so under budget, and now it is overperforming with respect to its targets. Our government will deliver stage 2 because we are determined to expand light rail to the rest of our city.

Crime—outlaw motorcycle gangs

MR HANSON: My question is to the minister for police. Minister, Canberra has recently seen at least three incidents that appear related to outlaw motorcycle gangs. There was a shooting in Gordon, there were shots fired and an arson attack in Kambah and there was the arrest of the president of the Satudarah motorcycle gang on weapons offences this week. Minister, in the past 12 months how many charges have been brought against members of the Satudarah gang? If you have information on other gangs please provide that as well.

MR GENTLEMAN: I thank Mr Hanson for his question. On Saturday, 1 February 2020 two men were arrested following reports on the Friday night of suspicious activities. Three people faced the ACT Magistrates Court on 28 January following an aggravated burglary in Ainslie. A Gilmore man faced the Magistrates Court on Monday, 27 January, charged with firearm and drug offences.

The crime disruption team is doing the job that we have asked it to do. We have invested in our police force in the ACT to disrupt criminal gang activity and they are doing that very work now. Regarding the number of charges for the Satudarah motorcycle gang member, it is an operational matter. It is in the courts. I will not go to the number of charges for that. But I can say that the crime disruption team is doing the job that we have asked it to do. We have resourced it. The challenge for the Canberra Liberals is to vote for the next budget and support it.

MR HANSON: Minister, how many bikie gangs are there in the ACT, and is that an increase since 2009, when the community first called for anti-consorting laws?

MR GENTLEMAN: My understanding is that there are still three outlaw motorcycle gangs in the ACT. The Satudarah one will be the last, I understand, that is active, with this arrest. Regarding that gang membership, there are around 40 motorcycle gang members. My recent briefing from the acting chief of police yesterday was that some 50 per cent of criminal gang members are now interned in jail.

Mr Hanson: Madam Speaker, I raise a point of order on relevance. I am sure that the minister is getting to it, but the second part of my question goes to whether there has been an increase in bikie gangs since the community first called for anti-consorting laws back in 2009. If there is an increase, can the minister let us know what that increase is?

MADAM SPEAKER: Mr Gentleman, do you have—

MR GENTLEMAN: Thank you, Madam Speaker. I think that it is directly relevant to provide the history of outlaw motorcycle gang activity in the ACT. From the early 70s, the number of motorcycle gang groups has reduced in the ACT. There were a lot more motorcycle gang groups in the 70s and 80s in the ACT. We now have about four operating. With the Satudarah arrest, that will bring it down to three.

MR PARTON: Minister, are the Gordon shooting, the Kambah shooting, the arson attack and the Belconnen arrest related events?

MR GENTLEMAN: On my recent briefing, I have not been given any evidence to support that claim.

Education—flexible learning

MR GUPTA: My question is to the Minister for Education and Early Childhood Development. Minister, how is the government supporting students who need more flexible learning environments?

MS BERRY: I thank Mr Gupta for his question. Earlier in my time as minister, I was out visiting schools and getting across my portfolio. It was clear to me that some students needed more support to get them through and to engage more in their learning. This was an important thing that arose through the conversations that were held during the future of education consultations.

The government has a responsibility to make sure that the participation of all school students is enabled, and I am unwilling to outsource our responsibility for students who have harder challenges and more complex issues and complicated lives.

That is why I asked the Education Directorate to establish Muliyan, which has now been in operation since term 4, 2018. Muliyan is a flexible, off-campus education offering which provides personalised education programs to students where the

classroom setting just does not work. Muliyan provides high quality academically rigorous and trauma-informed learning for a select group of young people with complex needs and challenging lives.

Students who attend Muliyan are supported by a multidisciplinary team which includes educators, psychologists, social workers, youth workers and allied health professionals who co-construct personalised learning plans including both academic and wellbeing goals. The team focuses on student transition, supporting them to move between settings, whether that means a return to their local school, which is often an outcome, or further education, training or employment.

MR GUPTA: Minister, what additional investment is the government making to this program?

MS BERRY: Muliyan has been reviewed and refined in the 15 months it has been operating since its inception. The team has worked to adapt to the changing cohort and service needs of the individual students. Since Muliyan started, it has received more student referrals than it has capacity for. The ACT government last week announced, as part of its 2019 budget review, additional investment to cater for this additional demand.

The investment will see Muliyan's capacity double, from 10 to 20 places, and it will include additional teachers as well as allied professionals to support these students. Muliyan currently has 12 students enrolled and the growth to 20 will take place incrementally over term 1. The expansion ensures that the public school system is meeting the needs of new students who need extra support. This means that more students will have access to this amazing multidisciplinary team, be supported to remain engaged in schooling, focus on their wellbeing and, in most cases, return to mainstream schooling.

The government's investment in this area is getting really great results. Parents of Muliyan students have given very positive feedback. One parent said that their child's involvement at Muliyan has been "life changing" not just for the student but for the family. Another said that their child felt that Muliyan had "reconnected them with their education as well as their self-confidence". Students have demonstrated significant improvements in their attendance whilst enrolled at Muliyan and there were no suspensions or negative behaviour at Muliyan during 2019.

MS CODY: Minister, how else is the government supporting inclusive public education?

MS BERRY: The ACT government is continuing to implement the future of education strategy and is investing in safer and more supportive school environments for all students and staff. The government has also announced, as part of the 2019 budget review, that it will support an uplift in the government's ongoing commitment to implement the positive behaviours for learning approach across all ACT public schools.

Despite the cynicism of some, PBL is an evidence-based approach that is widely adopted and used in schools across Australia and internationally. It facilitates students, teachers and school communities to identify the values and positive behaviours that are expected in their school by teaching, reinforcing and celebrating these values and positive behaviours whenever relevant.

The government is also providing additional outreach support for students in the distance education program. This program supports inclusion for ACT resident school-age students who are prevented from attending school due to a diagnosed health or mental health condition, isolation or special circumstances.

Finally, the government has funded a dedicated officer to collaborate with the office of the eSafety Commissioner and lead engagement with schools, parents and carers in relation to e-safety. In an increasingly digital world it is vital that our schools equip young people and their families with the skills they need to be good digital citizens.

ACT Policing—motorcycle gangs

MS LEE: My question is to the minister for police. Minister, last year the Hells Angels motorcycle headquarters in South Australia was closed and sold off, which was reported as leaving “not a single motorcycle gang left in South Australia with its own headquarters”. South Australia Police Assistant Commissioner (Crime), Scott Duval, said it was “another example of the power of the bikie laws”, that “the number of active bikies in South Australia had fallen since the laws took effect”, and “it really disrupts them”. Minister, have you consulted with South Australia Police on the effectiveness of their laws?

MR GENTLEMAN: I thank Ms Lee for the question. I can advise that the CPO has discussed different styles of legislation across different jurisdictions in Australia to see which are the most effective. I am very comfortable with the laws that we have introduced in the ACT for bringing motorcycle criminal gang members to task and I am very pleased with the amount of resource that we have provided ACT Policing. As I have said, I think the test for the opposition is that they support that funding as well when they go to vote for the budget next time.

When we have a look at the results from Taskforce Nemesis, with the resources that we have provided for them, ACT Policing over the past year has laid 35 charges against 19 criminal gang members and executed 28 search warrants. Over the past few years Taskforce Nemesis has seized more than 1,480 rounds of ammunition, 20 weapons and two vehicles related to criminal gang activities.

As you can see, Madam Speaker, not only are we resourcing ACT Policing’s Taskforce Nemesis with funding but we are giving them legislative tools as well, as we have through this process. That is working. We are seeing more arrests, more criminal gang members thrown into jail.

MS LEE: Minister, how do you explain your continued refusal to act when bikie gangs are leaving other states to conduct violent attacks here in the ACT?

MR GENTLEMAN: I do not agree with Ms Lee’s claim that we have not acted. In fact, I have just laid out a course of legislative change that we have made, a course of financial resource input that we have made to Taskforce Nemesis, which the opposition just voted against in the last budget, for \$1.6 million. We will continue to resource ACT Policing. They will continue to do the hard work on the ground and make those arrests.

MR HANSON: Minister, why has the number of bikie gangs tripled in the ACT in the past decade whilst in states that introduced anti-consorting laws, like South Australia, we have seen gang numbers plummet?

MR GENTLEMAN: The numbers speak for themselves. The numbers of motorcycle gang members have remained about the same, and 50 per cent of them are interned in the Alexander Maconochie Centre. The police are doing that.

ACT Policing—antisocial driving

MRS JONES: My question is to the Minister for Police and Emergency Services. I refer to a letter from the chair of the Weston Creek Community Council to you dated 31 January concerning antisocial driving. The chair of the WCCC states in his letter that Weston Creek and Molonglo residents are “underwhelmed” by the response to their reports. He adds:

The general theme is they come away feeling their complaint is unlikely to be acted on and they are unlikely to make another report.

Minister, to what extent have cuts to police numbers resulted in reports by Weston Creek and Molonglo residents of antisocial driving not being acted on?

MR GENTLEMAN: We have increased police numbers in the ACT and we continue to invest in ACT Policing to ensure that we can have more members on the ground: \$34 million in the last budget to increase numbers across the ACT to address matters of growth in police operations and growth in the territory’s population. On this side of the chamber we will continue to invest in ACT Policing and we will see the rewards come to us.

MRS JONES: Minister, why has the government failed to respond to the frequently raised concerns by Weston Creek and Molonglo residents about hooning in their suburbs in the recent past?

MR GENTLEMAN: We have not failed to respond at all, in fact we have responded and police have undertaken operational matters in relation to hoon driving. We are using other opportunities to look at controlling bad behaviour on the roads by installing solar-powered CCTV to ensure that we can track criminal behaviour when it comes to either traffic operations or stolen vehicles.

MR HANSON: Minister, can you outline what specific measures you have taken in the Woden-Weston Creek areas to deal with the issue of hooning behaviour?

MR GENTLEMAN: Those are operational matters that we provide resourcing to ACT Policing for. As I said, for the last budget there was \$34 million, which the people opposite voted against.

Aboriginals and Torres Strait Islanders—child protection

MS CODY: My question is to the Minister for Children, Youth and Families. Minister, with the Our Booris, Our Way review completed, what is the ACT government doing to lower the overrepresentation of Aboriginal and Torres Strait Islander children in the child protection system?

MS STEPHEN-SMITH: I thank Ms Cody for her question and for her interest in the very important issue of reducing the overrepresentation of Aboriginal and Torres Strait Islander children in out of home care and in the child protection system.

Through the midyear budget review, the ACT government is investing almost \$4.4 million over four years so that more Aboriginal and Torres Strait Islander children can grow up safely with their family, connected to community and culture. I am very pleased that we are able to provide funding to Gugan Gulwan and OzChild to continue to deliver functional family therapy. The Aboriginal and Torres Strait Islander community, through the Our Booris, Our Way review, confirmed the importance of this program.

This investment through the midyear review also allows us to expand family group conferencing, growing the program from two to three facilitators. This means more families being supported to make family plans about how best to keep their children safe, strong and connected.

The midyear review will also fund an Aboriginal and Torres Strait Islander designated senior practitioner to provide culturally appropriate and responsive practice to frontline child and youth protection services—or CYPS—case managers. Their role is to manage a number of complex cases and, through practice leadership, to mentor and coach new staff about how best to engage with Aboriginal and Torres Strait Islander families involved with child protection.

I have been clear, as has the community, that there is no quick fix to address the overrepresentation of Aboriginal and Torres Strait Islander children in the out of home care system, but that action is urgent. Every jurisdiction faces this challenge. But we are starting to see progress because we have put some solutions and services in the hands of Aboriginal and Torres Strait Islander people. They are the experts in their own lives and culture, and it is indeed our job to listen to them and to act.

MS CODY: Minister, how will these investments keep children safe and more families together?

MS STEPHEN-SMITH: I thank Ms Cody for her supplementary. Through the ACT government's support of these programs to date, and the internal work within child and youth protection services to build a culturally aware and responsive

workforce, we have seen a reduction in the number of Aboriginal and Torres Strait Islander children entering care. In 2018-19, 25 Aboriginal and Torres Strait Islander children entered care, compared with 50 in 2017-18 and 59 in 2016-17. Does this still represent unacceptable overrepresentation? Absolutely it does. But it also indicates progress and provides a reason for hope that change is not just possible but happening, and happening thanks to our partnerships with Aboriginal and Torres Strait Islander community members and organisations.

Work is underway across CYPS to build cultural proficiency and capacity. Staff have participated in the cultural development program, which includes a course developed by AIATSIS as well as on-country visits and training delivered by SNAICC on the Aboriginal and Torres Strait Islander child placement principle.

Last year I joined CYPS staff for an Aboriginal cultural safety masterclass with Professor Richard Frankland which raises awareness of cultural load and how this can impact decisions and behaviours, particularly in times of crisis. The Aboriginal and Torres Strait Islander designated senior practitioner within CYPS will further build this capacity and expertise.

On the advice of the Our Booris, Our Way review, CYPS is working to embed the Aboriginal and Torres Strait Islander child placement principle across its work. The principle recognises the importance of connections to family, community, culture and country, and child and family welfare legislation, policy and practice.

SNAICC, the national voice for Aboriginal and Torres Strait Islander children, recently reported that CYPS has demonstrated significant recent engagement with improving compliance in all elements of the principle. This is a substantial achievement and a recognition of new ways of working to keep children safe and connected to family and culture.

MS CHEYNE: Minister, what else is the ACT government doing to strengthen the child protection system?

MS STEPHEN-SMITH: I thank Ms Cheyne for her supplementary question. Out-of-home care is a critical last resort response when children and young people cannot live safely at home. The ACT government's out-of-home care strategy, A step up for our kids 2015-2020, articulates the importance of a therapeutic response and has invested in a service system that can deliver this for children and young people who have experienced significant trauma in their young lives.

The midyear budget review has invested in, under the more support for out-of-home care measure, an initiative for a specialist therapeutic response called the sanctuary model. The model creates a safe, non-violent environment and relationships that teach young people to cope more effectively with stress and trauma. It seeks to alter maladaptive coping mechanisms and destructive responses while encouraging constructive stress management habits. The sanctuary model is a 24-hour, seven-days-a-week service to young people who require the most intensive of service responses.

The midyear review also provides funding for three staff until June 2021 to support the progression of the A step up for our kids out of home care strategy. The team will lead a program of research and codesign to develop an updated framework for out of home care from 2021. This work will be aligned with the recommendations of the Our Booris, Our Way review.

The new investment in family group conferencing and functional family therapy I mentioned earlier build on our foundational investments in the therapeutic system introduced by A step up for our kids. Under the strategy, we invested for the first time in prevention and restoration services for families and ensured that there was advocacy and engagement support for birth families, for carers and for children and young people.

We are, for the first time in many years, seeing a stabilisation in the number of young people in out of home care. That is something that we should welcome. I look forward to providing the Assembly with further updates as this work progresses.

Municipal services—fix my street

MR PARTON: My question is to the Minister for City Services. Minister, I am advised that the Tuggeranong United Football Club logged a fix my street request several times from November 2018 to rectify faded, and very important, line markings at the Wanniasa 2 playing fields car park. On 22 August last year a club member emailed you on this matter. On 24 October you advised the club that this task would be completed by the end of November. Last week another club member wrote to you highlighting the lack of action on this matter. The club is particularly concerned because the absence of markings impedes the ability of players with disabilities to participate in rounds of games specifically staged for them.

Minister, what was the basis for your false assurance that these important line markings would be rectified by the end of last November?

MR STEEL: I thank the member for his question. I am happy to follow up and make sure that line marking is completed in relation to the assurances that we provided in the letter.

MR PARTON: Minister, how seriously do you take your responsibilities when you give assurances of this nature?

MR STEEL: I thank the member for his question. I am sure that at the time that I wrote, Transport Canberra and City Services was acting on advice that they had at that time. Things change. We have had some very significant storm events in recent times which, I have advised members, have resulted in an extra workload on Transport Canberra and City Services. I will find out what has happened in relation to this specific case and make sure that it is actioned as soon as it can be.

MR MILLIGAN: Minister, will you apologise to the Tuggeranong Football Club for failing to deliver on your assurances?

MR STEEL: I am happy to investigate and come back to them about what has happened. If has not been actioned within an appropriate time frame, and in accordance with the advice that was given, then I will be happy to provide my apologies to them.

Transport Canberra—network 19

MR MILLIGAN: My question is to the Minister for Transport. Minister, you have stated that network 19 version 2.0 will have increased weekend services which will see local route frequencies increased on Saturdays. Minister, what does this mean for Sunday services?

MR STEEL: I thank the member for his question. We will continue to work to recruit more drivers and implement the recommendations of the weekend action plan of which I provided an update in the Assembly, which was tabled by Minister Gentleman. We will continue to work on those actions. While we are stepping up services on Saturdays during the day—and I will be providing further detail about that in mid-March when we release the timetable to the community to have a look at—we will continue to work to improve the frequency of services on Sundays.

Of course the rapid services have not changed. They still continue to run frequently and the span of services continues to be extended as it was under network 19. We have seen a very significant increase in the number of people using public transport on the weekends, even with the changes that we had to make last year whilst we recruited more drivers.

We will continue those efforts with the driver recruitment campaign, stepping up the ongoing recruitment of drivers, with the workforce development plan which is underway and other actions under the weekend bus services action plan, which I have outlined to the Assembly. I refer the member to that plan for further detail.

MR MILLIGAN: Minister, how does a bus service on a two-hour cycle support weekend workers who depend on public transport?

MR STEEL: I thank the member for his question. We know that workers get to work in a range of different ways, one of which is public transport. Sundays traditionally have not been frequent days for public transport for many years. We undertook to recruit more drivers and to see how we could improve the frequency of services on the weekend. We are doing that on Saturdays from term 2, and we will look at how we can continue to increase the frequency of services on Sundays as well.

MISS C BURCH: Minister, will you apologise to weekend workers who continue to be disadvantaged due to your cuts to Sunday services?

MR STEEL: I said when I came into this role that I would listen to the community and that I would make changes where necessary to improve services, and that is exactly what I am doing. That includes weekend bus services.

We have made the announcement that we will be increasing the span of light rail services on Sundays. They will now start from 7 am from term 2, as opposed to 8 am, which will provide further support for workers wishing to go to work early on light rail and connect with bus services. We will increase the frequency of bus services as well as undertaking a range of other measures to increase the number of bus drivers. We have just seen in the recent budget review more funding for 43 additional drivers, which will help to support frequent, reliable weekend services being provided.

We will continue to take measures. We will continue to invest in public transport in this city, both on weekdays and at the weekend. We have seen the positive results of more people using public transport on the weekend. That is very promising. But we want to continue to invest and to improve services on the weekend so that even more people can use public transport in the future.

Building—reforms

MS CHEYNE: My question is to the Minister for Building Quality Improvement. Minister, can you please update the Assembly on reforms in the building portfolio?

MR RAMSAY: I thank Ms Cheyne for this important question. The government is pushing forward with its reforms to the building industry, and that is because we want Canberrans to have the highest quality buildings in the country. There are two main drivers of these reforms: our own reform program, which came out of the 2016 review of the building system, and the *Building confidence* report, that was commissioned by the Building Ministers Forum. We have been undertaking extensive consultation in the industry on the builders code of practice. This covers issues such as staged inspections and the supervision of building sites.

We have developed a course for building certifiers so that they better understand the ACT's building regulatory system. This course is now live, and it helps us to ensure that certifiers know their parts in the system and what their roles and their responsibilities are. We have made it clearer for consumers, when they are appointing a certifier, so that it is not just buried in a building contract. We have been methodically rolling out reforms to improve the building industry. I look forward to being able to update the Assembly when we have completed 43 of our own reforms by 30 June this year, and I will also continuing to update the Assembly on the work on the *Building confidence* report that has been undertaken here and nationally on behalf of the Building Ministers Forum.

MS CHEYNE: Minister, can you please update the Assembly on how we are tracking against the ACT building reforms and the *Building confidence* report?

MR RAMSAY: I thank Ms Cheyne for the supplementary question, a very important question because they are very important reforms. I am very happy to report on this.

Here in the ACT, in our own reform program we have completed 31 of the 43 reforms. Most of the substantial implementation work has now been completed. We have made many of the changes to the law; we have implemented many of the substantive reforms; and much of what now remains is evaluative work.

On the *Building confidence* report, we are a leading jurisdiction. Of the 20 recommendations that relate to state and territory systems, seven are complete; two of them are of limited relevance given that the ACT does not have multiple layers of government and does not issue retrospective building approvals; and seven of them are partially in place. The recent amendments in the Building and Construction Legislation Amendment Bill, which were called for in the *Building confidence* report, gave the regulator additional powers to take regulatory action, which completed recommendation 6.

What is disappointing is that in the middle of last year, at the Building Ministers Forum, I called for, and the meeting agreed to, an update to this to be published by the federal government by August 2019. The federal government has not done this. If those opposite want to bring confidence back into the industry, I suggest that they advocate to the federal minister to update the BCR website so that those who are in the industry and in the community have the confidence that nationally we are getting on with the job, making a meaningful difference to the regulation of the industry.

MR PETTERSSON: Minister, can you outline the importance of these reforms?

MR RAMSAY: I thank Mr Pettersson for the question. Indeed I am very pleased to speak on the importance of these reforms. As I have said many times before, both in this place and elsewhere, these reforms are vital. They are designed to bring confidence back to the industry, to reinforce community confidence in the regulator and to provide Canberrans with the highest quality buildings in the country.

They are targeted reforms. They have been well consulted on in the formation of these reports, and they have been methodically and carefully rolled out. They are important, as we believe that some of the best ways to make positive changes in the building industry are in these very reforms.

We know that there are many good builders here in the ACT. We want to support them to continue to do this work. By bringing the standard up right across the industry, by giving the regulator the power to remove those from the industry who do the wrong thing, we are achieving the aims of these reforms.

Most importantly, we are doing these reforms because it will help make sure that Canberrans have the highest quality building in their homes. It is the biggest investment, both financially and in many ways emotionally, that many of us make. I want to ensure that we are doing what we can to see that they are making a very high-quality investment.

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

Supplementary answers to questions without notice

Crime—motorcycle gangs

MR GENTLEMAN: I made a mistake in an earlier answer to Mr Hanson. The advice I have on 31 January is that there are four known criminal motorcycle gangs operating

in the ACT. The total number of members associated with the ACT chapters of these gangs is estimated at approximately 70 people. The criminal gang membership has traditionally been relatively stable. However, changes to—

Mr Hanson: How many associates are there?

MR GENTLEMAN: Yes, that is right. Changes to criminal gang membership in recent years highlight a shift towards a more fluid concept of membership; as Mr Hanson interjected, associates of those gangs.

Canberra Health Services—budget

MS STEPHEN-SMITH: I was asked a question in relation to post-it notes and rationing of stationery earlier, and I can advise that CHS has advised me that there is no rationing policy relating to stationery other than encouraging efficient use, and that there are no rules preventing community services from using the resources that they need.

Hospitals—maternity services

MS STEPHEN-SMITH: I would also like to provide some updated information to the Assembly in relation to a matter that arose in question time on 27 November 2019. At the time I stated, in response to a question asked by Ms Lawder:

In fact, I would be unable to be briefed on this individual matter, due to the provisions of the Health Records (Privacy and Access) Act, unless the patient signed a release.

Mrs Dunne interjected to say, “That’s not true.” I responded by saying:

It is absolutely true, Mrs Dunne. It is certainly the advice that I have received.

I would like to emphasise that this was indeed the advice that was available to me at that time. At around that time, however, both Minister Rattenbury and I had sought further advice on this matter. We were jointly provided with this additional advice on 29 November. We have now been advised that Canberra Health Services is legally permitted to disclose personal health information to the relevant minister and their staff in situations where that information is necessary for us to undertake our roles in overseeing the appropriate management and quality of the health services, in line with our responsibilities under the administrative arrangements.

This is in line with privacy principle 10(2)(f) of the Health Records Act. However, it of course remains the case that we and our officers are unable to disclose any personal health information to a member of this place or a constituent who is not the patient without the patient’s written consent or pursuant to another exception set out in privacy principle 10 of the Health Records Act. I know that some members have received written consent from constituents to be provided with personal health information in order to enable the member to understand a consumer’s situation and

advocate on their behalf. In such cases, Canberra Health Services may communicate directly with the member rather than through my office.

I just wanted to provide that update to members for their further information, and to say that if members have any concerns about these processes at any time I encourage them to let me or my office know and we will, of course, follow up.

MRS DUNNE: On the follow-up, Madam Speaker, with your indulgence, I ask the minister to table the advice that she referred to in the answer just now, and the previous advice: the advice that she and Mr Rattenbury received after question time in November, and the advice that she received before the question time in November.

MS STEPHEN-SMITH: I will consider the question of whether I can provide the advice subsequent to my answer in question time. I am quite certain that the advice that I received prior to question time was largely verbal advice, advice to my office. I am not sure in what form it is written down, and whether it would be an appropriate thing to table. I do not know what imputation Mrs Dunne is making: that I was intentionally misleading Assembly at the time, and now I am intentionally correcting my intentional mislead of the Assembly? I am simply intending to provide some further information to the Assembly to update the previous information that I had.

I will see what is possible to table, but I reject the imputation by Mrs Dunne that I was in any way intentionally trying to mislead the Assembly in the first place. I was not. I did not need to make this statement. I have done it in good faith to provide further information to the Assembly, and Mrs Dunne is taking a cheap shot.

Papers

Mr Gentleman presented the following papers:

Administrative Arrangements—Administrative Arrangements 2020 (No 1)—Notifiable Instrument NI2020-106, dated 12 February 2020.

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual reports—Chief Minister, Treasury and Economic Development Directorate—Corrigenda—

2017-2018, dated February 2020.

2018-2019 (Volume 1), dated February 2020.

Auditor-General's reports—Government responses—Copy of letter to the Auditor-General from the Treasurer, dated 17 February 2020, concerning Report Nos 9/2019—2018-19 Financial Audit—Financial Results and Audit Findings, and 10/2019—Financial Results and Audit Findings.

Electricity Feed-in (Renewable Energy Premium) Act—

Pursuant to section 13—

Electricity Feed-in (Renewable Energy Premium) Act 2008—Review, dated October 2018.

Government response to the findings of the Review and Audit of the Small and Medium Feed-in Tariff Scheme, dated October 2019.

Internal Audit of the Small and Medium Feed-in Tariff Scheme Reporting Data—Final Report, dated September 2019.

Crimes (Sentence Administration) Act, pursuant to subsection 81(1)—Intensive Correction Orders Review Report, dated November 2019.

Planning and Development Act, pursuant to subsection 242(2)—Statement of leases granted for the period 1 October to 31 December 2019, dated February 2020.

Rail Safety National Law (South Australia) Act 2012—Rail Safety National Law National Regulations (Application of Law) Variation Regulations 2019 (No 238 of 2019), together with an explanatory statement.

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Court Procedures Act—Court Procedures (Fees) Determination 2020 (No 1)—Disallowable Instrument DI2020-13 (LR, 31 January 2020).

Legal Aid Act—Legal Aid (Commission President) Appointment 2020—Disallowable Instrument DI2020-12 (LR, 30 January 2020).

Public Health Act—Public Health (Novel Coronavirus—Temporary Notifiable Condition) Declaration 2020—Disallowable Instrument DI2020-14 (LR, 3 February 2020).

Public Unleased Land Act—Public Unleased Land (Fees) Determination 2020 (No 1)—Disallowable Instrument DI2020-11 (LR, 30 January 2020).

Road Transport (Safety and Traffic Management) Act—Road Transport (Safety and Traffic Management) Amendment Regulation 2020 (No 1)—Subordinate Law SL2020-4 (LR, 6 February 2020).

Crimes (Sentence Administration) Act—intensive correction orders review report

MR GENTLEMAN (Brindabella—Minister for Advanced Technology and Space Industries, Minister for the Environment and Heritage, Minister for Planning and Land Management and Minister for Police and Emergency Services) (3.01): Pursuant to standing order 211, I move:

That the Assembly take note of the following paper:

Crimes (Sentence Administration) Act, pursuant to subsection 81(1)—Intensive Correction Orders Review Report.

MR RATTENBURY (Kurrajong—Minister for Climate Change and Sustainability, Minister for Corrections and Justice Health, Minister for Justice, Consumer Affairs and Road Safety and Minister for Mental Health) (3.02): I am pleased to table a report on the statutory review of the intensive corrections order provisions found in chapter 5 of the Crimes (Sentence Administration) Act 2005.

Section 81 of the act provides that the minister must review the operation and effectiveness of this chapter after three years. Provisions for ICOs were inserted into

the Crimes (Sentencing) Act 2005 and the Crimes (Sentence Administration) Act 2005 by the Crimes (Sentencing and Restorative Justice) Amendment Act 2016 as part of the justice reform strategy. The ICO provisions commenced on 2 March 2016. This tied into the amendments introduced by the Crimes (Sentencing Amendment) Act 2014, which provided for an end date for periodic detention on 1 July 2016.

ICOs were introduced with several strategic aims, including to establish an alternative sentencing option to full-time imprisonment, to provide effective supervision and rehabilitation of offenders in the community, and to reduce rates of reoffending and imprisonment. The ICO was designed to be a stand-alone way of serving a sentence of imprisonment while remaining in the community. In the ACT sentencing hierarchy, it sits just below a sentence of full-time imprisonment. It is intended as a sentence of last resort for offenders before full-time imprisonment. The sentence can fulfil a range of purposes of sentencing in circumstances where community safety and other sentencing considerations do not require the sentence to be served by way of full-time imprisonment.

The review sought feedback from a range of criminal justice stakeholders on the operation of the ICO provisions. The general view was that the ICO is an effective sentencing option, and some stakeholders considered it was likely to contribute to reducing reoffending. Available data indicates that 62 per cent of offenders referred for assessment for suitability for an ICO were sentenced to an ICO, with only six per cent of offenders returning to custody in the ACT on either new offences or on remand, and 24.7 per cent returning on a community corrections order or another ICO. Of the offenders who completed their ICO since the commencement of the scheme, 61.5 per cent have not returned to custody or otherwise been sentenced to supervision by ACT corrective services.

The responses received from stakeholders noted two main opportunities to improve the scheme: the timeliness of the ICO processes and its resourcing; and the need for clarification of the operation of some provisions. The provisions identified for clarification relate to eligibility, suitability and the complexity involved with offenders carrying multiple court sentences and orders, including the ability to credit time served on remand.

Recommendations from stakeholders included reviewing the necessity for both a pre-sentence report and intensive corrections order assessment report whilst maintaining a robust assessment process and ensuring the timeliness of information provided to the court; considering the impact of potential aggregate or global sentencing legislative provisions within the ACT as is applied in other jurisdictions; a review of the Crimes (Sentence Administration) Act 2005 to exclude certain serious offences from being amenable to an ICO and limit availability of ICOs to lower terms of imprisonment; revising exclusionary restrictions listed under section 46D of the Crimes (Sentencing) Act 2005 to ensure that target cohorts are not excluded from ICOs unnecessarily; and optimising the effectiveness of community corrections supervision orders through alignment to the ACT corrective services' risk, needs and responsivity framework. A further recommendation was for ACT corrective services

to employ identified Aboriginal and Torres Strait Islander community corrections officers in community corrections.

The review demonstrates that ICOs are an important innovation in the justice system. The government remains committed to continuous improvement of the system to ensure the community is protected while giving offenders a rehabilitation pathway and maintaining family and community ties. This review report sets out the information provided as feedback about the operation of the ICO, including suggestions for potential reforms. It will be used as the basis for further consultation with stakeholders to support consideration by the government of reform to the scheme.

I would like to thank all those who participated in the review. This review demonstrates that ICOs are an important innovation in the justice system. The review demonstrates how the government remains committed to continuous improvement of the system to ensure the community is protected while giving offenders a rehabilitation pathway.

Question resolved in the affirmative.

Volunteering

Discussion of matter of public importance

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

The importance of recognising and valuing volunteering across the ACT.

MR MILLIGAN (Yerrabi) (3.07): This is a great opportunity to discuss the outstanding contributions that volunteers make to our community. As the shadow minister for sport and recreation, I get to see firsthand just how vital volunteers are to our local clubs. They freely choose to give up their time to organisations or groups in the community for no monetary reward but for a range of reasons, mostly selfless and noble.

As the CEO of VolunteeringACT, Vicky Darling, recently told me, volunteering is not free. There are costs associated when someone gives up their time and commits to a group or an activity. The actual time of the volunteer has a value. Often this sacrifice of time also equates to lost wages that a volunteer could be earning elsewhere. Training expenses are also an extra cost associated with volunteering. Insurance can be a factor, as can travel, parking and general transport. Of course, there is equipment, uniforms or other items that volunteers need. When we thank volunteers for their contribution, it is important that we recognise the economic value of this work as well as the social and community benefits that it brings.

In a sporting context, the activities undertaken by volunteers range from administration to fundraising, coaching, serving food and running canteens, helping with gardening and maintenance, transportation, mentoring juniors; the list goes on. Sport benefits significantly from the input of volunteers. In fact sports organisations rely heavily on volunteers to provide services for their members. Research has proven that sport volunteers are key to the success and long-term sustainability of sporting clubs, organisations and events. Without this contribution many sports organisations or individual clubs could not exist.

Importantly, voluntary work also helps to develop and reinforce social networks and cohesion with communities. This is the reason that volunteering features so heavily in the Canberra Liberals' sport and recreation policy booklet "Find your game". "Find your game" is a coordinated approach to providing more opportunities to increase grassroots participation and to grow sport and recreation in the ACT. Whilst the strategic framework within "Find your game" has a focus on increasing participation for groups such as seniors, females, people with disability, children and young people, this is not just in terms of playing; this also includes volunteers.

That is why we have specific initiatives within this policy document that aim to support the important work of volunteers. The local sporting heroes grants are specifically aimed at helping those who help to keep our clubs running: volunteers, referees, coaches and committee members. We know that this program will make a difference to local clubs and associations.

I refer also to the recreation matters initiative, which recognises the importance of the various recreation groups that operate right across our community. These include hiking and walking groups, rock climbing, cycling, orienteering, and water sports like kayaking, canoeing and waterskiing.

There are other activities that are growing: eSports, Rubik's cube clubs, parkour and free running. These are really appealing to young people and to those who have not been attracted to traditional sports. That is why the Canberra Liberals have a policy aimed at supporting these groups, because we recognise the benefit of being involved in these activities.

We know that for every dollar invested in sport and recreation, you can reap a \$7 return in terms of health and wellbeing benefits. This is a significant return on investment, along with the numerous benefits that you cannot quantify, the social engagement, sense of belonging, community building and so much more.

I am pleased that we get some time in this place to reflect on and acknowledge the importance of volunteers. I am confident that the Canberra Liberals' sport and recreation policy "Find your game" recognises this role as being vital to the development of sport and recreation in the ACT. I look forward to working with local sport and recreation groups over the coming months to announce more detail on the programs and initiatives we have to support those in our community who do so much for others.

Before I conclude I also want to promote the annual volunteering awards, which are currently open for nominations. These awards will take place on Tuesday, 19 May and are an important way for us as a community to say thank you. There are various categories to recognise the many ways in which volunteers contribute to Canberra. I look forward to hearing some of the inspirational stories that will come from this event. I am sure we will see lots of fantastic examples from the sport and recreation sector. For more information on these awards or on how to get involved in volunteering, check out the VolunteeringACT website.

MS ORR (Yerrabi—Minister for Community Services and Facilities, Minister for Disability, Minister for Employment and Workplace Safety and Minister for Government Services and Procurement) (3.13): Today I would like to discuss the important matter of volunteering in the ACT. As many of you know, our volunteers provide essential and vital support to our community. Volunteers make our city stronger, more inclusive and more sustainable.

I would like to take this opportunity to thank our volunteers. I thank them for their contribution, their dedication and their amazing skills. Without volunteers, our city would not be the vibrant, inclusive and participative city that it is. Across our city, thousands of volunteers give their time every week helping others, organising sporting activities, participating in and arranging cultural activities, and, of significant importance, preserving our natural heritage.

This government is committed to supporting and valuing volunteers. The ACT volunteering statement guides this work and provides an inclusive and supportive vision for volunteering in the ACT. This government is committed to our volunteers. Our statement sets out the four principles of “recognised, valued, diverse and supported” as the underpinning principles for our volunteering platform.

To ensure that we continue to deliver on this statement, the government has developed an action plan to support the delivery of the statement. This action plan was developed through consultation and draws on the initiatives and ideas of hundreds of people across the city.

We know that volunteering plays an important role in the ACT community and contributes to building healthier and more resilient individuals, communities and natural environments. The value of volunteering simply cannot be understated.

Volunteering provides significant benefits and contributes to the cultural, social and economic value of the Canberra region. But it is not only the region that benefits from this. Volunteers themselves enjoy many benefits gained through volunteering. Our volunteers tell us that they are motivated to volunteer for lots of different reasons, but many enjoy giving back to the community and making a difference to others. Ninety-five per cent of volunteers surveyed identified that volunteering enhances their personal feelings of wellbeing.

There are many services across our territory that rely on the work of our valued and essential volunteers. The work of these tireless and skilled individuals does not go

unnoticed. I want to take a moment to make special mention of a number of volunteers who have worked above and beyond recently during the bushfire crisis.

Volunteers from our ACT State Emergency Service, ACT Rural Fire Service, mapping and planning support, ACT community fire units and ACT fire brigade historic society deserve a special mention for their work in protecting our city. Their work has been tireless and may at times have gone unnoticed. But their contribution is significant and has been essential in keeping our city safe and protected from the bushfires.

I would also like to take a moment to thank and recognise our community partners who have provided support and relief to many Canberrans, as well as people fleeing New South Wales and Victoria during the worst of the fires. These organisations play an essential role in our evacuation centres and provide relief, support and endless care to people in their time of need.

From 2 January to 17 January, volunteers in our evacuation centres provided respite and support to people affected by the bushfires in New South Wales and Victoria. These volunteers supported a total of 426 people. Our community rallied during this time and provided 86 nights of temporary accommodation for a total of 30 families. From 28 January to 7 February, volunteers supported the activation of another evacuation centre, and volunteers provided a place of safety and support to people in Canberra's southern suburbs threatened by the Orroral Valley fire. Volunteers supported 238 people during this time and our community provided 59 nights of temporary accommodation to families most in need during this time.

Our evacuation centres run on the support and dedication of our community partners, including the Red Cross, GIVIT, Anglicare, Communities@Work, St Vincent De Paul, the Salvation Army, the ACT wellbeing network, Disaster Recovery Chaplaincy Network ACT, ACT SES, and domestic animal services through the ACT government.

While volunteers support our city every single day, I do pause for a moment to pay special tribute to those who have supported us during the bushfire crisis. Volunteers play an integral part in the delivery of environmental programs coordinated by the Environment, Planning and Sustainable Development Directorate. Community volunteers assist in engagement in land management, wildlife programs and visitor services. Volunteers carry out a broad range of activities across our parks and reserves and provide hours of essential support.

I know many of our schools across Canberra support students to give back to our community through volunteering and community support. For example, some schools encourage students to identify a charity or community group to support and work with over a period of a term or semester, or in some cases a year or two. This forms part of our schools' work in social and community development and support. Students learn and gain important skills through this and have the opportunity to give back to organisations, cultures and our community.

As we approach the start of the National Multicultural Festival this week, we will see even more volunteers supporting the work of our amazing festival, one of our largest

community events. Over the course of the three days, we will see thousands of community volunteers taking on the role of stall holders, performers and showcase coordinators. Events like this run largely on the goodwill and dedication of our community volunteers who give their time and their skills to showcase and share their culture and heritage with us.

Today's matter of public importance is critical in ensuring that members understand that volunteering is integral to community connectedness. I stand here today to thank and recognise all the people in our community who selflessly work to support our region. Volunteering enables people with all skills and abilities to actively participate in their community. Our volunteers are supporting Canberra to be a fun, vibrant and inclusive city. Volunteers support advocacy and deliver vital services for people and environments in need.

I also recognise the work of our peak body, VolunteeringACT. VolunteeringACT are the enabler of many volunteering services in the ACT. Without their work, many volunteering services would not happen, and I thank them for their continued service to the ACT.

As I draw to a close, I want to take a moment to recognise the 2019 Volunteer of the Year for the Canberra region, Nikki Bensch. Nikki was awarded the 2019 Volunteer of the Year award for her work with Share the Dignity in the ACT. Share the Dignity supports women and girls in need in the ACT and across the nation, providing them with essential sanitary items and other care. Share the Dignity supports women in the ACT that may be experiencing homelessness, fleeing domestic violence or otherwise suffering financial hardship. Over the past four years Nikki has coordinated three campaign drives and events that occur annually for the charity. In 2018 Nikki and her team collected 14,995 sanitary items and 5,203 handbags for women and girls in the Canberra region who need support.

Nikki's work is one example of the amazing work that happens every day across our city, and I take this opportunity to recognise Nikki's contribution as well as the contribution of all those working with Nikki on this important piece of work to support women and girls in the ACT.

Volunteering brings people together. It builds more active, engaged and inclusive communities. Volunteering enriches the lives of the volunteers themselves, as well as those that benefit from their commitment to Canberra, its people and places.

I am committed to ensuring that our volunteers are recognised, acknowledged and celebrated. I stand here in honour of the value and contribution that volunteers make to our city. I recognise the diverse nature of volunteering and that we have volunteers of all ages and abilities, and I support our volunteers to provide the incredible service and contribution that they deliver for the ACT.

MRS KIKKERT (Ginninderra) (3.21): I am grateful to Mr Milligan for bringing this matter of public importance before the Assembly today. I doubt any of us really grasps how many people in Canberra are engaged in volunteering or just how much they actually do. We would only start to see the big picture if all the volunteering just

stopped. The resulting disruption would be unmistakable. So many aspects of our daily lives are touched by generous volunteers who give of their time, their talents and their passion. To offer just one example, the ACT is filled with vibrant community organisations that support and serve tens of thousands of people. Virtually all these organisations are led by volunteers who spend hours in dedicated services.

These visible volunteers are supported by armies of everyday community members whose less seen labour is necessary to getting anything done. Every time that I attend a cultural event hosted by one of our multicultural community organisations, visit a temple, a mosque, a synagogue or other place of worship, help to launch another street library, take my family to a community fair or school fete, or spend an afternoon with a group of enthusiastic Scouts, I catch a glimpse of these numerous unsung volunteers. I am so grateful for what they do. In fact, I want to take this opportunity to publicly thank every volunteer in this community.

Some, like those I have just mentioned, serve within the framework of a faith group or a community organisation. Others simply serve the people around them in informal ways. For years, one of my elderly neighbours in Charnwood would take my bins to the curb and bring them back in again just to be thoughtful. He did this many, many years. I am grateful for people like this retired schoolteacher, for those who volunteer to help a struggling student, for those who keep an eye on the pensioner down the street and so on.

Paid work often occupies large parts of our waking hours, but most human endeavours are quiet acts of volunteerism. I am grateful to have been taught from a young age the value of serving and I am grateful for the good things that a lifetime of volunteering in my community has brought to me and my own family. As a wise man once said, as we lose ourselves in the service of others, we discover our own lives and our own happiness.

It is important to recognise the extent of volunteering around us, as well as the value that volunteering brings not just to our communities but to those who choose to serve. Volunteers enjoy greater physical and mental wellbeing and face less social isolation. Those who have learnt this important lesson early in their life have far better outcomes as adults.

I want to also thank VolunteeringACT for the incredible work that they do. I wish to note that VolunteeringACT are opening nominations for the Canberra region volunteering awards. I join with my Liberal colleague James Milligan in encouraging people to nominate volunteers for the nine award categories that they have: the young volunteer award, the senior volunteer of the year award, the inclusion award, the innovation award, the volunteer leadership award, the corporate volunteering award, the volunteer team of the year award, Canberra's choice award and, finally, the ninth category, volunteer of the year award. We should do all that we can to raise the profile of volunteering as a way of life.

MR GUPTA (Yerrabi) (3.25): I am pleased to speak to the matter of public importance about recognising and valuing volunteering in the ACT. Volunteering brings people together to build a more active and inclusive community. It enriches the

lives of the volunteers and also those who benefit from the voluntary activities undertaken.

Volunteering is a fantastic way to activate members of our community and promote social connections. Within volunteer teams, people can have lots of fun, make new friends, gain new skills or experience, as well as keep our community safe. We all want to live in an inclusive city, and volunteering works toward this goal by valuing many tenets of inclusivity, such as teamwork, participation, diversity and collaboration.

Most recently, the bushfires in south Canberra have shown us how crucial our volunteers are in Canberra. Volunteers are a key part of the ACT Emergency Services Agency. They provide a frontline response to emergencies such as bushfires, storms and floods, and they have been in action these past few months. Additionally, these volunteers delivered community education to members of our community. During this incredibly challenging time for our nation and for Canberra, our volunteer firefighters were on the front line, defending our homes and our community. These brave men and women are an integral part of keeping our community safe, and we would not have been able to respond to the crisis in the capacity that we did if it had not been for our volunteers.

As well as the crucial role that volunteers provide during times of crisis, there are a multitude of ways to get involved and contribute to the community during other times. Volunteers are quite close to my own heart and have been a big part of my personal journey. I truly believe that you do not know where volunteering can take you. I would not be standing here today if not for my own volunteering and community work that led me into politics.

My role as President of the Australia India Business Council, ACT chapter, my role as an organiser of the National Multicultural Festival and being the founder of the World Curry Festival were all roles I did voluntarily because I wanted to contribute to the community. By being a part of these community organisations, I was able to launch community initiatives and, most importantly, come across many wonderful people who are some of my best friends today.

I also believe that being a volunteer has enabled me to understand the fabric of Canberra society and to connect with those I represent in my capacity as an MLA. Luckily, if you want to get involved in the ACT as a volunteer, there are many options. I recommend that people who want to get involved reach out to VolunteeringACT, which is the peak body for volunteering in the ACT region. They represent the interest of all community volunteers and those who work as volunteers.

In my electorate there are also fantastic ways to get involved, particularly with Northside Community Service, which provides support and services for residents of north Canberra. Northside runs a vibrant, diverse and engaging volunteer program for people looking to give their time assisting us to provide care and services for individuals and families in Canberra. The volunteer program operates across all aspects of the organisation and provides volunteers with an opportunity to learn new skills, develop new relationships and form new connections with community members.

These are four key programs that need volunteer support: LIFE, The Neighbourhood Project, PAWS, and iSeniors. I was delighted to recently attend one of their events, two Fridays ago, which was a sport and recreational fair at Amaroo district playing fields. It was wonderful to see so many community and sporting organisations out and about with many young families.

You can also reach out to some other fantastic groups such as GoVolunteer, The School Volunteer Program ACT, the ACT Playgroup Association, the ACT Health Volunteer Services, the ACT parks and conservation service, the RSPCA, the Red Cross, EventsACT and numerous other organisations.

I would also like to thank in advance all our volunteers for the coming National Multicultural Festival this weekend. These volunteers will be assisting with activities such as being information tent assistants, photographers, reception managers, area wardens, as well as general volunteers. The upcoming festival this weekend would not be possible without the generous support of hundreds of volunteers from our community who sacrifice their time and energy every year to come together and support our fantastic celebration of diversity and inclusivity in Canberra.

I am incredibly pleased to speak to the importance of volunteers in our capital. As the government, we are working to make Canberra a more inclusive and welcoming place, and it is extremely important that we acknowledge volunteering efforts and volunteers who may improve the daily lives of our community. I would also like to thank James Milligan MLA for bringing this matter of importance to the Assembly today. It is excellent to speak about something as excellent as volunteering in a collegiate way. I will be working to ensure that we are supporting our volunteers in the ACT in the future. I thank all our current volunteers in the ACT.

MS LEE (Kurrajong) (3.31): It is 2 am. The phone rings. A murmured, “Yeah, mate; give me 15 minutes.” A quick kiss on the forehead—one for me, one for Mia. He pulls on his uniform, grabs his helmet and he is gone. Instantly a knot forms in my stomach, and my mouth feels dry. All of a sudden I am wide awake. The first thing I do is check on Mia—thankfully sound asleep. The next thing I do is log onto the ACT ESA website and check the map for current fires. I see “Active”, written in black and white next to a fire symbol. For the next few hours, I lie wide awake, checking the website every few minutes. Finally, I see “Out/Completed.” That is followed by a beep on my phone, a text message: “Fire is out but I won’t be home for another few hours.”

It is the height of the longest summer we have experienced. Devastating bushfires are ravaging all around us. Everyone is on high alert, coming back early from the Christmas break to be available. Whilst he may wear many hats—father, partner, public servant—the role that takes priority right now is RFS volunteer firefighter.

This summer, when we saw the worst of Mother Nature, we saw the best of the Canberra community. Many, like my partner, Nathan, dropped everything to be available to help fight the fires as a member of the RFS, giving up holiday and weekend time with their families, doing backbreaking physical and manual work for more than 12 hours, and going into work the next day.

Now, when most Canberrans are starting to breathe easy—literally—we should not forget the aftermath and the lessons to be learned. Only last week Nathan was out again on the clean-up crew. Another day he was not able to drop Mia off at child care. Another day he was not able to put Mia to bed.

I say thank you to the countless volunteers, from the RFS to Emergency Services, police and members of our community, who gave so much during a time when others were doing it tough. I have, in this very chamber, spoken about many members of the Canberra community who volunteer every day to make our city and our world a better place. Whether it is doing an overnight shift at a shelter, cooking Christmas lunch for those sleeping rough, tutoring our new migrant students or organising events and initiatives to empower young women, many worthwhile achievements could not happen without the countless hours and dedication of our volunteers.

Today I take this opportunity to highlight and thank Nathan and his fellow RFS volunteer firefighters. Even on days when he was not out on the field, knowing that Canberra is protected by dedicated men and women who will drop everything to defend our city is an extraordinary thing. I also take the opportunity to thank the families of volunteers, especially those that serve our community in Emergency Services. I will never forget that night, lying wide awake, wondering if he was actually going to make it home, each time hearing on the news about the death of another RFS firefighter and knowing that it could easily have been me to receive that gut-wrenching, heartbreaking phone call.

I thank Mr Milligan for bringing this matter of public importance on for debate today. To Nathan—I do not always express it to him, of course—I thank him and pass on the thanks of our community as well. I will say, “Thank you, darling, but now that the fire season is coming to an end, it is time you got back to your nightly dinner duties.”

MR RATTENBURY (Kurrajong) (3.35): I welcome the opportunity to talk about the role of volunteering across the ACT and I thank Mr Milligan for bringing the topic forward. We have had a lot of discussion in recent times about the significant volunteering effort that has gone on through the terrible summer we have just experienced, from the stories Ms Lee was just sharing of the RFS volunteers to the SES volunteers who responded to the record number of calls after the hailstorm and all the unsung heroes who worked away in the background, delivering things to areas in need and playing the many other roles that have been needed during the bushfire emergency, which has extended over our region both in a vast area and for an extended period of time, and in responding to the smoke.

Even within my own party, the Greens, some of our members took it upon themselves to organise face masks for vulnerable people in the community. They just went and did that because they saw a need. They jumped in and volunteered. It was very impressive to see the work that they did so quickly.

As we think about this more generically, outside the recent summer we have experienced, we realise that volunteers are diverse and from all walks of life. Mr Milligan spoke in particular about sports volunteers. Having formerly been the

minister for sport, I have seen that myself in the various sports I am involved in and have been involved in. We know how much of a role they play. Again, often people focus on the volunteers they see on a Saturday morning, but I particularly take the opportunity to reflect on the role of many board members in these organisations, people that are the treasurers and the secretaries of these organisations who play such a vital role.

Volunteers bring all sorts of different skills and qualifications across all sorts of activities that they are involved in. The value proposition is, frankly, impossible to quantify. It is impossible to do some analysis that says, "It adds this much value to the economy." I will come back to that point a little later.

I want to take the opportunity today to particularly reflect on the role of environmental volunteers. Members will recall that last week I tabled the *State of the environment* report. One of the things the commissioner and her team drew out in that report was the role of volunteers in contributing to the state of the environment in the ACT and the enormous role that is played, much of which is not well known. I was very pleased to see the commissioner draw that out in her four-yearly *State of the environment* report, because volunteering in this sphere, as in many others, promotes social relationships between generations, genders and people; promotes healthier and more active lifestyles; and gives purpose, including a feeling of giving something back to nature and the community.

Environmental volunteering is not only important in national parks and on rural properties but increasingly important in cities. There are initiatives such as the Lyneham Commons, which I was very pleased to provide the land for when I was Minister for Territory and Municipal Services; and others such as the Friends of Mount Majura, the public servants who are improving garden beds, and other groups who contribute to weeding, planting, urban artwork, litter collection, erosion control and the design, development and maintenance of community gardens. I could literally rattle off a list as long as my arm in thinking about the various contributions, even just within ParkCare. I mentioned the Friends of Mount Majura. There were 34 groups across the city the last time I checked the numbers, and each of them has many members doing huge amounts of work and bringing both energy and expertise to the table. We are now seeing the development of suburban compost stations, all initiated, built and maintained by volunteers.

The benefits of the contributions made by environmental volunteers include unparalleled local knowledge of the surrounding environment and conditions; local species knowledge; the sheer physical labour of planting, weeding and removing debris; monitoring and evaluation; education and raising awareness of local environmental issues; encouraging practices which support the needs of present and future generations; and, as we have seen particularly highlighted in recent times, caring for injured wildlife.

There are also citizen science initiatives such as Frogwatch which play a vital role in both monitoring the environment and building long-term datasets. The persistent dedication in the citizen science area is particularly to be noted, given the importance

of the accuracy of the data and how much it contributes to building up knowledge over time.

One initiative we have seen in recent times is the Lids 4 Kids project here in Canberra. People all over the city have been engaged to pull together lids which can be converted into prosthetic hands for children. In some ways that has an environmental bent because of the gathering of the plastics, but also, obviously, it makes a significant humanitarian contribution.

One group that I particularly like in Canberra, which I am sure has been acknowledged in this place before, is the Canberra Indian Myna Action Group, which is working to reduce the impact of this exotic invader, including monitoring, trapping, disposing and evaluating. Since its inception in 2006 through to September 2019 there have been 2,470 people undertaking trapping, removing more than 70,000 myna birds from the Canberra environment. They have knocked the myna down from being, I think, the sixth most common bird species in Canberra to being about the 20th most common bird species in the city. I have not checked those numbers for a while, and it has probably ebbed and flowed a bit, but it gives you a sense of the scale of impact they were able to have in dealing with that exotic species.

As I touched on before, the commissioner had a bit of a go at putting an economic value on environmental volunteering. Whilst in some ways, as I said, it is hard to quantify, the commissioner has given it a good stab. To replace the level of environmental volunteering with paid employment would be inconceivable; it would be cost-prohibitive and strip the community of its agency in relation to environment, biodiversity, sustainability and climate change issues.

The economic value of volunteering cannot be overstated. A 2013 report cited in the ACT volunteering statement action plan found that ACT volunteers contributed \$1.5 billion to the ACT economy annually and that environmental volunteers were an important part of that. The Office of the Commissioner for Sustainability and Environment economic accounts proof of concept 2017-18 estimated the value of volunteer activity to be in excess of 22 per cent of total ACT government expenditure on the environment. Replacement cost in wages was in the order of \$50 million over a number of different financial years. It gives you a sense of the scale of effort that is being put in.

There is so much more I could say about volunteering. With the Multicultural Festival on this weekend, there will be many volunteers out there, all of whom will be proudly promoting their culture, preparing food and drinks, performing and overall promoting social cohesion and inclusion. It is another great example. I know it is often talked about in this place because it is one of the biggest events in this city. It is not only a great celebration of multicultural diversity but also a great celebration of volunteering.

Let me conclude by saying that the value of unpaid work to society is underestimated, although it should not be. Unpaid work can not only make a person as an individual feel as though they are part of something special but provide valuable input into society in general. Society as we know it would not exist without unpaid work or

volunteering. I thank all those who volunteer in whatever capacity in our community. We are much the better for it.

MR GENTLEMAN (Brindabella—Minister for Advanced Technology and Space Industries, Minister for the Environment and Heritage, Minister for Planning and Land Management and Minister for Police and Emergency Services) (3.44): I commend this matter of public importance relating to the recognition and valuing of volunteers across the ACT. As Minister for Police and Emergency Services, volunteers are an integral part of my portfolio and are highly regarded within the emergency response and emergency management areas.

I reiterate my sincere thanks to volunteers assisting the community to remain safe. Volunteers from the ACT Rural Fire Service, the ACT State Emergency Service, community fire units and the ACT mapping and planning support have worked tirelessly on the ground and in the incident management team to keep the territory safe. Our volunteers not only have responded to storms and bushfires locally but also have been providing much-needed support to their New South Wales and Queensland counterparts since September.

Emergency services are in a unique position as part of a government that relies heavily on the contributions of volunteers to maintain its operational response. The ACT community are supported by over 1,700 emergency service volunteers who are not just busy during extreme weather events but out in the community educating about preparedness and contributing in any way possible.

We saw the true nature of their volunteering when they turned out in large numbers for the convoy for cancer on 9 February 2020 straight off the back of large commitments fighting the Orroral Valley fire. We see it week in and week out at school fetes, community events and the ESA open day. Not only are they making homes safe after a severe storm and holding a hose on a fire but they are alongside community members whenever the need arises. Our volunteers sign up because they want to protect their communities and help their neighbours. They show a remarkable level of bravery and professionalism, and I thank them for their selfless work.

I again acknowledge the families, friends, and employers of our emergency service volunteers and the personnel who have assisted the ESA. Without your support to our volunteers across the ACT Rural Fire Service, ACTSES, the community fire units, ACT mapping and planning support, it would not have been possible to respond to these incidents in the way that we have. Through your support to those volunteering in our services, you have helped to keep the community safe.

The length of this season has been felt by many of our volunteers and their families who have given their time responding to the bushfire here in the ACT, engaging with the community and deploying interstate and internationally as well. I commend all emergency service volunteers who continue to answer the call and protect our community.

I also take this opportunity to thank the over 800 ParkCare volunteers in the ACT. Our ParkCare volunteers actively contribute to protecting, enhancing and interpreting

the natural and cultural values across the ACT reserves and national parks. Our ParkCare volunteers play an important role in supporting bushfire recovery through the ranger assist program. The ranger assist program supports volunteers to work directly on important environmental conservation in our region with parks and conservation staff, including on bushfire recovery. I am happy to report that the ACT government has significantly increased funding for the ranger assist program as part of the midyear budget boost of more than \$7.8 million of investments across environment and planning. This will be vital in the recovery and enhancement of our parks.

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 climatic changes that global warming is bringing. We will continue to make the investments needed to deal with this as our city grows. The season has been one of the toughest since 2003, and it is still going. Our volunteers have done a stellar job in difficult conditions. Our city is better prepared than ever before and this is because of the hard work of all of the professionals across government, including, of course, our volunteers. Once again, thank you.

MS LAWDER (Brindabella) (3.48): Canberra has an enviable reputation for exceptional commitment to volunteerism by its citizens and we have seen this over our summer throughout Canberra and certainly in Tuggeranong. Some people are long-term volunteers. Some people help out spontaneously when the occasion arises and the need is made apparent. We have seen the efforts of volunteers in the face of fires and other natural phenomena in the past few months: our volunteer firefighters, service clubs, people cooking meals, delivery driving, Lifeline volunteers. Some people staffing the evacuation and relief centres have been volunteers—donating supplies, wildlife carers. The list goes on and on.

I especially mention many of our older citizens who are volunteers. Older Australians make a significant contribution to our community through volunteering. In 2010, of 75 per cent of Australians who volunteered, seniors over 65 years made up 31 per cent—certainly batting above the average. Volunteering delivers tangible economic, social and cultural outcomes for our community and also delivers back to the volunteers in wellbeing, socialisation, meaning of life and inclusion in the community.

VolunteeringACT coordinates National Volunteer Week here in the ACT, as well as the volunteering awards. I encourage all volunteering organisations to consider nominating for those awards. It is the Australian way, whether you are volunteering at your local fire unit, delivering meals to seniors at home, revegetating wetlands or cleaning up our lakes and waterways, whether you are tutoring and mentoring young people, whether you are a business person who donates time or goods and services to those who cannot afford them or in times of crisis, those who help sick children, volunteers at schools, our hospitals, our police stations, YMCA, YWCA, Lifeline, Communities at Work. The list goes on and on across all areas of our community.

If you do not already volunteer, I urge you to get involved because you get more out of it than you put in. Many places are in need of more volunteers. Ronald McDonald House, Clean Up Australia, Keep Australia Beautiful, your community fire unit, your

community council, such as the Tuggeranong Community Council, your local festival, such as SouthFest—they all run on volunteers. Just recently there has been a call-out for a register of interest for Namadgi bushfire recovery volunteering. We support volunteers here. We respect them. We acknowledge and applaud their contribution. Our community would be a poorer place without them. I reiterate that you will get more out of volunteering than you put in.

Discussion concluded.

Adjournment

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

That the Assembly do now adjourn.

Employment—Gungahlin

MR MILLIGAN (Yerrabi) (3.52): It gives me great pleasure to rise this afternoon to speak about an exciting development for the Gungahlin region. Following ongoing representations from our senator for the ACT, the Hon Zed Seselja, last week Alistair Coe and I joined Senator Zed Seselja to announce an important milestone for the town centre in Gungahlin. After advocating to bring more jobs and economic growth to Gungahlin, it was great to confirm progress on establishing an office for Defence Housing Australia. Another 300 jobs in the town centre will be significant for our retailers, cafes, newsagents and drycleaners. It will also help support our small businesses, with many law firms, accountants and real estate offices having access to potential clients.

The new office will be located in Gungahlin town centre, on the site bounded by Hibberson, Hinder, Kate Crace, and Efkarpidis Streets. The deed of agreement for lease was executed early this month, with DHA entering into a lease for a term of 15 years, to start from March 2022. Construction will start in August 2020 and the fit-out in August 2021, with practical completion to be achieved by March 2022. This phase also brings with it opportunities for greater employment and economic benefit.

After years of light rail construction and disruption, this will be a welcome addition to the town centre. With more than 22,000 households in the area, which is growing strongly, we need to focus on more jobs closer to home for the residents of Yerrabi. We know that more than 70 per cent of Canberrans drive to work. For residents of Gungahlin, this usually means driving to Civic, across to Fyshwick or Belconnen, or down to Woden or Tuggeranong. We want people to have the option of working closer to home. That way they can walk, ride or use public transport. They also get great work-life balance and less travel time. This means more time with your family and friends and to do the things you enjoy, like sport and recreation. It really is a win-win.

This is why I find the approach of this tired Labor government so frustrating. Keeping Gungahlin as a village is only holding us back and limiting the opportunities and choices for residents that are available. We can do better. That is exactly what Senator

Zed Seselja is delivering. Both Alistair Coe and I feel proud to have played a role in this important development.

Young Workers Centre

MS CODY (Murrumbidgee) (3.55): I rise tonight because I would like to congratulate the Young Workers Centre and acknowledge the important work they do for our youth. The Young Workers Centre is an initiative of UnionsACT and is also funded by the ACT government through a service agreement. This is terrific because it enables the Young Workers Centre to provide specific services for free. The centre has been established to assist young people to put a stop to wage theft, exploitation and unsafe working conditions. Since its establishment the Young Workers Centre and its volunteers have done a fantastic job of educating, advising and facilitating programs for workers under 25 years of age. The information they provide is effectively combating the low awareness of rights in the workplace. According to research undertaken by UnionsACT:

... the prevalence of wage-theft has increased dramatically in recent times, with more than half of young workers reporting their wages were stolen in the last 12 months (up from 44% last year).

Young people under 25 are vulnerable to wage theft, workplace bullying and breaches of workplace safety.

Every worker deserves to be paid for the work they do and be safe where they work. A survey conducted in January 2019 by UnionsACT of workers ages between 14 and 25 found that almost half of young workers have been injured or hurt at work in the past 12 months. There are significant levels of under-reporting of workplace injuries and exploitation for young workers. Young workers have low levels of awareness of specific workplace rights but generally are aware that their rights and entitlements are not being met. Finally, over half of young workers struggle to pay medical bills due to low wages and insecure work. More than 60 per cent delay seeing a doctor at all. We are failing our young workers.

Wage theft rages on. In 2019 there was a major crisis for wage theft, and that is unacceptable. We hear of businesses that have been busted for wage theft, businesses or companies that we have all purchased stuff from at least once. Some of these are 7-Eleven, the Super Retail Group, Commonwealth Bank, Michael Hill Jewellers, Qantas, Subway, the Coffee Club, Crust Pizza, Sushi Bay, Sunglass Hut, Bunnings, Hero Sushi, Grill'd—and the list goes on and on. These are just some of the businesses that have been audited by the Fair Work Ombudsman, following multiple complaints of wage theft. Over 620 workers at Sunglass Hut collectively had \$2.3 million in wages stolen from them. One incident saw an employee owed over \$40,000. This needs to stop.

I strongly support the work our unions do and encourage the Young Workers Centre's efforts. We need to be strong in the face of dodgy employers. Let us continue to fight for and stand up for our young workers.

Women—rights

MRS KIKKERT (Ginninderra) (3.59): In light of International Women’s Day next month, I rise today to speak in full support of empowering women to reach their full potential. As a member of the Liberal Party, I am deeply committed to the rights of the individual. I believe fully in the great human freedoms that have given us unequalled prosperity, just and tolerant societies and a flourishing of all that is good and beautiful in human nature. These include the freedom to worship, to think, to speak, to choose, to be ambitious, to be independent, to be industrious, to acquire skill and to seek and earn rewards.

I specifically wish to speak today about local Canberrans who are doing important things to help empower women. There are so many examples that I could share, but I have time to mention just a few. I express my thanks to the Migrant and Refugee Settlement Services for the great work they do assisting women newly arrived in Canberra from overseas. In many cases, these women do not speak English very well and/or lack other skills necessary to enter the workforce here in Canberra. In response, MARSS volunteers are providing all kinds of English courses, including English for living and English for employment.

They also teach computer skills, driving and sewing. In addition, they run an outreach program just for women. I have personally met with dozens of female migrants and refugees in Canberra who have been empowered by this assistance, finding both employment and confidence in their adopted home. This strengthens these women as individuals and also blesses their families.

I also wish to thank Canberran Sophie Fisher and her brilliant girls on bikes program. Whilst working as a tutor, Ms Fisher realised that most of her migrant and refugee students had never learnt to ride bicycles. With a great desire to help empower these women with increased mobility as well as an increased sense of community, Ms Fisher obtained a grant from the Canberra YWCA to develop a free learn-to-ride program for women from migrant and refugee backgrounds. The five-week program includes a free bike and helmet and helps bring together more established Canberrans with these new arrivals—what a fantastic idea.

I likewise wish to say thank you to Initiatives for Women in Need, a volunteer Indo-Australian organisation, based here in the ACT, that seeks to support and advocate for women and children who come from socially and economically disadvantaged backgrounds. I have attended several of their events, and Dr Madhumita Iyengar and her team do an amazing job of raising awareness about violence against women, gender inequality, discrimination against migrant women and similar issues.

Lastly, I wish to publicly acknowledge Westfield Belconnen’s Local Heroes for 2019, all of them powerful women committed to empowering others. Though only 21 years old, ANU student Camille Schloeffel raised funds and launched the STOP Campaign designed to educate others and help prevent sexual violence. Well done, Ms Schloeffel.

Hannah Andrevski was herself on maternity leave when she felt inspired to help needy families to obtain essential items like safety-checked car seats, cots, prams, clothing and toys. With no previous experience, Ms Andrevski recruited volunteers to assist her and successfully launched Roundabout Canberra, assisting more than 400 children within the first 12 months.

Finally, Natalie Malcolmson is a full-time carer of her husband, who experiences borderline personality disorder. Ms Malcolmson not only learnt all she could to help herself provide better care for her partner but then started BPD Awareness ACT to help provide community support to others in similar circumstances. What an example to all of us. (*Extension of time granted.*)

I share these specific examples to remind all of us that empowering women is more than just what we say in this place. We all have our roles to play in our communities, in our workplaces, in our families and in our personal lives. I am grateful for good organisations and inspired women who do so much to lift, serve and empower others. I hope that we will each contribute to this important work.

Florey community fair

MS CHEYNE (Ginninderra) (4.05): A few months have passed, but this is one of the first opportunities I have had to update the Assembly on the success that was the inaugural Fabulous Florey Community Fair. It is in fact timely that I speak about the fair now, following our matter of public importance about volunteering, because this event highlighted the very best of what volunteers can do.

On 30 November Floreyans flocked together to showcase the best of what Florey has to offer at the Florey Primary School. The initiative was the brainchild of Florey Neighbourhood Watch, led by Sharon Leigh-Hazell and her very dedicated committee. The outside areas at Florey Primary School were a medley of community and government organisations, businesses and sporting groups sharing their knowledge, and the way in which they enhance the community, with the attendees.

The Filipino School of Language danced, the Young Music Society played and there was a stall highlighting activities and services for seniors. ACT Fire and Rescue, ACT Policing and Kenny Koala were on hand, and I finally fulfilled a lifelong dream of getting a photo with Kenny. Vehicles from the Holden Rally Car to the DeLorean delighted, and Wonder Woman, who some of you may recognise by her alter ego, Brooke, made an appearance. There were the Lil Street Libraries, UnitingCare Kippax, the Men's Shed, Belconnen Community Council, the Hindu temple, the Smith Family, Belconnen Community Service; the list goes on.

I was very happy to lend a hand, where I am often seen, serving sausages at the barbecue to help raise money for Neighbourhood Watch's endeavours. From my vantage point, it was obvious to see the generosity of spirit in the community and how much people enjoyed coming together and perhaps learning something new. I think the highlight for many of us on the day was an elderly gentleman who had nominated to sing Christmas carols, and he did so with gusto, attracting quite a crowd.

A very big thankyou to Florey Primary School for lending its space. Thank you, principal Meegan Stuart and also Maureen Howe for helping make it happen. These events do not come together without an enormous amount of hard work and, of course, that very limited quantity: time. In the last few years Florey Neighbourhood Watch has grown into an organisation known for its dedicated members, its monthly friendly catch-ups at the Florey shops, being a source of valuable information and its camaraderie as a group. That was all on display with the Fabulous Florey Community Fair.

But special mention must be made of Sharon, who has that rare ability to pull people and processes together and to make things happen. As one member, Greg Blood, said:

It was a great event through Sharon's leadership and enormous commitment. Pleased to be involved in Neighbour Watch that is making Florey safer, caring and inclusive. We have a great group of committed members.

I could not say it better myself.

Question resolved in the affirmative.

The Assembly adjourned at 4.08 pm.

Schedules of amendments

Schedule 1

Unit Titles Legislation Amendment Bill 2019

Amendments moved by Ms Le Couteur

1

Proposed new clause 23A

Page 22, line 14—

insert

23A New section 9 (1) (g) (iv)

insert

- (iv) if the unit is an adaptable housing dwelling—drawings and plans demonstrating compliance with Australian Standard AS 4299-1995 (Adaptable Housing);

2

Proposed new clause 24A

Page 22, line 17—

insert

24A New section 9 (2) (aa)

insert

- (aa) a document mentioned in subsection (1) (g) (iv) is not required for a unit that is an off-the-plan purchase; and

3

Proposed new clauses 25A and 25B

Page 22, line 26—

insert

25A New part 3A

insert

Part 3A Adaptable housing

23A Meaning of *adaptable housing dwelling*

In this Act:

adaptable housing dwelling means a dwelling that complies with Australian Standard AS 4299-1995 (Adaptable Housing).

23B Adaptable housing—advertising

- (1) A person commits an offence if—
- (a) the person publishes an advertisement for the sale of a unit; and
 - (b) the unit is an adaptable housing dwelling; and
 - (c) the advertisement does not contain a statement that the unit is an adaptable housing dwelling.

Maximum penalty: 5 penalty units.

- (2) An offence against subsection (1) is a strict liability offence.

25B Dictionary, new definition of *adaptable housing dwelling**insert**adaptable housing dwelling*—see section 23A.

4

Proposed new clauses 42A and 42B**Page 41, line 1—***insert***42A New section 11AAA***insert***11AAA Adaptable housing—advertising**

- (1) A person commits an offence if—
- (a) the person publishes an advertisement for the lease of a unit; and
 - (b) the unit is an adaptable housing dwelling; and
 - (c) the advertisement does not contain a statement that the unit is an adaptable housing dwelling.

Maximum penalty: 5 penalty units.

- (2) An offence against subsection (1) is a strict liability offence.

42B Section 12 (4), new definitions*insert**adaptable housing dwelling* means a dwelling that complies with Australian Standard AS 4299-1995 (Adaptable Housing).*unit*—see the *Unit Titles Act 2001*, dictionary.

5

Clause 93**Proposed new section 108 (3) (f)****Page 68, line 17—***omit proposed new section 108 (3) (f), substitute*

- (f) prohibiting or restricting the installation, operation or maintenance of sustainability infrastructure in or on the common property or a unit; or

6

Clause 113**Page 84, line 13—***omit clause 113, substitute***113 First annual general meeting—developer to deliver records
Schedule 3, section 3.4 (c)***substitute*

- (c) any plans, specifications, diagrams or drawings that relate to the design or service of the units or common property of the units plan, including the development approval and any condition to which the approval is subject;
- (ca) the developer's maintenance schedule for the common property;

7

Proposed new clause 133A**Page 90, line 7—**

insert

133A Dictionary, definition of *sustainability infrastructure*

substitute

sustainability infrastructure—

- (a) means infrastructure or equipment that—
- (i) if installed in relation to a units plan—
- (A) improves the environmental sustainability of the units; or
- (B) reduces the environmental impact of the owners corporation and the units owners; and
- (ii) if installed in relation to a unit—
- (A) improves the environmental sustainability of the unit; or
- (B) reduces the environmental impact of the unit; and
- (b) includes related utility service connections and equipment.

8

Clause 137

Proposed new schedule 1, section 1.4 (3)

Page 96, line 10—

insert

- (3) However, if the structure is sustainability infrastructure, the owners corporation's permission must not be unreasonably withheld.

Examples—permission not unreasonably withheld

- safety considerations
- structural considerations

Example—permission unreasonably withheld

external appearance of a unit or the units plan

9

Schedule 1

Proposed new section 2 (a)

Page 100, line 13—

omit proposed new section 2 (a), substitute

- (a) if the building in the units plan is authorised by a development approval—
- (i) identify the development approval; and
- (ii) include a statement about any condition to which the development approval is subject;

Schedule 2

Unit Titles Legislation Amendment Bill 2019

Amendments moved by the Minister for Planning and Land Management

1

Proposed new clause 54A

Page 48, line 2—

insert

54A Owners corporation—establishment
New section 8 (1A)

insert

- (1A) To remove any doubt, an owners corporation continued in existence under this Act is established under this section.

Note 1 An owners corporation in existence under the *Unit Titles Act 2001* immediately before the commencement of s 150 (expired) is continued in existence as an owners corporation under that section.

Note 2 **Establish** includes constitute and continue in existence (see Legislation Act, dict, pt 1, def **establish**).

2

Clause 104

Proposed new section 167 (1)

Page 78, line 10—

omit

section 22

substitute

this Act

3

Clause 104

Proposed new section 169

Page 79, line 11—

omit proposed new section 169, substitute

169

Rules

- (1) This section applies to an owners corporation established before the commencement day.
- (2) On the commencement day—
 - (a) the articles or rules of the owners corporation—
 - (i) are the default rules under the *Unit Titles (Management) Regulation 2011*, schedule 1; and
 - (ii) are taken to be rules for the owners corporation under this Act; and
 - (b) if immediately before the commencement day non-standard rules are in force for the owners corporation—the default rules mentioned in paragraph (a) (i) apply as amended by the non-standard rules.
- (3) A non-standard rule mentioned in subsection (2) (b) that is inconsistent with this Act or another territory law has no effect to the extent of the inconsistency.
- (4) A unit owner may only apply to the ACAT for a declaration under section 127 (1) in relation to a non-standard rule if, after the second annual general meeting of the owners corporation after the commencement day, the non-standard rule is still in force.
- (5) This section applies even if the non-standard rule was not registered under the *Land Titles (Unit Titles) Act 1970*, section 27 before the commencement day.
- (6) This section is subject to section 170.
- (7) In this section:

non-standard rule means an article or rule of the owners corporation other than the default rules as in force immediately before the commencement day.

4

Clause 134

Proposed new section 4A (a) (iiia)

Page 91, line 14—

insert

(iiia) lifts;

Schedule 3

Unit Titles Legislation Amendment Bill 2019

Amendments moved by Mr Parton

1

Clause 87

Proposed new section 100 (3) (a)

Page 64, line 11—

omit

2

Proposed new clause 87A

Page 65, line 8—

insert

87A New section 100A

insert

100A Lodgement of insurance claims

- (1) This section applies to an insurance claim made in relation to a building on the land in relation to a units plan.
- (2) The responsible entity for the units plan must—
 - (a) lodge the insurance claim; and
 - (b) pay any excess payable in relation to the insurance claim.
- (3) In this section:
responsible entity—see section 100 (5).