



Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

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Wednesday, 20 February 2019

The Assembly met at 10 am.

(Quorum formed.)

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.

Crimes (Anti-Consorting) Amendment Bill 2019

Mr Hanson, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MR HANSON (Murrumbidgee) (10.03): I move:

That this bill be agreed to in principle.

We are elected to this place to serve the community. There is no higher responsibility of that service than to keep our community safe. And this government is failing to do that. This is not a matter of politics or ideology. It is a matter of pure, hard facts. Fact: in 2009, following a bikie murder at Sydney airport, the then Labor Premier of New South Wales said that he would introduce tough new anti-bikie laws and drive the bikies out of New South Wales. Fact: at that time the AFP, the Australian Crime Commission, I and others warned that if the ACT failed to introduce commensurate laws then we would be a safe haven for bikies.

Fact: since New South Wales introduced anti-consorting laws, bikies have seen the ACT as a soft place to operate and we have seen at least a fourfold increase in ACT bikie gangs. We have also seen New South Wales bikies come to the ACT en masse in visits to operate in ways that they cannot in New South Wales.

Fact: because of the increase from the one gang in 2009 to at least four now, we have seen an inter-gang war erupt in our suburbs as bikies fight over turf. Fact: the frequency and severity of bikie violence has massively increased during this war. There was one recorded bikie assault in 2014, but last year there were 20. As for machine guns, fire-bombings and night-time raids, these were unheard of 10 years ago.

Fact: successive chief police officers have called for anti-consorting laws and have cited our lack of laws as the reason that we have an increase in bikie gang activity. Fact: unless we have anti-consorting laws consistent with those in New South Wales the bikie war will continue to rage in our suburbs. Fact: if that war continues, sooner or later somebody will be killed or maimed.

Those are the facts. But the stories behind those facts present an even more compelling story. It started when New South Wales introduced their laws but the ACT did not. Everybody could see the impending problem.

Outlaw bikie gangs heading to Canberra because of the ACT's soft laws on consorting.

That was the headline from the *Daily Telegraph*.

Bikies drawn to Canberra due to lack of anti-gang laws.

That is from the ABC.

Canberra becoming a Bikie Mecca.

The *Telegraph* again. What is more harrowing is reading the reports from the violence that ensued. On 10 March 2017:

Front lawn set alight at house next door to childcare centre.

On 6 July:

Three cars torched, shots fired in Kambah.

On 11 July:

Cars, house shot at with high-powered rifle in Waramanga.

On 18 July:

Bullets fired into home next to childcare centre.

In September:

Man shot twice in the leg in Kambah.

The front page of the *Canberra Times* in October 2017 stated the depths our community had sunk to. "War zone" was the headline. The subheading was "Suburban violence". The article stated:

Kaloorlie Crescent residents were left terrified after a man was shot in the groin and shoulder and two vehicles were torched.

Two young children were home at the time.

There was a heartbreaking report of a six-year-old girl trying to use a garden hose to put out the cars set on fire on their property while the adult victim lay bleeding from gunshot wounds. That was caused by this failure to act. And there is no doubt this failure is the cause. On 4 February 2019 the *Canberra Times* headline read:

Police confirm bikie link to arson attack and gun shots in Kambah.

And let me quote from the article:

In a troubling development for the Canberra community, police have confirmed that the shooting and arson attack on a suburban home in Kambah early on Monday was a targeted attack and bikie gang-related.

Detective Superintendent Scott Moller confirmed that “multiple adults and some children” were at home in the two-storey home on Harrington Circuit in Kambah when three bullets were fired into the property about 1.30 am on Monday.

The bullets struck the garage door of the house.

Superintendent Moller also confirmed accelerant was poured on three vehicles outside the home and all three set on fire in the attack.

Worse still is the fact that the government has been repeatedly warned of these risks. They knew it was happening and did nothing. The warnings did not come just from the Canberra Liberals. ACT Policing, the New South Wales police and others have expressed their concerns at the refusal to act. The *Daily Telegraph* reported:

New South Wales Police sources have revealed their exasperation at how the ACT situation is hampering their battle against the bikie menace. “A lot of clubhouses have been closed down and bikies are no longer roaming in packs in New South Wales, but it’s frustrating that they can still operate freely in Canberra,” a senior New South Wales officer said.

The Australian Federal Police Association president, Angela Smith, stated:

I’ve been calling for these laws since I became president just over 18 months ago and I just don’t understand the reticence of the ACT government. It doesn’t make any sense. It is the last part of the suite of resources we need to battle outlaw motorcycle gangs.

I’ve been going on like a broken record. We’re an island in New South Wales. We’ve become a safe place to operate.

The *Sydney Morning Herald* summed it up:

The ACT needs anti-consorting laws now before someone dies.

For the record, I did send my warnings. And let me quote from a press report of 25 March 2009, a decade ago:

The ACT would risk becoming an oasis for bikie gang members if we failed to follow New South Wales’s lead on legislation, Shadow Minister for Police Jeremy Hanson said today.

“Recent bikie gang violence and murders in the ACT and New South Wales has highlighted the need for the ACT to stay in step with any changes to New South Wales anti-bikie gang laws in order to prevent Canberra becoming an oasis for bikies.

“As a result of recent bikie violence in New South Wales, highlighted by the murder of a bikie at Sydney Airport, the New South Wales Government is now looking at strong anti-bikie laws. Others are calling for uniform laws across Australia and the Prime Minister has called for zero tolerance.

“I am concerned that the Stanhope Government’s soft approach to bikie gang members may create a safe haven for bikies if we fail to follow any moves made by New South Wales and other jurisdictions.

“Only today, Police Minister Simon Corbell defended not giving ACT Police officers adequate powers by referring to South Australia’s anti-bikie laws as draconian. We know however that those laws have been successful and I would challenge the Minister to put the case that as a community we should be instituting statutory protections for bikie gangs as he is suggesting.

“The community needs a guarantee from the Government that they will stay in step with any changes of New South Wales law and prevent the ACT from becoming an oasis for bikie violence.”

That was in March 2009. As we know, that is exactly what happened. And it has happened on this government’s watch. We were warned that this would happen. For the record, others have noticed. I quote from an editorial in the *Canberra Times*:

As matters stand Canberra is now ... a safe haven for these gun-wielding thugs who have fled across our border to avoid being persecuted elsewhere. Pity the terrified residents of Canberra suburbs listening to assault rifles being fired meters from their homes ...

That has to change and change now—these are not the signals we want to send to lawless individuals. This is not a problem the Barr government can leave in the “too hard” basket any longer.

Of all the commentators we should be listening to, the most senior is the previous Chief Police Officer. When she was the assistant commissioner, our previous CPO agreed that the lack of Canberra’s anti-consorting laws made Canberra a haven for bikies. I will quote Justine Saunders, the previous Chief Police Officer. On the ABC on 6 March she said:

I believe that’s a factor in the decision to come here and undertake their activities.

She is also on the record as saying:

I think the key benefit of anti-consorting laws, noting that’s not the only solution, is that it’s a preventative tool ...

It’s about dismantling, disrupting and preventing rather than responding.

Lastly, she said:

If there’s something that keeps me awake at night, it’s gangs in Canberra ...

I've said consistently ... that police need preventative powers to ensure that we can prevent the sort of crime I've just referred to, occurring, where we can.

We must stop Canberra, the ACT, being a safe haven for bikies. We must give our police the tools that police in other states have.

The Crimes (Anti-Consorting) Amendment Bill that I have tabled today responds to community concerns about intimidating, harassing and violent conduct. The bill mirrors the New South Wales laws as they were modified, following the Ombudsman's report.

The bill seeks to protect the public's right, particularly the right to life and security of person. It is designed to allow people to enjoy security in their homes and streets, free from the intimidating and violent conduct of others. But it does have limitations. It does have protections against misuse. It will, we believe, meet community expectations of safety and reasonable application.

The bill will prevent certain habitual consorting between defined persons. This only affects consorting with persons already convicted of criminal behaviour, only once an official warning has been issued and only if there are multiple contacts with multiple offenders, only outside legitimate purposes, and only for a limited time.

The last time we attempted to bring in anti-criminal gang legislation, there were a lot of claims from Labor that it could not be supported because of human rights issues. Those human rights issues are important, and I note again that we have had a full and constructive relationship with the Human Rights Commissioner and her staff throughout this entire process.

But our laws are always about balancing rights—the rights to association, in this case, against the rights of every other citizen to be safe in their homes and on our streets. This bill does limit human rights, but I believe that they are not just reasonable, proportionate and targeted but essential to our prime responsibility to keep our community safe.

As defined in the act, firstly, a person must meet with at least two identified convicted criminals on at least two different occasions—to do so after being given an official warning in relation to each of those offenders and to do so in a way not to be listed as a legitimate form of contact. That is a very limited set of actions and can only be applied to those repeatedly and deliberately seeking contact with known criminals.

Secondly, there is an extensive list of associations that will not be subject to this bill—so extensive that almost any legitimate contact will be covered. This, as presented, includes associations such as meeting family members, accessing health or welfare services, including housing, employment, rental or financial services, and it extends to rehabilitation, counselling, and drug and alcohol welfare services. It also provides a general exemption for contact which is, in the view of the court, “reasonable in the circumstances”. As I said the list is extensive, but if a party or

community group were to raise another circumstance that might result in this bill being misapplied, we are happy to look at that.

Next, and very importantly, it does not apply to young people. This is one of the key introductions since the Ombudsman's report in New South Wales. As drafted, age is a threshold; unless they are over a certain age, none of the bill applies, and that age is set at 14. Also—and, again, this is a change that has applied in New South Wales in response to their Ombudsman's report—it includes special recognition of and protections for Aboriginal and Torres Strait Islander people. In addition, the operation of the entire act will be subject to the Ombudsman's oversight.

The last fact we have to face is the fact that started this entire spiral into outlaw war. The fact is that New South Wales has these laws and we are an island within New South Wales. It is a jurisdiction that completely surrounds the ACT. These laws were reaffirmed late last year by the New South Wales parliament. It is a fact that the difference in protections between the jurisdictions has caused the attraction of more criminal gangs to the ACT and the escalation in violence. It follows that nothing less than parity with New South Wales will address this problem.

There have been calls for nationally consistent laws to deal with organised crime activity for some time, and I support that. However, in the absence of those laws, the very minimum standard that will be effective in achieving the stated purpose of community safety is to mimic as closely as possible the laws in New South Wales. The simple fact is that we believe the rights of the many innocent people in our community deserve protection more than the rights of the few who repeatedly associate with known criminal offenders, even after they have been warned.

The legislation that this bill was modelled on was examined by the High Court. While the New South Wales legislation exists under a different jurisdictional framework, there are some pertinent parallels. In the High Court they considered these laws and whether the restriction was for legitimate purposes, and it was found that it was. I quote:

New South Wales submitted that the legitimate object or end of s 93X is to prevent or impede criminal conduct by deterring non-criminals from consorting in a criminal milieu and deterring criminals from establishing or building up a criminal network. That submission should be accepted.

The High Court also considered the New South Wales laws under the International Covenant on Civil and Political Rights, an international human rights covenant that in some ways mirrors our own Human Rights Act, and held as follows:

... it was submitted that the Parliament of New South Wales could not enact a law infringing upon the "right to freedom of association with others" set out in Art 22 ... to which Australia is a party. There is no authority which would support such a proposition.

The High Court considered whether there were any other lesser means by which the same ends could be met. The High Court found:

No reasonable and equally practicable alternatives having a lesser effect on the freedom have been identified. A conclusion that s 93X goes no further than is reasonably necessary in order to achieve its objective is therefore open.

As stated, even though there are distinctions, the case shows that the laws upon which the bill was drafted were found to be valid and effective by the High Court. Since then I note that it has been subject to amendments, improvements and additional protections following the Ombudsman's report.

In the public debate on these laws recently, the latest opposition from the Labor Party was that they have no interest in bringing these laws forward because they are "ineffective". I do not think there has been a more nonsensical response to a serious issue in my time in the Assembly. When I started, these laws were described by the Labor Party as "draconian", in 2009. When we last attempted to introduce these laws, the Labor Party said they had been "overused" in New South Wales, and now they are "ineffective". They just shift their narrative to suit the cause or the argument of the day.

The reason I included the history of this situation, with all of the facts and all of the results in a chronological fashion, is to put on the record and state as a fact that they do work, that they are effective and that they are driving bikies into the ACT. And the CPO has said as much. Those facts are inescapable and they cannot be disputed, unless the minister is calling the CPO a liar. To claim otherwise is blindingly ignorant or wilfully deceptive. But this case is too important. In all seriousness, lives are at stake.

It is clear that the ALP's refusal to introduce these laws to keep our community safe has nothing to do with human rights. It has nothing to do with effectiveness or any other legitimate concern. Labor in New South Wales or in other jurisdictions do not oppose identical laws. The real reason has to do with Labor members wanting to keep their jobs and not get the chop from the unions and the factions, as happened to Simon Corbell after he released draft laws in 2015.

Madam Speaker, while violence rages in our suburbs, those opposite will put their own interests and those of their factional and union mates ahead of our community. And if you think this war is an illusion or some manufactured scare campaign, we have just heard of some of the terrifying acts of violence being committed on our streets since we got out of step with New South Wales in 2009.

The Labor Party have to explain why they oppose these laws in a way that makes sense. I suspect we all know the reason, but that will not avail them if there is a maiming or a killing. If that happens, the blame is a hundred per cent theirs. The blood will be on their hands. Let them explain to the grieving families why they would not support these laws.

In conclusion, the time for debate on the need for this legislation is long past. I have been through the arguments for and opposition to this bill. I have shown that there is a very real and present danger to our community, right here and right now, and we are

all aware of it. If we fail to pass this bill, we will be failing the people of the ACT. If we fail, these events will become more and more violent. If we fail, there will be more shots ringing out in our suburbs, more fire bombings and more terror. If we fail, the next headline will not be “war zone”; I fear it may be “killing zone”.

I urge members of the Greens and Labor parties to put their factional allegiances aside and join with us in the most important responsibility to our community—keeping Canberra safe.

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

Taxis—regulation

MISS C BURCH (Kurrajong) (10.23): I move:

That this Assembly:

(1) notes that:

- (a) the Government has claimed to be “levelling the playing field” in the on-demand transport industry, while continuing to institute policies that disproportionately affect the ability of taxi services to remain profitable in comparison to other on-demand services;
- (b) perpetual taxi plates previously valued at around \$300 000 have lost around 75 percent of their value, and are now worth less than \$80 000;
- (c) the Government’s 2018 *Evaluation of the 2015 Innovation Reforms to the On-Demand Transport Industry in the ACT* shows that demand for taxi services has fallen dramatically since the introduction of rideshare in the ACT;
- (d) despite the findings of this report, the Government announced it would release a further 142 taxi plates, causing the value of perpetual taxi plates to continue to fall to \$45 000 to \$50 000; and
- (e) despite the significant loss in value and income for perpetual plate owners, the Government has refused to offer compensation or a buy-back scheme;

(2) further notes that:

- (a) ACT taxi plate owners pay in excess of \$20 000 per year total in insurance premiums, while Queanbeyan taxi plate owners pay just under \$8000, and ACT rideshare drivers pay around \$1800;
- (b) applicants applying to become taxi drivers can wait up to nine weeks from applying to be granted a Working With Vulnerable Persons card, despite already having the prerequisite criminal history checks; and
- (c) currently, vehicles that are used as taxis are only able to be in service for eight years, while vehicles used for other ridesharing purposes can be 10 years old; and

(3) calls on the Minister for Business and Regulatory Services to:

- (a) provide financial compensation or a buy-back scheme for perpetual taxi-plate owners, who have had their investments crippled by the Government’s policy;

- (b) implement reforms so that taxi plate insurance premiums more closely align with those paid by Queanbeyan plate owners and other ACT rideshare services;
- (c) reform the Working With Vulnerable Persons application process so as to prevent bottlenecks in approvals for licences; and
- (d) streamline the age limit for registrable vehicles across the entire on-demand transport industry.

It is with a heavy heart that I rise today to defend the 89 Canberra families who have had their retirement savings decimated by the policies of this ACT Labor-Greens government. These are Canberra families who those opposite would have us believe are wealthy retirees or rich investors but who are actually hardworking everyday Canberrans, Canberrans who have worked their entire lives, paid taxes, and made the decision not to be a burden on their families or the taxpayer. They have saved and invested so that they may enjoy a modest retirement.

Narelle is 75 years old and has recently had to return to work, due to this government's unfair policy. David is 55 and says:

I feel a lot of anxiety about the uncertainty of my family's future. I just don't understand WHY the government is doing this to us.

Ibrahim is 59 and recently had to take on another job to try and support his family. He says:

Not a day goes by that I don't think about the money I handed over to the ACT government ... Governments are supposed to support the public, not think of ways to steal our money.

Antonia and Ado are in their 70s, and they are now struggling to pay their electricity bills, register their car, and put food on the table. They have worked hard their entire lives and now have nothing because the ACT government has decided to take it away:

How do I live and pay my bills and rates? You still expect money from me when you have already taken it all away. I don't know if it's worth living any more!

Peter is 52 and has a 12-year-old daughter. Peter says:

My investment in my family's future is now almost worthless. Because of that I feel sad and helpless everyday. You changed the rules, and have left my family with huge financial loss.

William has been forced to continue driving his own cab at 77 years of age because his taxi plate can no longer sustain him. William says:

I have shingles as a result of the extreme stress that the circumstances have caused me, and I am getting sicker as the pressure on me becomes greater. The ACT Government has put so little thought into what would happen when they released those new plates. It is ludicrous.

Simeon and Bozna started driving taxis in the 80s. After working seven days a week and after 25 years of work, they had finally saved enough to invest in two taxi plates. Now, Simeon and Bozna are forced to live on \$220 a week. I would like to see the Chief Minister try to live on \$220 a week, Madam Speaker.

Then there is the Khan family, Michael and his wife, and their daughter Sofiya. Sofiya is a disabled person and is unable to work, solely reliant on the income from her taxi plate. Michael can no longer afford to use his car. The family have cut back on groceries to what they deem to be an unhealthy level. Michael is having sleepless nights, headaches and other stress-related medical problems due to the anxiety this government has caused him. Michael says:

This is a desperate situation, it has become a matter of life and death in my case.

Stanley is 53 and drives a taxi for a living. He is now working longer hours for less money. He says:

I am very angry that this is not the same level playing field that we were promised before. It's totally unfair what the government has done to us.

Sok has a family of three. Sok is working 16 hours a day driving a taxi and still has barely enough money to pay his mortgage. Sok says:

I'm always tired but I can never sleep well due to stress. I am constantly thinking about the future and becoming more and more anxious about it.

Bobby has a family of four. Bobby asks why the government continues to release more taxi plates when current owners are already struggling to make ends meet. Bobby says he can no longer afford gifts for his children on special occasions.

Peter is 70 years old. Peter is still working and does not know when he will be able to afford to retire. Peter's physical and mental health and wellbeing have been severely affected, and he is experiencing stress and depression. Peter says:

The ACT Government has destroyed us, they have ruined our lives.

These are not wealthy retirees; these are not rich investors. These are hardworking everyday people who have been deeply affected by this government's policies, not just financially affected but affected physically and emotionally as a direct result of the government's unfair, inequitable and unjust policy. What has the government offered these people? The government, this heartless government, has offered financial counselling services.

A few years ago, perpetual taxi plates were worth almost \$500,000. More recently, and following the introduction of Uber and rideshare into the market, these plates fell to a value of \$250,000. Even more recently, the government released even more taxi plates to market, and this has resulted in values falling to only \$80,000. And they are expected to continue to fall to less than \$50,000. On top of this, less than two years ago, taxi plate owners could lease their plates for \$20,000 a year. Now, they can receive no more than \$5,000 a year for taxi plate leases.

I want to make it abundantly clear that this is not a debate about rideshare. This is not a debate about Uber. The Canberra Liberals fully support rideshare; we fully support a competitive on-demand transport sector. This debate is about opening up the on-demand transport sector even further. It is about encouraging and fostering competition. It is about allowing taxis to remain competitive alongside Uber and other rideshare services. It is about levelling the playing field and it is about achieving social justice for those who have been mistreated by this government.

We heard from the Chief Minister yesterday that the government is not in the business of guaranteeing investments. With that, I completely agree. We also heard, and I am sure we will hear it again today, that this reduction in taxi plate values has been a result of market forces. This is not true. The government would like to have us believe that its policy is some form of capitalism, that this is simply the way markets operate: that for some investments pay off and for others they do not.

What the Chief Minister has neglected to mention is that this market is not, and has never been, a free market. The taxi industry has always been one of the most heavily regulated markets around. And it is a market that the government continues to operate. The devaluing of these taxi plates is not the result of market forces but a direct result of government intervention. It is a direct result of the government's decision to release more taxi plates to market and is the direct result of the government's decision to force leases down from \$20,000 a year to \$5,000 a year.

Mr Ramsay, in particular, needs a lesson in economics 101. The government report released in September last year, his own report that he spoke to in this place, shows that demand for taxi services is declining and that demand for licences has remained static since 2017. What did the minister do in response to this report? He made the decision, the clumsy and rather heartless decision, to release more taxi licences to market. Any first-year economics student starting at the ANU this week could explain to the minister that when demand is falling in any market, a government regulated market or otherwise, the correct response is not to increase supply. The correct response would have been to reduce the supply of taxi licences.

Another argument the Chief Minister and Minister Ramsay made yesterday is that this policy is about consumers. In this government operated market, the government also sets prices. The government sets taxi fares. I ask the Chief Minister: if this policy is really about consumers, why hasn't the government reduced taxi fares? Don't for one second be fooled by this rhetoric, Madam Speaker. Don't be fooled by Minister Ramsay or Mr Barr that this policy is focused on consumers, that this policy is focused on delivering better services for consumers. This is not about consumers. With new taxi licences expected to raise \$710,000 in revenue for the government every year, this policy is just another revenue grab.

A more competitive market without intervention would, of course, be far better for ACT consumers. A more competitive market would put downward pressure on fares. A more competitive market would encourage taxi drivers and operators to improve the services they are providing and would also put pressure on the ridesharing sector to reduce fares and provide better services. All in all, we would have much better on-demand transport options for consumers with a more competitive market.

This is what the Canberra Liberals are calling on the government to do today, Madam Speaker. We are calling on the government to implement a fair and equitable compensation scheme or buyback scheme so that these taxi plate owners who have had their retirement incomes obliterated by this government are able to get out of the market. We are also calling on the government to implement common-sense reforms which would truly level the playing field in the on-demand transport sector. These reforms would allow taxis to remain profitable and would deliver far better on-demand transport options for Canberrans.

We are calling on the government to, firstly, implement reforms to insurance premiums so that insurance premiums align more closely with those of the Queanbeyan taxi industry and rideshare services. At the moment, taxis in the ACT are paying more than \$20,000 a year in insurance premiums, while those in Queanbeyan are paying less than \$8,000 a year and ACT rideshare drivers are paying as little as \$1,800 a year. How is this fair?

We are also calling on the government to reform the working with vulnerable persons process to prevent bottlenecks in approvals for licences. At the moment, potential drivers are waiting up to nine weeks for these working with vulnerable persons cards, despite already having the required criminal history checks which draw on the exact same database. If you need work and you are looking to become a taxi driver, you generally need work now. For many Canberra families, nine weeks is easily the difference between being able to put food on the table and pay their electricity bills. Nine weeks means that many potential drivers are walking away from the industry. This means that taxi plate owners are unable to find drivers, that their taxi plates are becoming less profitable, and, most importantly for consumers, that we have fewer taxis on our roads.

Finally, we are calling on the government to streamline the age limit for vehicles across the industry. At the moment, taxi vehicles can only be in service for eight years, while rideshare vehicles can be in service for up to 10 years. How is this fair? It seems that we have one rule for one group of people and another for others.

That brings me back to the issue of compensation. Let me go to pokie machines. The pokie machine industry is another industry heavily regulated by government. As we know, this government recently embarked on a scheme to buy back pokie licences from our community clubs. And guess what? They are paying compensation, compensation for investments made for which the government has now changed the goalposts.

These two situations are not particularly different. The minister claims that they are different because community clubs are not for profit. Given that some of our taxi plate owners have seen their income fall by over 75 per cent in the last 12 months alone, it may not be long before our taxi industry is also not for profit. Again, we have one rule for some and another for others. Dare I say that if the Labor Club or the Tradies had made the decision to invest in taxi plates we would not be having this debate today.

Where is the fairness? Where is the equality? Where is the social justice from those opposite? Where is the workers party? I can tell you where it is not, Madam Speaker: it is not on the other side of the chamber.

MR RAMSAY (Ginninderra—Attorney-General, Minister for the Arts and Cultural Events, Minister for Building Quality Improvement, Minister for Business and Regulatory Services and Minister for Seniors and Veterans) (10.37): When I commenced looking at the motion from Miss C Burch that is before us today, I thought it important to correct a few factual errors in it. When working through the motion part by part, I realised that there were simply so many parts of it that are factually inaccurate that it was important to spare the Clerk from having to amend every single point individually. Indeed, I decided that it was necessary to substitute the entire motion with something that is actually correct.

There is an amendment that will be circulated shortly. The one that has been circulated is not complete. There was an error in the photocopying. It will be coming through soon. Again, the length of the amendment that I will be moving—

Opposition members interjecting—

MADAM SPEAKER: Resume your seat, minister. Stop the clock. Members, that is what has happened, as I understand. Keep your interjections somewhat quieter and civil in manner. Attorney.

MR RAMSAY: The changes this government has carefully rolled out in an evidence-based way do not disproportionately hit the entire taxi industry. In fact, they have reduced many of their costs. The demand for taxis has not fallen dramatically. The government has not announced that it will release 142 government leased plates. A working with vulnerable people check does not take nine weeks. Private citizens cannot get the requisite criminal history check on their own. And the government is already looking at changing allowable vehicle ages for taxis.

Miss Burch has been held up as an expert on public sector management and expenditure. Of course, I believe that experts would know the importance of checking the facts that they are seeking to rely on. I want to make clear that the government recognises just how important on-demand transport is to Canberrans. These services enable participation in the life of our city and provide a means for social inclusion in the community. In particular, Canberrans with a disability, including those who rely on our wheelchair accessible taxis, rely on these services.

For our many visitors to Canberra each year for business and for tourism, on-demand transport services are often the first contact they have with our city, and it is vital that their standard of service is high. The ACT government considers taxis to be a vital part of our on-demand transport sector. That is why the inevitable arrival of rideshare platforms in 2015 saw the government provide reforms to support the sustainability of the taxi industry. Continued viability for drivers and the provision of safe and high quality service were the central concerns underpinning these reforms.

Miss C Burch has asserted in her motion that the government reforms have disadvantaged the profitability of taxi services compared to other on-demand services. That conclusion is the stark opposite of the outcomes that are being delivered by our reforms. She appears to be advocating for one small segment of the industry and then calling it the whole industry.

In 2015, with the arrival of online rideshare platforms, the government recognised the potential impact of the substantial competitive differences of the models. Reforms targeted a levelling of the competitive landscape, to the extent that was possible by the government, with a focus on reducing the costs for taxi operators and drivers. The government introduced a range of measures to level the field and is continuing to find ways to do this.

Back in 2015 the government announced that the annual lease cost on government-issued taxi vehicle licence fees would be lowered from \$20,000 to \$10,000 and that a year later they would again be lowered to the current rate of \$5,000. These fees constituted a significant expense for taxi operators, inevitably passed on to drivers, and were an immediate lever for the government to assist the sector to remain competitive. The government also eliminated operator accreditation fees, the English language assessment fee for taxi drivers and some regulatory burdens for drivers, including uniforms requirements.

Two years after these reforms were delivered, the government remained concerned that key costs had not sufficiently declined for taxi operators and drivers. Annual lease fees charged by some holders of perpetual taxi licences, and certain transport booking taxi affiliation fees, remained high. One way that the government can help operators and drivers in the industry is to make government-issued taxi licences more available.

Miss C Burch stated that the government planned to release 142 new taxi plates. That figure is simply untrue. If she had looked at the government websites or releases, she would see that the government announced in September 2018 the release of 80 licences by the end of March 2019 to further level the playing field.

Miss Burch's motion alleges that the 2018 government evaluation of on-demand transport industry reforms describes a dramatic decline in demand for taxi services since the introduction of rideshare services in the ACT. The report did note that the volume of booked taxi trips declined to the level of volumes in 2013. For the sake of accuracy here, the Centre for International Economics, which contributed to the evaluation, cited a decline in booked trip volumes from around 1.1 million toward the end of 2015, when rideshare commenced, to one million trips during mid-2017—a decline of around 13 per cent.

The decline is notable, but it is far from dramatic. It is obviously important to note that this figure also does not include the utilisation of rank and hail taxis, which remains the sole domain of taxis. The taxi industry is not under threat of collapse, as some individuals suggest. In fact, taxi services remain central to a growing on-demand transport service offering for Canberrans and visitors, particularly during federal parliament sitting periods.

The Centre for International Economics concluded that, two years after the commencement of the 2015-16 reforms, more people are using on-demand transport services than was projected. Specifically, a higher proportion than expected of travellers are using rideshare services who would not otherwise have used taxis—that is, there is an additional cohort of people who are using on-demand transport.

The government acknowledges that CTP insurance costs for taxi operators in the ACT are higher than those faced by their New South Wales counterparts. Insurers set ACT premiums based on the average claim cost, average claim frequency and the insurer's own costs to administer the policies. Insurers must seek approval from the ACT regulator for the amounts that they wish to charge for premiums. Since the introduction of new insurers to the ACT market between 2013 and 2017, average premiums for passenger class vehicles have reduced by 5.8 per cent. Given Miss Burch's concern in the area, I look forward to her and the Canberra Liberals supporting the government's CTP reforms as they hit the chamber later this year.

The ACT government considers taxi plates as a community asset that delivers essential services to the community, not an exclusive investment product. I understand that some taxi plate owners may experience a decrease in the value of their taxi plates and leasing income, a potential risk that some taxi licence owners have taken in relying on plates as an investment platform and on future income from leasing their licences. It is a similar risk that would be faced in other forms of industry-focused investment. Moreover, it is a risk that must take account of the fact that the investment involves rights that are based in statute and that are particularly susceptible to changes based on the statutory scheme.

Let me turn to Miss C Burch's claim in relation to the working with vulnerable people check. The time for processing a registration in January was around 4.6 business days. Individuals who have a criminal history can face a more in-depth background check and therefore face a longer wait time to receive a decision on registration. Access Canberra works with employers in the taxi industry to prioritise applications for individuals where there is a direct employment impact of being registered. The employer provides a list of names, and where the person has already applied the processing is expedited.

It is also important to correct Miss Burch on her perception that people already have equivalent criminal history checks. That is not true. Private citizens and businesses are not able to receive the level of criminal history check that the government can receive. We receive a higher level of information as a government than is available to individuals. And I am particularly concerned about Miss Burch's calls to weaken the working with vulnerable people system. This government will always put the safety of children and vulnerable Canberrans first.

Miss Burch also refers in her motion to vehicle ages. The age of rideshare vehicles is not currently regulated. However, the government did ask the community and industry to provide their views in late 2018 on the age of taxis, hire cars and rideshare vehicles, and we are considering their input in the first quarter of 2019. We have actively consulted on this, as a rudimentary fact check would have revealed if Miss Burch had bothered.

Finally, I want to remind the chamber of a particular extract from Miss Burch's maiden speech in this place. She said in her speech:

It is, of course, the hard-earned money of ACT taxpayers that we are spending. Government has a duty to ensure that ACT taxpayers are receiving value for money ...

I wonder, then, how this member of the opposition thinks it is wise, potentially, to spend 60 per cent of over \$76 million that is being claimed to be lost by private investors to people in Melbourne or the Gold Coast or Sydney, and how that would be providing value for money for the ACT ratepayer. I wonder which tax she intends to raise to fund this suggestion of giving ACT ratepayers' money to people in other states. I wonder which program she wishes to cut, which school she wishes to close down, how many hospital beds she wishes to remove to fund this money to be paid to people in other states.

Madam Speaker, the original motion cannot stand, on the simplest level of scrutiny. Therefore, I commend the amendment that has been circulated in my name to the Assembly. I move:

Omit all text after "That this Assembly", substitute:

"(1) notes that:

- (a) the Government has been rolling out reforms to the on-demand transport industry since 2015;
- (b) the Government undertook extensive industry and community consultation, research and analysis, prior to the reforms, to determine the full range of potential impacts to stakeholders;
- (c) through extensive stakeholder consultation for the subsequent evaluation, consumers told the Government that they now have more choices for travel, namely rideshare, but also more taxi booking services to choose from;
- (d) the Government is levelling the playing field in the on-demand transport industry, with a focus on ensuring positive consumer outcomes through increased competition, as well as reducing operating costs for drivers and operators;
- (e) the Government is committed to making Canberra an accessible, inclusive city and to broadening consumer choices of travel by taking advantage of emerging, alternative technologies and travel business models;
- (f) a significant portion of the demand for rideshare services has come from a new cohort of on demand users, who previously did not use taxis;
- (g) the Government has not sold any perpetual plates since 1995;
- (h) according to the Centre for International Economics, an individual who acquired (at the average market price) and held a perpetual taxi licence in 2005 or earlier has achieved a positive investment return;
- (i) over time individuals holding these licences have had ready access to information about government intentions to review the industry and potentially introduce deregulation to the industry;

- (j) the Government considers taxi plates as a community asset that delivers essential services to the community, rather than an exclusive investment product;
 - (k) the Government believes it did not purport to sell an investment scheme, nor a business model, but rather to provide a taxi licence for a holder to be able to operate a vehicle to provide taxi services;
 - (l) approximately 60 percent of perpetual taxi plates are held by people who reside outside the ACT; and
 - (m) the Government has arranged for counselling to be provided to members of the ACT taxi industry. Members of the industry can access free counselling by contacting Woden Community Service;
- (2) further notes that:
- (a) between 2011 and 2017, the ACT population increased by 12 percent, to more than 410 000. At the same time, the number of visitors to the ACT grew 36 percent, to more than 4 944 000. This was the fastest growing population of any state or territory in Australia;
 - (b) stakeholder groups such as the Australian Hotels Association and Canberra Airport have called for the number of taxis in Canberra to increase;
 - (c) the Government announced in 2018 that it would release 80 standard government-leased taxi plates, with 15 plates released in October 2018, a further 30 released in January 2019 and 35 to be released by the end of March 2019;
 - (d) the Government considers passenger safety to be of paramount importance;
 - (e) all public drivers, including taxi drivers, rideshare drivers and public and community bus drivers require a Working With Vulnerable People (WWVP) check;
 - (f) the Government only uses checks requested by and issued to itself to ensure the highest level of protection is provided through the WWVP scheme;
 - (g) the time taken to process a WWVP card is largely determined by the time taken to receive a criminal history check from the Federal Government;
 - (h) government requested criminal history checks provide a greater level of information than those requested through other means;
 - (i) the average processing time for a WWVP check in January was 4.6 working days;
 - (j) Access Canberra works with employers in the taxi industry to prioritise applications for individuals where there is a direct employment impact of being registered. The employer provides a list of names and, where the person has already applied, the processing is expedited; and
 - (k) consultation on extending the allowable age of taxi vehicles closed in November, and the Government is currently evaluating these submissions; and

- (3) calls on the ACT Government to continue to roll out its reforms to the taxi industry in an evidence-based way, to broaden consumer choices, while supporting a high quality, reliable on-demand transport industry.”.

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) (10.49): I would like to reiterate the importance of high quality, reliable, on-demand transport. Canberra is growing and we need to ensure quality services are available to meet the needs of our local community and visitors. Government has a duty to regulate in this regard.

We need to look at the changing demand, the changing technology and the changing markets and regulate appropriately because we have a duty to the people of Canberra. That is the rationale behind the reforms that have occurred since 2015. I accept that the changing transport environment, as well as changing regulations and the entrance of new providers, has impacted on people’s investments in perpetual plates. That is unfortunate, and I express my sympathies to people who are affected and feel aggrieved by those changes.

But it is not the role of the government to regulate solely to try to protect the value of investments that people have made. As I said, we have to respond to the changing environment and the changing needs of the travelling Canberra population. As I said in question time yesterday, these are difficult balancing acts where there are many competing interests and trying to find the right path through that is indeed a challenging proposition.

I think it is important to note—and it has been said many times before—that no ACT government has sold any perpetual taxi plates since 1995. To put that a different way, the last perpetual taxi plate sold by any ACT government was 23 years ago. This puts us in a very different situation to other jurisdictions that are providing some compensation to taxi plate owners. Those governments continued selling taxi plates right up until the period when they introduced reforms that changed the taxi landscape.

I note that the Liberal Party has promised to compensate ACT perpetual taxi plate owners. As the attorney has just touched on, the requested amount is \$76 million. That is an amount that will need to be budgeted for and I invite the Canberra Liberals to stand up in the chamber today and clarify exactly how much compensation they intend to provide to owners of perpetual taxi plates and exactly how that will be funded. I think we need clarity on that.

We need to know where the money is coming from and I think the taxi plate owners, having been made this promise, deserve to know exactly how much it is intended to be. It will significantly affect the budget and the money available for other community services. And I think it is important that we have clarity on what that is.

We do support a strong and healthy taxi industry because it provides an important service to the community. The ACT government held extensive, ongoing consultation with the on-demand transport industry in 2015, 2017 and again in 2018. A six-week

community consultation period was undertaken in 2015, in which 60 written submissions were provided and the ACT government received 2,000 survey responses. As part of the evaluation of the 2015 reforms, stakeholder engagement was carried out between July and September 2017 and included calls for submissions, public consultations and surveys.

Recently we consulted members of the community on further taxi deregulation through the ACT government your say process and focus groups. Through each consultation, members of the Canberra community have affirmed interest in the continued viability of taxi services in Canberra, as they provide a unique and valuable service.

As the Minister for Business and Regulatory Services has outlined, the government undertook a review of the taxi and hire car industry in 2015 to explore opportunities to regulate alternative, digital modes of on-demand transport such as rideshare and to address consumer interests in a more differentiated and higher quality service. During 2015 and 2016 we introduced reforms to support the ongoing competitiveness of taxi and hire car services and committed to evaluating the impact of these reforms. During 2017 this evaluation was undertaken and included consideration of opportunities to further improve outcomes for consumers, the community and participants in the industry.

The reforms since 2015 have implemented objectives for all industry participants such as taxi operators by helping to reduce their costs, therefore making the industry more viable for working participants to ensure their services continue to be provided. The regulatory approach seeks to balance the outcomes sought by all stakeholders and has been welcomed by the majority of Canberrans. In the most recent engagement with on-demand transport users the main concerns identified were cost, safety, reliability, cleanliness of taxis and maintaining a balance between taxi and rideshare numbers.

The ACT government has been gradually releasing extra taxi licences into the local market over the past few years to ensure we have services readily available to meet the needs of our growing population and visitors from interstate and around the world. The decision to release more taxi licences has been made on the data that shows the ACT is among the fastest growing populations of any state or territory in Australia. Between 2011 and 2017 our population increased by 12 per cent, to more than 410,000. At the same time the number of visitors to the ACT grew 36 per cent, to more than 4.9 million.

The ACT government monitors the availability of taxi licences to support the demand generated by our community's growing population and visitors to Canberra for tourism and business. The release of taxi licences is designed to support that necessary growth in supply. And I think it is worth reflecting on the fact that, picking up my earlier theme about many competing interests in this discussion, there has been heavy criticism of the government and strong demands by some in the Canberra community for the release of more licences—the criticism for not releasing enough.

This goes back to that very point that this is a delicate and difficult balancing act of trying to meet the many competing demands in this space. What we are trying to do is

work with the industry to ensure on-demand transport needs are being met no matter where Canberrans live or what their accessibility needs are.

Plate owners and other industry stakeholders such as drivers, operators and booking services have been engaging with government since before the reforms were introduced. And, again, to pick up my earlier theme, I have mentioned drivers, operators and booking services as well as plate owners. Each of these has a different take on how the taxi industry should operate. They have different views on what the government should do. So even within the taxi industry there are a range of competing interests that we have to try to balance out and find a fair way through as the industry is shaken up by changing technologies, by new entrants, by changing community expectations and the like. This is the difficult challenge that is before us.

The government is keenly aware of the personal pressure that participants in the industry may be feeling. Again, there are different participants in the industry. And they may have felt that for some time as the on-demand transport industry evolves and as we continue to implement reforms to meet the community's needs.

The primary responsibility of government is to support the provision of valuable services to our community, which is why we are focused on industry reforms that improve the quality of on-demand transport services, including taxis, and the long-term viability of the taxi industry. The ACT government considers taxi plates a community asset that delivers essential services to the community rather than an exclusive investment product.

We will continue to monitor the on-demand transport market to ensure greater consumer choice, greater service quality and accessibility in our rapidly growing city and to try to navigate a way through the changing expectations, the changing pressures, the changing environment and find a regulatory framework that is as fair as possible to the many competing interests in this space.

The Greens will be supporting the amendment put forward by Minister Ramsay today. I do note that a number of the points in Miss C Burch's motion are not reflective of my understanding of the circumstances. I think the attorney has outlined a number of those matters more clearly. Therefore, we will be supporting that amendment put forward by Mr Ramsay.

MR COE (Yerrabi—Leader of the Opposition) (10.58): The ACT government have severely let down hundreds of Canberra families through what they have done over the last four or five years. For a government that claims to be based on social justice principles, the Greens, I think, have been absolutely negligent in their responsibility to not just their coalition partners but also to the ACT public at large.

Of course the government's response, several years after their so-called reforms, is quite predictable. But of course the government's response—the Labor Party's response—now is in stark contrast to the Labor Party elsewhere in the country but also to the Labor Party of the past here in the ACT. For decades the Labor Party recognised the value of perpetual plate owners in the ACT. For decades they fought to protect that investment.

For the government to now come in and say that every other Labor Party in the country is wrong and the Labor Party in the ACT of the past is also wrong I think goes to the very arrogance of this government. And particularly, it goes to the arrogance of the Chief Minister and the lack of willpower, the lack of strength, the lack of courage of each of his colleagues. I have no doubt that the Chief Minister would have pushed this through cabinet and also pushed it through caucus. And it shows just how weak all the other members of cabinet are that not one of them is willing to stand up for what is obviously an injustice.

What we are calling for today I think would be something the vast majority of reasonable people would understand: when hardworking families, hardworking men and women of Canberra made a purchase from the government, that was a pretty safe bet. Now what the government is saying is, "Do not trust ACT government regulations. You cannot bank on our laws. You cannot bank on what we say." That is the admission from the government through their actions.

This was all very predictable. On 28 October 2015, about four years ago, I moved a motion not dissimilar in principle to what my colleague moved today. And in that speech I made mention of an investment containing two parts: the capital and the income. What the government is saying is that you do not have any capital and investment, and supposedly you have got your money back. What they could have also done is just put \$200,000 into an account that did not draw interest and just withdraw \$20,000 a year, and after 10 years they claim you got your money back. That is their perception of business.

Just imagine if you went and bought shares in a company and they said, "Because you have held these shares for 10 years, because you have received a dividend for 10 years, we're now going to cancel your shares. We're going to wipe them out." Who would make an investment under those terms?

I note that Mr Ramsay's amendment states they did not believe that they sold them as an investment. You do not need to look far into *Hansard* or into newspapers to see that the government clearly sold this as a small business opportunity. In actual fact, "opportunity for small business" were exactly the words that were used by the department of urban services. "Attention: opportunity for small business. Nine taxi licences to be auctioned at the Albert Hall by the ACT government." There is no doubt that these were sold as an investment. There is no doubt these were sold as a small business.

The government have not just been deceptive, I believe, in addressing this motion today but also I think they have deceived so many people who, now it seems, foolishly trusted the ACT government. What hope do we have, as a jurisdiction, of getting people to invest in the ACT if the rug can get pulled out from underneath you?

I think people understand that in the hurly-burly of business you do have to compete and there can be new operators come to town. But what the taxi operators and taxi owners of Canberra did not expect was that not only did they have to fight Uber, which they were willing to do, but they also had to fight the ACT government that

was meant to represent them. Not only did they have to take on an international conglomerate, they also had to take on their own local government.

Then you get Mr Ramsay coming in here and saying, “Are the Liberals really willing to send money interstate?” Yet they roll out the red carpet for Uber. Where does all that money go? How much money has left the territory through that decision? We do not have a problem with Uber operating in the territory, but we do have a problem with the gross hypocrisy of those opposite.

The fact that the Chief Minister yesterday was unwilling to even look to the gallery at the families that he has impacted shows the massive disconnect between the ACT Labor Party and the people they are meant to represent. The fact that it seems not one person opposite is willing to stand up for the taxi industry shows just how beholden they all are to either the Chief Minister or Labor Party forces.

What is the point in having a backbench if they are not actually willing to advocate for the things that the government should be doing better! You pretty much have cabinet solidarity throughout all of them, rather than just the cabinet. This is how modern Labor works.

I commend the taxi owners of Canberra for the work that they have done in trying to get a better deal for their members, and in particular the ACT Taxi Plate Owners Association. I think they are doing a great job in strategically advocating for a better taxi industry in Canberra.

This is a fight that is not going away. I know that they are determined to get justice and, whether that is delivered by this government or the next Liberal government, one way or another justice will be delivered to the many people in Canberra that are seeking it from their ACT government. With that said, I seek leave of the Assembly to table the association’s document about working for a financially sustainable taxi industry in the ACT.

Leave granted.

MR COE: I present the following paper:

Unintended Consequences of Ill-Considered Taxi Policy in the ACT, prepared by the ACT Taxi Plate Owners Association Inc, dated February 2019.

MR WALL (Brindabella) (11.08): This motion brought on by Miss Burch is about fairness. It is about fairness for the hardworking families who have sought to better themselves, better their families and better their communities by saving some hard-earned money and investing it into a business that creates opportunities for others to earn a living and to benefit from the services on offer. But there is no fairness in the government’s decision and the way they have been treating taxi plate owners in recent years.

We saw yesterday the Chief Minister making some absolutely outrageous statements that there is no guarantee on investments and that the people who had invested in taxi

plates have got their money back, have had years of a good run and have had a return on that investment. There may be a return on their investment, but what about the capital outlay they made in the first instance?

To put this in a simple way that most people can relate to, this is an equivalent situation to someone buying an investment property in Canberra, as thousands of people do—and the government needs this to keep economic stability—and then in 20 years time the government saying, “Well, you’ve got your rent for that. We’re going to trash the economy now to the extent that the unit you spent half a million dollars on is now only worth \$50,000.”

Mr Coe: Cancel the lease.

MR WALL: Cancelling the lease on the property would be a classic way of doing that. If that happened there would be riots in the streets. But for all intents and purposes that is exactly what this government has done to those who invested their hard-earned money in a perpetual taxi plate. It is outrageous.

The Chief Minister said there are no guarantees on investments; things change. In a competitive marketplace everyone accepts that supply and demand will influence their return and that competition and innovation may eventually see them out of the market unless they adapt and change with it. But the taxi industry is starkly different to any other free market that operates—it is regulated by government. The powers of a government far exceed that of any other business in competition. The government, for instance, has the power to walk into this place and move the goalposts and change the rules of the industry. And that is what has happened without any consideration for the impact on the lives of those who operate within the industry.

But this is not the first time that Labor and the Greens in this place have taken these sorts of decisions. Let us look at other industries across the ACT—those hardworking individuals who for many, many years have operated green waste collection businesses. The same deal there—the government has moved into an industry and sought to nationalise it by providing that service for free. What consideration was given to those who have been servicing the community for years, many of who have taken loans out against their properties to buy trucks and essentially buy themselves a job? Like many in the taxi industry they are now left with absolutely nothing.

For the party that supposedly stands up for fairness, social justice and equality, it seems the equality comes from the lowest common denominator—if one person has very little let’s just make sure everyone else has the same amount. There is no fairness in that; there is no fairness in gouging those who have worked hard to better themselves, to better their families and invest in their communities.

The government has failed to recognise the error of its ways. Instead, the Attorney-General has nit-picked the details of the motion brought by the opposition and then sought to justify the government’s action—or more correctly inaction—in this space. That is a kick in the teeth to those families, some of whom are here in the gallery today, but there were many more yesterday. It is a kick in the teeth to those families that the government does not represent them.

MISS C BURCH (Kurrajong) (11.13): The hypocrisy we see once again from the Labor Party and the Greens is absolutely outrageous, especially when we continue to hear the government's rhetoric around creating a more open and inclusive territory, a more diverse territory, a fair territory. This government continues to stick by a policy that is unfair, inequitable and totally unjust. We simply hear rhetoric from those opposite about protecting consumers and improving on-demand transport options for consumers.

As Mr Wall outlined today, another economic lesson this government clearly needs to learn is that we would have nothing to consume if these individuals had not taken risks and invested their capital in the first place. Without business capital we would have no consumption. Why is this so difficult for the Labor-Greens government to understand?

This is not about whether these people have gotten their money back; This is about people—hardworking Canberrans—who have invested in their retirements and who have been left with nothing due to this government's changes in policy. The minister claims that working with vulnerable people checks done in January were taking 4.6 working days and that Access Canberra works with employers to prioritise potential new drivers. If this is the case, why are we hearing from employers who are facing significant shortages in drivers due to government bottlenecks? No-one is suggesting for a second that we remove this requirement; we are just suggesting that the government improves these processes.

Mr Ramsay has claimed in his amendment that the government is committed to making our city more accessible and more inclusive. How is our city more accessible to Antonia and Ado, who can no longer afford to register their car? How is our city more accessible to the Khan family, who cannot afford to use their car and leave their home? How is our city more inclusive for Simeon and Bozna, who are forced to live on \$220 a week, and for the many other families who are struggling to put food on their tables as a direct result of this government's policy?

The Labor Party does not care about consumers. Many Canberrans use on-demand transport to get around our city and they have seen once again today that the Labor Party does not care about them and is not thinking about them. The Labor Party does not care about the hardworking Canberrans, the hardworking drivers, who are just trying to make a living for their families.

The Labor Party does not care about seniors who have lost their retirement incomes and had their life savings obliterated by this government—not by the market, not because they made a bad investment decision but because they put their trust in government.

The Greens, of course, are just as bad. They do not care about social justice. They do not care about the mental health and wellbeing of these hardworking Canberrans, and they do not care about some of the most vulnerable people in our community—our seniors—who can no longer work to support themselves.

The people of Canberra should be warned that the heartless Labor Party is at it again. Despite constantly claiming to be the party of workers and to stand up for workers' rights, they are proving once again that they do not care. They do not care about workers who have worked hard their entire lives, who have scrimped and saved to provide for their families whilst also working hard to put a little bit away each week to save for their retirements.

If you have worked your entire life because you do not want to be dependent on a government pension, have absolutely no doubt that the Australian Labor Party will come after you. The federal Labor Party is coming after the retirement savings of everyday Australians. They are coming after tax deductions in the form of franking credits of mums and dads and grandmothers and grandfathers who have worked hard to pay their bills to fund a modest retirement with an average annual income of \$35,000 a year. Some had hoped to have a small amount left behind to help out their children and grandchildren. And the ACT Labor Party are no different—they are coming after the retirement savings of Canberrans. Who will be next?

This is a war on aspiration. It is a war on hard work. It is a war on the future of many Canberrans. The social and economic impacts of this policy do not stack up. The government's position is socially indefensible. The government's position is economically indefensible. The government's position is morally indefensible. The Labor Party and the Greens have today demonstrated that the only way these 89 hardworking, everyday Canberra families will receive justice is with a change of government at the next election.

Question put:

That the amendment be agreed to.

The Assembly voted—

Ayes 12

Noes 9

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

Question resolved in the affirmative.

Original question, as amended, agreed to.

Drugs of Dependence (Personal Cannabis Use) Amendment Bill 2018

Debate resumed from 28 November 2018, on motion by **Mr Pettersson**:

That this bill be agreed to in principle.

MR RATTENBURY (Kurrajong) (11.22): The Greens support this bill in principle. We support the intent of the bill to move away from a law and order approach to drug use and instead treat drug possession and personal use as a health issue. We think there are some areas where the bill can be improved, and that is why we will be proposing a number of amendments in the next phase of this debate. I understand we will not be moving to the detail stage today, to give time for all amendments to be developed and scrutinised, and we support that approach.

The Greens recognise that the move towards drug decriminalisation and legalisation is a significant shift for the ACT community, for our health services and for ACT Policing. But it is an important shift and one that we should not shy away from. There is now a significant body of evidence that shows that the law and order approach to drug use is not working, and people are dying because of it.

Last week we had a debate in this place on the importance of harm minimisation, and many of the same issues apply to this discussion. As I said last week, we need to take a new approach to drug policy, one that prioritises keeping people safe, alive and healthy, rather than punishing them. There is a body of international evidence and experience showing that there are more effective ways of dealing with psychoactive drug use, with less serious adverse effects, rather than relying on prosecuting the people who use them.

Additionally, we must acknowledge the reality that many Australians choose to use cannabis currently, despite its illegal status. Between a third and a half of the Australian population at some stage in their lives have used illicit drugs. Cannabis is readily available in Australia and continues to be the most widely used illicit drug across the country.

The most recent national drug strategy household survey found that one in eight Australians had used at least one illegal substance in the last 12 months, and one in 20 had misused a pharmaceutical drug. When examining the share of Australians using an illegal drug weekly or more often in 2016, cannabis was the most frequently used, followed by ice. The notion that by legalising cannabis we will suddenly have a flood of cannabis users ignores the fact that there are many people using this substance already. It is time that we got our heads out of the sand and, rather than pretending that this is not happening, provide better avenues for people to reduce harm and get help if and when they need it.

We know that a huge number of resources are currently being invested in the war on drugs. Some 64 per cent of Australian government expenditure on illicit drugs is directed at disrupting supply, policing and enforcement of drug laws. While this is not having a significant impact on demand or usage, the law and order approach is causing significant social harm. Findings from the illicit drug reporting system showed that in 2015-16, of the estimated two million Australians who used cannabis, almost 80,000 were arrested for possession. This represented a six per cent increase from the previous year. Of these arrests, the overwhelming majority—90 per cent—were consumers rather than suppliers. So we are seeing over 70,000 Australians a year

being arrested for possession of cannabis. This is not a great use of police resources and it is a poor way to deal with Australians who are using cannabis.

It is time to acknowledge that the problems associated with illicit drugs in our community are complex, they are multifactorial, they are interrelated, and a number of the problems we see are more the result of our drug policy than of the drugs themselves. The prohibitionist approach to drugs perversely promotes criminal markets, encourages the growth of prison populations and damages the lives of many Australian families.

From a purely health perspective we know that illicit drug use contributed to 1.8 per cent of the total burden of disease and injury in Australia in 2011, with cannabis making up a small proportion of this. In comparison, alcohol use was responsible for 5.1 per cent of the total burden of disease and injury over the same period. In 2011, 18,762 deaths were attributable to tobacco, 6,570 were attributable to alcohol and 1,926 were attributable to illicit drugs.

I have heard some people suggest that this shows the harm that can come from legalisation and use this as an argument against this approach. There are a couple of points I would like to make in response to this. Firstly, history has shown us that, while alcohol continues to cause significant harm today, prohibition was tried in the 1920s and was not found to be an effective strategy. I do not think anyone in this place is proposing a return to a prohibitionist approach to alcohol or tobacco, although it would be interesting to have that debate.

From a public health perspective, whether it is alcohol, tobacco, cannabis or other illicit substances, prohibition curtails the capacity of governments to control and regulate harms from these substances. All of these substances cause harm, to varying degrees and in different ways, and the notion that the harms of illicit substances are greater is simply not reflected in the data. In fact, often no consistent rational basis exists for declaring some drugs legal and others illegal. That is why this debate is so important. It lets us review our current approach and determine whether we could actually reduce harm through decriminalisation or legalisation—an approach that may seem counterintuitive to some.

For years the general public have been told that the way to avoid problems with the use of psychoactive drugs is to ban them and criminalise those who use them. While there is strong support in the community for people with problematic drug use to be able to readily access treatment, we know that demonising and criminalising people creates an enormous barrier to engaging in treatment and support.

The Greens acknowledge the potential risks associated with cannabis use, particularly for young people and for people with a predisposition to mental health issues. We offer our support for this bill not because we think cannabis use is harmless but because we think the best way to reduce harm is to deal with this issue through a health lens, not a criminal lens.

Cannabis use is not without risk, and we must continue to invest in high quality drug and harm reduction education to alert people to the risks and help them to make

informed decisions. We also know that our drug and alcohol treatment sector is already experiencing pressure, and if we are to make changes that will encourage people to come forward and seek help, more treatment places will need to be funded to respond to any growth in demand.

I come back to the figure I cited earlier: in Australia at present 64 per cent of the money we spend on the drug issue broadly is spent on law enforcement. Far less is spent on harm reduction and on treatment options. I make that point again, because in that context it is important to show that we are spending our money in the wrong places at the moment. We are focusing on law and order when we need to be working with people to address the risk they expose themselves to through ignorance, through fear of coming forward and the like.

I want to speak briefly to the links between cannabis and mental health, in my capacity as mental health minister. While the evidence around cannabis being a causal factor for mental illness is mixed, it is clear that for those with a predisposition to mental health issues, cannabis can exacerbate those issues. Let me stop there and reflect on a point. Mr Hanson has been far more definitive in his public commentary, and I disagree with him on that. I think we need to be responsible in this debate and reflect on the fact that there is mixed evidence. You cannot take this holus-bolus, one way or the other; you actually need to be true to the science and be honest about that as well.

As the Minister for Mental Health I am all too aware of the comorbidities that exist between mental health and drug and alcohol issues. This includes cannabis, but cannabis is by no means unique in this regard. Our mental health services deal with people who self-medicate with a range of substances, both legal and illegal. Equally, a range of substances can contribute to poor mental health, including alcohol. I bring this up because it is important that we recognise the complexity of this issue. While alcohol and cigarettes are known to be bad for us, and especially bad for people who are more susceptible to their effects, we also recognise that people can and will make choices about their health, including what substances they use.

At the moment some people are making the choice to use cannabis despite the risks, and because it is illegal there is limited information available about how to reduce harm. Research tells us that people with drug and alcohol problems can wait up to 18 years before they seek treatment, because we stigmatise and criminalise people who use drugs, and this drives them into the shadows and away from help. Eighteen years is an extraordinary amount of time for people to not come forward because of fear of criminalisation and stigmatisation.

Whether a person needs help for a mental health condition, an addiction or a range of other complex social issues which can be associated with drug use, we need to do more to break down stigma and encourage people to come forward. Removing the criminal offence for possession of cannabis is part of that process.

As I mentioned earlier, I think there are some elements of this bill that could be improved and make it more workable. I will not go into the details of those amendments now, as there will be time for that debate later. But I do want to speak

briefly on the issue of medicinal cannabis, which is an area I will be looking to address through amendments.

I recognise that medicinal cannabis is very different from recreational cannabis. The products are heavily regulated so that strength and properties are controlled, and use can be monitored by a doctor. But it is clear that, while the ACT has a medicinal cannabis scheme in place, it remains overly restrictive and hard to access for those who need it. Medicinal cannabis patients should not have to resort to growing their own supply to get relief from pain or nausea, but for many people that remains their reality.

The process under the current scheme for getting approval through the TGA is extensive and involves trialling medications in every other drug category, many of which have significant side effects. There are very few doctors in the ACT who will prescribe medicinal cannabis, and pharmacists are required to get approval from the Chief Health Officer each time they dispense it, even to the same patient.

I understand the need for controls, but the current system is so restrictive that many people simply give up. I raise this as part of this debate because we need to consider how this can be improved. This bill will not fix this issue, and any amendment will be an imperfect solution, but doing nothing and sticking with an unworkable scheme is not good enough. I look forward to discussing this issue more during the detail stage, along with a range of other amendments relating to artificial cultivation, establishing an independent advisory council, and more.

The Greens support this bill as part of a long journey of drug law reform that I hope will ultimately see personal drug use treated as a health issue, not a criminal issue. Drugs are present in our society whether we like it or not, and the answer is not simply to say no, to make drug possession illegal, and to try to arrest our way out of this current problem. The war on drugs has failed, and it is time for a new approach. That is why the Greens will be supporting this legislation.

MR HANSON (Murrumbidgee) (11.35): The Canberra Liberals will not be supporting this legislation in principle today. We believe that it should be referred to a committee for inquiry to sort out what is clearly a complex issue but also flawed legislation. I note that there are numerous amendments to be moved not only by the Greens but also, as I understand, by the government, potentially by several ministers. The fact that there are so many competing amendments to this bill should be sufficient to raise real caution with the legislation, particularly as it stands.

Our approach is based on exactly that: reasonable, responsible caution. I do not have my head in the sand, and nor do my colleagues on this issue, and in no way do we support an overly punitive approach to cannabis use. I have children, and I would not want to see them locked away because they smoke a joint. No-one is suggesting that. But, equally, I have seen firsthand the devastation that cannabis can cause in some people, and I genuinely feel that making cannabis more available and more prevalent will increase the risk of harm. We have a responsibility to highlight the potential harms of cannabis use and make sure that lives are not ruined, particularly of young

people who are naive to the consequence of cannabis use and not just the risk of a small fine.

According to the Australian Institute of Health and Welfare:

Ongoing and regular use of cannabis is associated with a number of negative long-term effects. Regular users of cannabis can become dependent and commonly reported symptoms of withdrawal include anxiety, sleep difficulties, appetite disturbance and depression.

The 2016 national drug strategy household survey found:

... a significant increase in the proportion of past month and past 12-month cannabis users that reported mental illness and 'high to very high' levels of psychological distress.

The AMA found that cannabis can cause a fivefold increase in numbers of users developing psychosis and that maternal use can lead to similar risks for unborn children. These are words we cannot ignore. It is extraordinary to have the Minister for Mental Health basically saying that the jury is out on how dangerous cannabis can be to some people in terms of its links to psychosis.

The AMA also points to the negative impact on vulnerable groups such as Aboriginal and Torres Strait Islander groups. The AMA rejects the personal recreational use of cannabis and says it should be prohibited. In its position statement on cannabis use and health, the AMA supports the current approach, stating, "The personal recreational use of cannabis should also be prohibited."

We had a debate on this issue yesterday in which we heard that we should listen to the evidence and the expert advice. This is from a government that is going to ignore the AMA and a wealth of academic research on this issue. I quote from a traumatised mother who contacted my office, whose son's life was destroyed by cannabis:

I have a son aged 38. He was an excellent student, a high achiever, with good prospects for a successful life. At the age of 19, he and his friends thought it was cool, and became cannabis users.

After one particular time my son over indulged, and became psychotic, developing schizophrenia. That is almost 20 years ago. Since 1999, he has been incapable of working, has no friends, and has a very poor quality of life.

His psychiatrist told us that one in ten cannabis users were likely to develop short term psychotic illness, many going on to develop schizophrenia."

That mother implored me not to support this legislation that will make cannabis use more prevalent in our community. I also have personal experience of a friend who became violent towards his wife and threatened to kill her during a psychotic episode we understand was triggered by cannabis use, and I have heard of many similar stories.

In the recently released book *Tell Your Children: the Truth About Marijuana, Mental Illness, and Violence*, Alex Berenson exposes the high instance of violent behaviour

caused by cannabis. He cites numerous studies which all point to cannabis as contributing to increased violence, including domestic violence.

I would like to quote from an extract of a particularly harrowing tale. This is from a media article released on 5 May 2017 titled “Cairns children killings: does extended cannabis use play a role in psychosis?”:

When Cairns mother Raina Thaiday killed eight children in 2014 she had been clean of cannabis for months, but a psychiatrist found her prior long-term use may have triggered the violent schizophrenic episode.

There is a widely held view within the medical and social work community in Australia that there is a link between extended use of cannabis and psychosis.

While most research is careful not to draw causal links, a study by the University of Queensland that followed more than 3,800 21-year-olds for almost three decades revealed individuals who used cannabis for six or more years had a greater risk of developing psychotic disorders or symptoms like hallucinations and delusions.

The same document outlined how smoking cannabis at a younger age more than three times a week could increase an individual’s risk for schizophrenia up to six times ...

The Salvation Army’s Brisbane Recovery Service Centre program manager, Leon Gordon ... said ...

“Anecdotally, before ice became an issue, we saw that people in their early to mid-thirties who were straight cannabis users came in quite damaged” ...

He said there is still a lack of awareness about the toll marijuana can have on someone’s health.

“In most cases they’re no different from anyone else, but the long term heavy users can be quite withdrawn and paranoid ...

“The idea that it’s a drug that you can stop using straight away is naïve, that’s not our experience.”

I have done research on range of academic articles. I quoted from one recently and I will quote from some others here. This is from *World Psychiatry* in 2008, over a decade ago, “Cannabis use and the risk of developing psychotic disorder”:

The consistent finding of an association between cannabis use and psychosis makes chance an unlikely explanation of the association, and there are also now a number of prospective studies showing that cannabis use often precedes psychosis ...

The strongest evidence that cannabis use is a contributory cause of schizophrenia comes from longitudinal studies of large representative samples of the population who have been followed over time to see if cannabis users are at higher risk of developing schizophrenia.

The earliest such study was a 15-year prospective investigation of cannabis use and schizophrenia in 50,465 Swedish conscripts. The study found that those who had tried cannabis by age 18 were 2.4 times more likely to be diagnosed with schizophrenia than those who had not.

It says, “The risk of this diagnosis increased with the frequency of cannabis use.” I tabled that report in full last week in the debate we were having, and I encouraged members to read it for their information.

To suggest, as Mr Rattenbury did, that the jury is out and that the evidence is not significant, and to ignore the warnings of the AMA in their submission on Mr Pettersson’s bill is, from the Minister for Mental Health, simply outrageous.

What compounds that is that we have the Greens out there campaigning with advertising material published by Mr Rattenbury saying, “Welcome to the party,” with a picture of young people sitting around, enjoying themselves, I imagine. That is a grossly irresponsible thing for the Minister for Mental Health to do when we have warnings from so many people, including the AMA, that the use of cannabis can cause a fivefold increase in psychosis. What is the response of Mr Rattenbury, the Minister for Mental Health? It is “Welcome to the party” as part of Greens advertising material.

People who point to the relatively limited harm of cannabis compared to legal products like alcohol and cigarettes need to acknowledge that a significant part of the reason is the lower rate of cannabis use because it is prohibited. The genie is out of the bottle on tobacco. Why do we want to go there with cannabis? Based on experience with alcohol and cigarettes, legalising cannabis will actually increase rates of harm.

The other argument being used for legalising cannabis is that people are being caught up in the criminal justice system and young lives are being permanently wrecked. That is just not true in the ACT. Under current law, small personal use is already decriminalised. We already have the most tolerant, progressive laws in the country. We support the existing laws. We must balance reasonable laws with reasonable protections, and the current laws do just that. They are reasonable and they are responsible. They strike the right balance.

There is a hodgepodge mess of laws before us that are going to be subject to a whole bunch of amendments. We are not even going to get through the in-principle debate on them today because we are still waiting for the amendments to be drafted or tabled. We have not even seen them yet. These laws, as they sit before us, are neither responsible nor reasonable. For example, there is little consideration that I can see of the very problematic issue of interaction with commonwealth laws. Section 109 of the constitution states that where a law of a state is inconsistent with the laws of the commonwealth, commonwealth laws will prevail and the state law will be invalid.

There is a clear conflict in the case of this bill. We received advice from the ACT Law Society. It says:

The Society considers that clause 6 could be inconsistent with section 308 of the Criminal Code Act 1995 (Cth).

As section 308.1(1) states that the possession of a substance that is a 'controlled drug' (i.e. cannabis) is an offence, clause 6 could have no effect insofar that it legalises the possession of 50g or less of cannabis.

In our view, even if clause 6 is not inconsistent with section 308 ... a person who possesses 50g or less of cannabis could still be charged with the Commonwealth offence of possessing a substance that is a controlled drug ...

That is a legal issue that has been raised with this bill. I understand there are other concerns from the government.

The Law Society and commentators in public debate have questioned how this bill interacts with the drug driving laws. As I noted recently, I think in the debate last week, cannabis, behind alcohol, is the second most prevalent drug when it comes to road fatalities. Do we want to increase the consumption of cannabis? Why do we want to do that?

There have also been problems with the definition of cultivation. If there are multiple people in a house, this, as I think the government has recognised, is problematic. How many plants are permitted? How many can you have? Is it going to mimic a grow house? What about when the plants themselves contain more than the 50 grams which are permitted by law? The Law Society made comments on this in their advice. They say:

Under the Bill, a person who legally cultivates 1 to 4 cannabis plants may unintentionally contravene clause 6 as an individual cannabis plant can harvest more than 50 grams of cannabis.

How does that operate? Again, we do not know. That has not been answered. It is an area of more confusion in this bill. It would be a farce if it were legal to have a large cannabis plant in a house but illegal to take an amount off it weighing more than 50 grams.

What about people who have drug trafficking convictions? Are people who have drug trafficking convictions allowed to do this—hydroponically, if Mr Rattenbury gets his way? A criminal gang—who knows, maybe one of the outlaw motorcycle gangs that are flourishing in this town—can establish a house. They can have a number of members residing in that establishment. Each has four plants. These are people with criminal convictions for drug trafficking, and they can grow it hydroponically if Mr Rattenbury has his way. The police will be powerless to do anything. Little grow houses would be established everywhere. I am sure there would be crime gangs in New South Wales and elsewhere that would see the opportunity here to rent a house, move a whole bunch of people in, maybe five people, and grow 20 plants hydroponically. And the police are powerless to do anything. There you have a grow house in Canberra, a legal grow house under Mr Petterson's bill. That is what he wants. That is what this law allows.

Is that a good thing? Maybe Mr Pettersson thinks that is a good thing. That is what the law allows. If you were a criminal cartel, you would be looking at this as an opportunity. You would say, "Right, in the ACT, this is something we can do. If we try to do this in New South Wales or elsewhere, there will be some people knocking on our door. But in the ACT we will just move five people in. Rent the house. Grow it hydroponically, as long as Mr Rattenbury gets his way. And we have got all these big plants full of THC, and we can bag it and tag it and send it over the road and sell it. And there's nothing the police will be able to do while those plants are growing."

Those are just a couple of examples of where these laws have not been thought through. I question why we will not send these laws to committee. We send many laws to committee in this place. We hear often from the Greens how important it is that we use the committee process. I think there are legal complexities here that need to be addressed, raised by the Law Society, by the Australian Federal Police Association and, it would seem, by the government. There are certain medical issues that need to be considered, as have been raised by the AMA and related in academic research.

Disturbingly, when I asked Mr Pettersson for a copy of the submissions he had received on his bill, he refused to give them to me. Where are the submissions that Mr Pettersson got for the bill? The only one we have seen is the one the AMA released that said, "We don't support this" and raised all of the issues. If this is open government and Mr Pettersson has nothing to hide, why are we not seeing that? There might be individuals who do not want to incriminate themselves. I am not interested in that. We can redact the details of any individuals. But why would Mr Pettersson, in tabling this bill, not say, "These are the submissions; this is where the evidence is"? Why does he not want that released?

Why do we not have that before a committee to look at the evidence so that we can make sure that if this is going to be legalised, as is the desire of the government and the Greens, we do so in a way that causes the minimum amount of harm and acknowledges the effect on young people and the effects of psychosis, that does not endorse things like, "Let's join the party", that refutes the idea that smoking dope, particularly for young people, is a big party—it is not; there is a fivefold increase in psychosis rates—and that examines issues like grow houses being imminently legal under this and people with criminal convictions for drug trafficking being able to grow multiple plants, potentially hydroponically, if Mr Rattenbury gets his way.

A good strategy for dealing with drugs has to involve three elements. You have to control supply and demand and acknowledge harm minimisation. I believe, as do my colleagues, that the current laws strike that balance well. What these laws will do is encourage young people, particularly, to consume cannabis. It will become a legal product. There will be no consequences in terms of actions against them. But the consequences will be dire for people down the track. What we will see is that, as more people use cannabis, more people will be affected by it; more people will develop psychosis. That is a tragedy.

We do not have a punitive approach. What we want to do is reduce harm. What we in the opposition want to do is make sure that young people are not damaged. I reject this rushed, dragged-through legislation. It is a hodgepodge. It is subject to numerous amendments. It is subject to a raft of criticisms, even from people who support it. Even people who support it say there are concerns about the way the legislation is drafted.

I foreshadow that when this bill is adjourned at some stage today—before we even vote on it, I understand—I will then move that we look at this in a committee, do it deliberatively and do it properly. I do not see what the rush is and I am not sure why the Labor Party and the Greens seem to think that this is something we should ram through, given the concerns that have been raised by the community and the genuine risks apparent, particularly for young people, in the consumption of increased rates of cannabis.

MR BARR (Kurrajong—Chief Minister, Treasurer, Minister for Social Inclusion and Equality, Minister for Tourism and Special Events and Minister for Trade, Industry and Investment) (11.54): There is no doubt that our territory is a proudly progressive place. Our community faces challenges and big debates with an open mind. We have demonstrated over many decades that we are prepared to consider a new approach to public policy challenges when old ways are not working.

Outright prohibition of cannabis is an example of an approach that clearly is not working. According to surveys by the Australian Institute of Health and Welfare, 8.4 per cent of Canberrans, around one in 12 people, report having used cannabis in the past 12 months. Every day, people in our community are using cannabis, despite it not being legal and despite it being unable to be accessed except by non-legal means. The clear evidence from drug law reform around the world is that a harm minimisation approach delivers better outcomes, both for individuals and communities, than a head in the sand approach which assumes that prohibition prevents use.

We have understood this in this jurisdiction, and particularly in this parliament, throughout our history. That is why the ACT has a history of pursuing progressive but considered drug law reform.

As has been referenced by Mr Hanson, in 1992 we were one of the first jurisdictions in Australia to decriminalise the personal possession of small amounts of cannabis. I note with some irony that the Canberra Liberals opposed those reforms in 1992. They were on the wrong side of history then when they opposed that important reform. Many of the arguments that we have just heard from Mr Hanson were proffered by the Canberra Liberals in 1992 when they opposed those reforms. We have heard from them again in this debate and, once again, they have declared themselves to be on the wrong side of history, the wrong side of public opinion and the wrong side of the balance of evidence.

In the early 2000s the ACT government introduced programs such as the court alcohol and drug assessment service and the illicit drug diversion initiative, both of which

divert users of alcohol and illicit drugs away from the justice system and towards the health services that they need. In 2005 we began operating syringe vending machines to provide access to safe and sterile injecting equipment for people who may be reluctant or unable to attend a needle exchange service in person.

In 2012 the ACT brought in the first peer-administered Naloxone program in Australia, providing a way for the friends or family members of opioid users to respond quickly and save their lives in the event of a serious drug overdose.

In 2016 we introduced the Canberra night crew to reduce the harms from alcohol and other drug use in our city's main entertainment precinct late at night. Other jurisdictions have taken a different approach, a prohibition approach, by implementing policies like the New South Wales lockout laws, which have hurt local businesses, killed the nightlife scene in many precincts where they are in place, and harmed Sydney's reputation as a global city, as well as simply spreading the harm to other parts of Sydney. In contrast, the Canberra night crew provides a safe space for people affected by alcohol and other drugs to receive assistance from members of the Red Cross and volunteers, without judgement or risk of arrest.

More recently the ACT has become the first jurisdiction in Australia to trial pill testing at a major music event, with the pilot run at Groovin the Moo last year. The results of this trial were clear: strong use by attendees, two potentially deadly chemicals identified, dozens of pills thrown away. We have just agreed to provide a supportive environment for a second trial to take place later this year when the festival is held at Exhibition Park.

This year we are also continuing to invest in the development of a drug and alcohol court, as committed to in the parliamentary agreement, to help reduce recidivism by responding to people's addictions and broader challenges instead of taking a purely punitive approach.

The harm associated with drug use can take a number of different forms. These obviously differ significantly depending on the type of drug. In the case of cannabis, there are a range of harms we are particularly concerned about.

There are health and potential addiction effects. Research on the medical effects of cannabis is limited and does not point to the same kinds of major health or addiction issues that are associated with synthetic illicit drugs. However, it is clear that some people do experience adverse mental health effects from using cannabis and that its use can become problematic over time. Prohibition is preventing people from seeking medical and other types of help when they need it, because of the stigma and the risk of punishment associated with drug use. Legalisation means we can better reach people who are already using the drug and connect them with services and supports when they need them.

There are justice effects. At the moment, possession of small amounts of cannabis for personal use can bring people into contact with the justice system in ways that can have serious and lasting consequences. We know that our police are working hard to keep Canberrans safe, and our courts naturally have more cases to hear as our city's

population continues to grow. We want those justice resources focused where they are needed: on disrupting serious and organised crime; protecting our community from individuals or groups who might wish to do us harm; and helping women and children dealing with domestic and family violence. Legalisation means our police and courts can better focus their efforts where they are needed.

Then there are public safety effects. When drugs are illegal, accessing them generally means doing business with people happy to operate outside the law. That brings otherwise law-abiding people into contact with criminals in a way that puts them at risk and may also increase the risk of further offending in our community. Anything we can do to take away the market for illegal drugs, particularly a market that can provide revenue to produce and distribute harder drugs, will help reduce the potential harm arising from regular Canberrans interacting with serious criminals or organised crime groups.

Because harm minimisation is a smarter, a better and a more progressive approach than prohibition, the government intends to support this bill with a range of amendments that we will bring forward and work through with members of the Assembly in the months to come.

To be very clear, Madam Assistant Speaker, the government does not condone or encourage the recreational use of cannabis or other drugs. No level of drug use should be considered safe, and we will continue to share that message with the broader community. Possessing and growing cannabis following its legalisation in the ACT will also retain a degree of risk that Canberrans should be aware of. We believe the ACT is able and entitled to make our own laws on this matter, as we have done in the past, such as in 1992, but the interaction with commonwealth law does remain untested.

There will be some uncertainty as to how a future commonwealth parliament may react to the ACT passing this bill. In considering this, we call on our federal parliamentary counterparts to respect the will of this Assembly and the Canberra community, and to not seek, through the parliamentary means available to them, to intervene to prevent progressive reform as we have seen happen in the past in the ACT—although I note that as a result of important reforms passed by the Gillard government it is now no longer possible for the commonwealth to intervene simply at the whim of a commonwealth minister; it must be the entire commonwealth parliament. That is, legislation would need to pass both the House of Representatives and the Senate to overturn any legislation passed in the ACT.

Drug law reform is a complex issue that requires proper consideration. There are a range of issues and interactions with the ACT's existing legal frameworks that will need to be worked through. In broad terms, the government intends to bring forward amendments that will: retain a limit of two plants per person, in line with the current regime, and introduce a further total household limit; provide more effective and implementable restrictions to ensure that children are not exposed to cannabis smoke; ensure that cannabis is securely stored in a way that is not accidentally accessible to children or other vulnerable people; restrict cannabis growing to enclosed, private residences where a clear nexus of ownership can be established; and distinguish

between wet and dry cannabis to reflect differences in weight at different stages of processing.

Our amendments will aim to address implementation challenges with the bill as it stands and include clear definitions that will support ACT Policing to clearly distinguish between small-scale, individual cannabis users and those who would seek to be involved in more serious or organised crime. The government also intends that the legislation will include provision for a mandatory review to take place not more than two years after legalisation occurs, with the full impacts and effects of this change being evaluated at that point to guide any further policy reform.

There are a range of further issues which we are currently considering and which may result in further amendments as we work through them. We intend to take the time required to get this right. We understand that this is a reform the Canberra community wants to see made, but we also know it is a reform that has to be delivered carefully, in recognition of the fact that we are moving ahead of other Australian jurisdictions and the commonwealth, although we are by no means global leaders on this issue. I look forward to working with Mr Pettersson and all members in this place on a series of amendments that can secure the support of Assembly members and see this bill passed.

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

Sitting suspended from 12.06 to 2.00 pm.

Questions without notice

Building—reforms

MR COE: I have a question for the Minister for Building Quality Improvement. I refer to the previous minister's commitment, made in June 2016, to implement 42 building regulatory reforms by the end of 2017 and a 43rd reform by the end of 2017-18. Minister, how many of the reforms are operating as of today?

MR RAMSAY: I thank the Leader of the Opposition for his question and for the interest that sneaks through every now and then from the opposition in relation to building quality improvement. The ACT government is committed to following through on all of the matters. I will confirm if the number is not accurate, but my understanding is that there are approximately 14 in place at the moment, there will be a further round in place by the end of this financial year, and the remainder will be in place by the end of this parliamentary term. I will have further information and further announcements on that in the coming days and weeks.

MR COE: Minister, what has prevented the government from delivering the regulatory reforms promised by the Labor government?

MR RAMSAY: There have been a number of matters in this area that are quite dependent on cooperative work across the jurisdictions. One of the things that we know is that issues around building quality are not restricted to the ACT. In fact, that

was one of the points of conversation when I was at the building ministers forum in Melbourne just over a week ago.

What has been acknowledged across the jurisdictions is that this is indeed an Australia-wide issue. We are working through a number of things together. A number of those reforms are dependent on national cooperation and therefore the precise timing of those does not—

Mr Coe: On a point of order, Madam Speaker, the question was specifically: why have you not implemented all these reforms as promised by your predecessor? And the reforms that I made mention of in the main question were the 42 regulatory reforms that were due by the end of 2017. I am not talking about the generality but the specific reforms that were promised to be delivered by 31 December 2017.

MADAM SPEAKER: Mr Coe, resume your seat. Minister, in the time you have left, can you be specific to that point.

MR RAMSAY: Indeed. Thank you, Madam Speaker. A number of the reforms that we are working on in the regulatory reform policy work here are part of that national cooperative work and therefore do not sit simply within the responsibilities of the ACT government. Again, we are committed to working with those.

I note, for the opposition and for members here and the community beyond, that, in relation to a number of the areas that we are working on, the other jurisdictions have noted our leading work specifically in relation to the testing of builders—people who are seeking builders licences. In relation to the phoenix-ing situation that we have here, within the bounds that a state or territory government can operate in, those jurisdictions—(*Time expired.*)

MR PARTON: Minister, how many more panels have to fall off buildings before this government gets serious about effective reforms in this space?

MR RAMSAY: This government is very serious about the reforms in this space. This is one of the reasons why there is now a specific portfolio responsibility for building quality improvement under the most recent portfolio arrangements. We are continuing to work through all the reforms that are there. We are continuing to work through the regulatory responses that we have.

I note, and I have drawn this to the attention of the Assembly before in previous answers, the work of the regulator—the registrar—and the rapid regulatory response team. This is significant work. I draw to people's attention the work over the past period from 1 July to 30 December. It demonstrates the government's seriousness about the ways that we would continue to work in this area.

There have been five notices of intention to issue a rectification order in that period of time; there have been one rectification order and 10 show-cause notices; there have been four controlled activity orders; there have been 34 demerit points; there have been nine directions to undertake building work; and there have been 13 stop work notices.

This government is very serious about not only rolling out its policy reform but also about ensuring that people who are building in this territory are qualified and are of the highest quality. I want to make very clear that if people are not of the quality that is needed in this territory, we do not want you in the industry.

Municipal services—nature strips

MS LE COUTEUR: My question is to the Minister for City Services and relates to the draft nature strip guidelines. Minister, is there a timeline for the finalisation of the draft nature strip guidelines and, if so, what is it?

MR STEEL: I thank Ms Le Couteur for her question. Those guidelines are currently being finalised. I am looking forward to publishing them soon. I will take on notice the exact period in time in which they will be published.

MS LE COUTEUR: Assuming that this will be fairly soon, does the government have a plan to promote the guidelines?

MR STEEL: I thank the member for her question, and I will take that on notice as well.

Building—quality

MR PARTON: My question is to the Minister for Building Quality Improvement and Minister for Business and Regulatory Services, but not so much gaming and racing. On 4 February the *Canberra Times* reported on serious concerns regarding the Elara complex and others, including the Empire apartments, Forrest; Pulse apartments, Gungahlin; and Fox Place, Lyneham. The *Canberra Times* indicated reports prepared by a structural engineer highlighted very disturbing design and construction practice which posed a significant risk to residents' safety. Minister, why has your government's building policy allowed very disturbing design and construction practice which poses a significant risk to residents' safety?

MR RAMSAY: I thank the member for his question and note the undertone, again, of a scare campaign coming through. It is always good to be raising issues that might scare the broader community; that demonstrates the way the Canberra Liberals work.

I sympathise with the owners of Elara who have been affected by the issue. I am aware that in that particular case they have indicated that they are likely to appeal the decision that was made so I will be cautious in relation to that one. However, Access Canberra has taken strong regulatory enforcement steps in that particular case and in the case of other situations.

In that particular one strong regulatory actions were taken against the builder, the engineer and the developer. The enforcement action that Access Canberra took against the licensee were upheld by ACAT. The builder has had to surrender their licence and that builder will never build in the ACT again. Access Canberra has pursued the engineer through the Supreme Court resulting in the conditioning of every building certifiers' licence when relying on that engineer's advice. That was the first

time a party outside the building licensing regime has had enforcement action taken against them. In 2016 the ACT government introduced measures preventing former licensees who have liquidated companies from being eligible to be relicensed in the ACT.

Ten years have passed. That builder is no longer licensed and the developer has been wound up, so no further action can be taken in that particular case as far as the regulation is concerned. However, I reiterate that we are very sympathetic toward those who have been affected and we are continuing to roll out strong, effective reforms to make sure that those people who are building in this territory are of the highest quality.

MR PARTON: Minister, how have you been responding to the reports, the letters and the complaints—which, surprisingly, are emanating not from scare campaign headquarters but from all over the city—that Access Canberra and other government agencies are receiving regarding faulty design or construction in relation to the property cited in the *Canberra Times* article?

MR RAMSAY: Mr Parton and members opposite would be aware that the regulator who oversees regulatory compliance in this matter is a statutorily independent officer, so it would be inappropriate for me to be directly intervening in any of the matters. I meet with Access Canberra weekly and receive advice on how things are being followed through. We have resourced Access Canberra with additional staff members in this area and have been involved in conversations that have led to the establishment of the rapid regulatory response team—

Ms Lawder: Point of order.

MADAM SPEAKER: Minister, resume your seat. Stop the clock. Point of order.

Ms Lawder: Standing order 114 says:

Questions may be put to a Minister relating to public affairs with which that Minister is officially connected ...

I would imagine that the minister is officially connected with the agencies mentioned in the question and that his saying that it is a different agency and that he is at arms-length to it is avoiding answering the question directly.

MADAM SPEAKER: I do not believe so. He has made mention of additional resources, a rapid response team and other matters that went to “What are you doing to respond to these concerns?” Minister, you have the floor.

MR RAMSAY: Indeed. Having been asked what I was specifically doing, I was replying to what I had been specifically doing. I will continue to work with not only the regulator but also those advising in the area of policy and the policy regulatory updates. I meet with those every week and I am confident that we are continuing on with very strong reform in building quality here in the ACT.

MR COE: Minister, what specific actions are you taking, or are you ensuring that your government takes, to address the structural issues regarding 350 columns, 43 beams and 25 angles in the Elara building?

MR RAMSAY: Again, as I indicated in my answer to the previous question, and in regard to the matters in relation to the Elara complex, I am being cautious about what is said because I am aware that not only has there been a Federal Court matter, but the owners have indicated that they intend to appeal that matter. So I am cautious about that.

Mrs Dunne: It's not before the courts. You don't have to be cautious.

MADAM SPEAKER: The minister has the floor.

MR RAMSAY: I am delighted to see that Mrs Dunne is not the Attorney-General, nor has she been the Attorney-General. I am not sure if she has gained a significant amount of experience from her time in government over her many years here. I will remain cautious about matters where there has been—

Mr Coe: A point of order.

MADAM SPEAKER: Resume your seat.

Mr Coe: The specific question was: what actions are you taking about the 350 columns, 43 beams and 25 angles? He has given a lot of other commentary but he has not actually addressed the substance of that question.

MADAM SPEAKER: I believe he is constraining himself with a level of caution about what he can comment on. But you do have 46 seconds left. Can you please continue, minister, if you can provide any direct response to that.

MR RAMSAY: Can I say again that that builder's licence has been surrendered. They will never build in the territory again. Ten years have passed and the builder is no longer licensed. The developer has been wound up. There is no ability for Access Canberra—

Mr Coe: A point of order. The specific question was about what you are doing to address the structural issues: not the company, not the building licence but the structural issues.

MADAM SPEAKER: I have asked the minister. I think he is responding, as he can, to that question. Minister, do you have anything further to add?

MR RAMSAY: Can I say again that there is no capacity in Access Canberra to respond further in relation to that matter.

Building—quality

MS LAWDER: My question is to the Minister for Building Quality Improvement. Minister, reports on the fears of Canberrans in relation to shoddy building quality

continue to surface. The anxiety of affected owners caused by costly litigation, out-of-pocket expenses, uncertainty and despair is reaching crisis proportions. In many cases the lifelong savings of owners are jeopardised by poor building quality. Minister, what immediate steps will you take to stem any further emotional and financial damage being inflicted on property owners by poor quality building?

MR RAMSAY: I thank Ms Lawder for the question. It is an important question. I am happy to say that this government continues its action not only in terms of its regulatory oversight and its compliance. I again draw Ms Lawder's attention to the establishment of the rapid regulatory response team, which is able to ensure that inspectors, people who are well qualified, are able to attend to matters very quickly to see whether they can be resolved before a formal complaint is lodged or whether that can be escalated to a further matter. I notice that—

Ms Lawder: On a point of order, Madam Speaker, the question was about stemming further emotional and financial damage to those people who are already experiencing shoddy building, not about the steps to be put in place for future building. It is about those people who are already affected.

Mr Gentleman: On the point of order, Madam Speaker, the minister has been answering the question. Members can only ask the question once. Continually interrupting the minister when the minister is being relevant is disorderly. They keep repeating the question when they are only able to ask it once. It has been happening right through question time.

MADAM SPEAKER: Thank you, Mr Gentleman. Ms Lawder's question was about what immediate steps are occurring. Minister, you had made reference to the rapid response team. You may add to that in the time you have left.

MR RAMSAY: For those people who have suffered when buildings are not of the quality that we would expect to have in the ACT and who therefore may be experiencing different forms of concern, whether emotional or other concerns, one of the things we want to be able to do is respond to those very quickly. That is why we established the rapid regulatory response team.

Mr Coe: What is the response?

MR RAMSAY: The response is to get people out when they notice that things are of a quality that they do not—*(Time expired.)*

MS LAWDER: Minister, what actions will you take to assist those people already affected by poor oversight of building quality?

MR RAMSAY: For those people who are already affected by a building that is not of the quality that we expect to have here in the ACT, the best thing that we can do for them is make it so that, as their complaints are raised, we get out to them very quickly with the people who can inspect and who can negotiate with them how it is that matters can be resolved. That is why we have established the rapid regulatory response team. That is why I will continue to work with Access Canberra to make

sure that its resources are sufficient and are working very effectively for the people of Canberra.

MR PARTON: Minister, why is your government now saying that responsibility for improving building rests with the buyer and that it is now “a buyer awareness problem”?

MR RAMSAY: I do not know that I have ever used that particular term. What I would say is that we draw to people’s attention, and Access Canberra has drawn to people’s attention, the fact that when investing in any significant asset—obviously a person’s home is not only a financial asset but also an emotional asset—they take the highest quality advice. That is certainly one important part of the work there.

It is not the only part of the work and that is why this government is rolling out a range of areas of improvement in the building industry. In addition, one of the things that we are doing, as I have indicated before, is making sure that people who are building here in the ACT have the requisite knowledge, the requisite expertise and the requisite approach.

That is why we have introduced the class C licence testing and why we are rolling that out to class A and class B licences, so that all builders who are operating here in the ACT are of the highest quality. Part of that is clearly our responsibility. Part of that is clearly the builder’s responsibility. And getting the right advice is clearly part of the owner’s or purchaser’s responsibility.

National Multicultural Festival—feedback

MS ORR: My question is to the Minister for Multicultural Affairs. Minister, can you update the Assembly on the Multicultural Festival held over the weekend?

MR STEEL: I thank Ms Orr for her question. As the Minister for Multicultural Affairs, I am in the privileged position of having witnessed very closely one of this city’s unique and most popular cultural events over the weekend. What I saw at the festival was Canberrans and those from across Australia and around the world proudly displaying their culture to the community. And the Canberra community came out in strength to support them and to celebrate our inclusive city, in very good weather over the three days of the festival.

This unique and important event once again brought together a mix of people and a mix of cultures, cuisines, ideas and experiences from around the world. The strong engagement of Canberra’s multicultural community over the past 23 years continues to make this festival what it is: a community celebration of diversity in a harmonious, friendly atmosphere.

Entertainment was a central part of this year’s festival once again. Christine Anu performed songs in her native language, bringing awareness of First Peoples’ music and culture. Isaiah Firebrace drew thousands of people to see his lively performances on two stages. Our multilingual city was celebrated with a languages showcase for the first time at the festival, featuring poetry and song.

I see that once again the Canberra Liberals continue to interrupt me when I am discussing our important languages. I know that tomorrow is mother languages day. They continue to interrupt. This is the second week in a row that they are interrupting.

Mrs Jones: Point of order, Madam Speaker.

MADAM SPEAKER: Resume your seat, please, minister.

Mrs Jones: Madam Speaker, someone having a quiet chat on their own side should not be characterised—

MADAM SPEAKER: Mrs Jones, there is no point of order.

Mrs Jones: Should not be characterised by the member as interjections across the chamber.

MADAM SPEAKER: Mrs Jones, resume your seat. I have mentioned before that sometimes quiet conversations are allowed, but they can be disruptive.

Mrs Jones: It is not interjection, Madam Speaker.

MADAM SPEAKER: Mr Steel.

MR STEEL: Mrs Jones has just interrupted me again. Thank you very much. Visitors also greatly enjoyed—*(Time expired.)*

MS ORR: Minister, what feedback have you received regarding the success of the National Multicultural Festival?

MR STEEL: As I walked around the festival I saw firsthand thousands of Canberrans—

Members interjecting—

MADAM SPEAKER: Resume your seat please. Members, the minister was on his feet for fewer than 10 seconds and there were interruptions and interjections.

MR STEEL: They are proving my point, Madam Speaker. As I walked around the festival I saw firsthand thousands of Canberrans enjoying the cultural diversity that was on show over the three days, enjoying the 150 separate performances on six different stages and visiting the 145 embassy and information stalls. We were very pleased with how the festival went at the weekend and we were very happy with the crowd's behaviour. The festival is a wonderful celebration of cultural diversity and we were very pleased to see so many people enjoying the sights, sounds and tastes of our multicultural city.

Early estimates indicate that around 200,000 people attended the 23rd National Multicultural Festival. Feedback that we have received from people at the festival was

that they really enjoyed the variety of entertainment and felt comfortable moving around on the footprint. People were friendly and happy, enjoying the wonderful performances and the variety of food and drinks on offer. It was great to see so many children and families enjoying the festival on Sunday, on Family Day. And ACT Health has provided feedback that they were also pleased with stallholders' food safety.

On behalf of the ACT government, I would like to thank the thousands of performers, stallholders, community groups, sponsors and volunteers who made the festival such a success this year and the festival visitors who came to enjoy and celebrate our inclusive city.

MADAM SPEAKER: Mrs Kikkert, a supplementary.

Ms Cody: Seriously?

MADAM SPEAKER: Ms Cody!

Ms Cody: Sorry, Madam Speaker.

MRS KIKKERT: Minister, what feedback of disappointment have you received from the Multicultural Festival?

Mr Hanson: Madam Speaker, on a point of order, I wonder whether the member opposite was questioning your ruling.

MADAM SPEAKER: I have just had a quiet word with her and she has apologised for that interjection. Mrs Kikkert has the call.

MRS KIKKERT: Minister, what feedback of disappointment have you received from the Multicultural Festival?

MR STEEL: We are going out to the community to seek their feedback; we do that every year through a survey. We are expecting to hear of improvements that we can make to the festival. We make incremental improvements every year. I am very pleased that, as a result of our budget review announced last week, we have secured the future funding of the Multicultural Festival, which will fund not only ongoing staffing for the festival over the next three years but also enhancements to the festival, particularly as we lead up to the 25th anniversary of the festival in 2021.

Mr Coe: A point of order.

MADAM SPEAKER: A point of order. Resume your seat, please.

Mr Coe: Mrs Kikkert's question specifically was: what feedback have you received? It was not about how you are going to receive it, when you receive it or how much money is going to future festivals. It was about what he has received by way of feedback about the weekend's festival.

MADAM SPEAKER: Thank you, Mr Coe. He was talking about the feedback he had received in his substantive question as well. Can you continue in the time you have left, Mr Steel, about the feedback?

MR STEEL: As I mentioned, we received very positive feedback as a result of the festival concluding, and we look forward to further feedback being provided so that we can continue to enhance this fantastic community event. We look forward, with the extra funding, to making further enhancements as we continue to grow this festival and make sure that it remains in our community for many years to come.

Children and young people—care and protection

MRS KIKKERT: My question is to the Minister for Children, Youth and Families. On 17 February the *Canberra Times* reported on a care and protection case in which the ACT Court of Appeal concluded:

We do not consider that the finding ... that the children were at risk ... was correct.

According to the same article the government fought this outcome for five years. Minister, I am fully aware that the details of this matter are privileged information, but my question to you is: did the ACT government accept the decision of the ACT Court of Appeal? Yes or no?

MS STEPHEN-SMITH: I thank Mrs Kikkert for her question. The ACT government does not have an option but to accept a decision of the Court of Appeal. That matter, I understand, is being returned and is still under consideration. As Mrs Kikkert has noted, I am not able to comment on the detail of any particular case.

MRS KIKKERT: Minister, what specific steps are you taking as minister to scrutinise what exactly went wrong in this case and to prevent anything like it happening again?

MS STEPHEN-SMITH: I have been briefed on these matters as they have come forward. I am being a little cautious because, as we know, I am not able to comment on any particular case. So I will say that I am assured by the directorate, as per the comments that were provided to the *Canberra Times*, that decisions by caseworkers are made in the context of professional supervision, approved by an independent application review panel and on advice provided by the Government Solicitor, and frequently with independent legal advice.

It is very important to note in respect of the way this particular case was reported that only the court can make a care and protection order. This decision is based on the evidence that is put before the court. This means that the court must satisfy itself that a child is in need of care and protection. It is not up to child and youth protection services to make a care and protection order. That is a matter for the courts.

The way this case has been reported would seem to indicate that some people consider that it is in fact a caseworker who can make a care and protection order. That is not the case. As you know, Madam Speaker, where caseworkers take emergency action, or where CYPS takes emergency action, it is taken as a last resort to ensure a child or young person's safety.

The ACT Children's Court has the jurisdiction. It is the appropriate forum to hear and make determinations on the evidence provided in relation to care matters. That evidence must be provided within two working days to the Children's Court after emergency action is taken. Any decision that is made regarding the need to ensure a child's immediate safety by removing them from current circumstances is subject to such an application.

MS LAWDER: Minister, is an expensive, drawn-out five-year legal battle against this government the only way to right incorrect decisions?

MS STEPHEN-SMITH: I do not think that is a correct characterisation of the case. The case was heard in full in 2014. The decision was handed down in 2018. Clearly matters have changed between 2014 and 2018. This is currently a matter of further review.

Children and young people—care and protection

MR HANSON: My question is to the Minister for Children, Youth and Families. According to lawyers and Legal Aid the ACT has the most restrictive legislation in the nation when it comes to releasing even anonymous details of child welfare matters. For example, the ACT family that recently won a five-year court battle against the ACT government cannot legally discuss their case in any detail even if they wish to, including what the Court of Appeal determined the government got wrong. Minister, why does the ACT government find it necessary to silence families in ways that other states and even the federal Family Court do not?

MS STEPHEN-SMITH: I thank Mr Hanson for his question. Again, there were some errors of fact in the reporting of this matter. All jurisdictions protect child protection information, including matters such as child concern reports. The confidentiality of reporters making child concern reports is absolutely paramount in ensuring the confidence of the community at large to make reports of concerns about children.

My recollection is that this article indicated that the journalist was unable to get a copy of a child concern report. That is exactly the situation, as I understand it, that would apply in other jurisdictions. Their legislation is drafted in different ways, but all jurisdictions protect information in the child protection system to protect the interests of children and young people, and the system itself, to ensure that the confidentiality of reporters is maintained, ensuring the confidence of the community to make a report when they have a concern about the safety and wellbeing of children.

MR HANSON: Minister, who exactly is the law designed to protect when the law prevents a family revealing details of their interactions with this government, even when they wish to?

MS STEPHEN-SMITH: The primary people that the law is designed to protect are children and young people. The interests of children and young people are first and foremost throughout the Children and Young People Act.

MRS KIKKERT: Minister, what assurance do Canberrans have that these failures will ever be fully addressed and not repeated when the details of this government's policy failures cannot be known?

MS STEPHEN-SMITH: I completely reject the premise of Mrs Kikkert's question, but I would note that these matters have actually gone to court. It is the jurisdiction of the court to review decisions. When the Children's Court makes a decision about a care and protection order, that decision can be appealed to the Supreme Court; that matter can then go to a court of appeal, and it can be returned to the Children's Court. That is the way that we ensure that the decisions made by child and youth protection services and the views of child and youth protection services can be tested in a robust way.

I note that it is recognised within the system that intervening in a family's life in order to ensure a child's safety does impact on people's human rights. That is why there is comprehensive oversight in place which includes the Human Rights Commission, official visitors, the ACT Ombudsman and the Public Advocate, who can seek access to information held by child and youth protection services on such matters. Indeed when matters go to court the Public Advocate is informed of all such applications and has the power to intervene in proceedings. The child is also separately represented—separate from both their parents and child and youth protection services—to ensure that their best interests are paramount in the decisions of the court.

Children and young people—care and protection

MRS JONES: Madam Speaker, my question is to the Minister for Children, Youth and Families. Minister, you have often noted that the increasing number of children in out of home care is not unique to the ACT. However, in stark contrast to New South Wales, the number of Canberra children in care has jumped 23 per cent since 2015. In Scotland, for example, there has been a reduction in numbers of “looked-after” children for five consecutive years. Meanwhile the percentage of ACT kids in care who have been there for five or more consecutive years has grown from 37 to 41 per cent over the past five years. Minister, is it time to admit that, as reflected in outcomes, the government's current out of home care strategy does not match best practice either in Australia or overseas?

MS STEPHEN-SMITH: I thank Mrs Jones for the question. It is indeed an interesting one. There are a number of factors that come into play here. Mrs Jones reflected on the fact that there has been an increase in the number of children who are in care for an extended period of time.

The first objective of A step up for our kids is to intervene and provide support early to ensure that children can stay safe at home with their families or be returned to their families where possible. But the second objective, where that is not possible, is that children and young people in out of home care receive a secure, loving, permanent home. One of the outcomes of ensuring that children stay in the system and do not bounce in and out of child protection—that, if they are not able to be returned safely to their families, they have a secure, loving home—is that children will stay in the out of home care system until they are 18 years old, unless they are adopted. They will be counted in those numbers.

So, yes, there is a complexity in this system. Our early intervention supports through Uniting Children and Families is having an impact on restoring children to their birth families and seeing them united. We have implemented family group conferencing for Aboriginal and Torres Strait Islander families, which has seen families make their own decisions, understand their challenges and keep children safe at home. We are starting to see the impacts of those policies. But this takes time. We are 2½ years into a five-year strategy. It will take time.

MRS JONES: Minister, what precisely is the ACT government doing to increase adoption for those who cannot go back to their families?

MS STEPHEN-SMITH: I thank Mrs Jones for her supplementary question. Of course we had a task force on the timeliness of the adoption processes and we have made some changes in relation to providing better information for potential adoptive families and for birth families around adoption processes in response to that.

In addition, one of the findings of that task force was that additional resources would help to deliver more adoption outcomes and permanency outcomes. I think it is really important to emphasise that we are also talking about ensuring parental responsibility orders which provide permanency. As a result, the 2018-19 budget invested \$3.46 million over four years to continue to support an increase in permanency for children and young people where restoration to their birth family is not possible, through either an enduring responsibility order or through adoption.

We also have a discussion paper out at the moment in response to another one of the recommendations from that report around the process of dispensing with parental consent. I must emphasise, because this has also been the subject of media reporting recently, that this is about improving the timeliness and the process for adoption. This is not about increasing the number of children who are available for adoption or dispensing with parental consent willy-nilly. This is about ensuring that the process reflects the best interests of children and young people.

Adoption is a very serious decision that affects the legal identity of children and young people. It affects the human rights of parents and it is absolutely critical that our processes reflect those very important factors.

MRS KIKKERT: Minister, why has the ACT government not committed to a two-year maximum in out of home care as the New South Wales government has?

MS STEPHEN-SMITH: The New South Wales government has absolutely not committed to a two-year maximum in out of home care.

ACT Fire & Rescue—equipment

MS CODY: My question is to the Minister for Police and Emergency Services. Minister, what technology has the ACT government invested in this summer to prepare for bushfires?

MR GENTLEMAN: I thank Ms Cody for her interest in and support for our emergency services and safety for the ACT. Before I go into detail, I want to begin by giving my thanks to all of the hardworking personnel and volunteers from the ESA and parks and conservation who have been responding to the storm and bushfire season, and I thank their families for supporting them. They do an incredible job, and they are dedicated and passionate.

The government is investing in our front-line services as our city grows. The investment is being made in partnership with those who keep our city safe. I am proud that we have been able to roll out for the first time cutting edge specialist intelligence gathering—SIG—capabilities. This allows for live video streaming and spatial data collection of fires. A new infra-red camera will provide critical fire line and hot spot information in real time.

The recent Tidbinbilla and Mount Gingera fires were spotted by the SIG helicopter, enabling a speedy response. Without this new capability, these fires may not have been detected until the next day, when they were much larger. The real-time mapping and intelligence were used during the recent Corin fire to quickly identify areas for staging and refuelling to assist ground crews arriving at the remote location.

MS CODY: Minister, does this new investment extend to new equipment?

MR GENTLEMAN: With the help of the government, the ACT Rural Fire Service have taken steps to improve the safety of their members through the allocation of new personal protective clothing, PPC, that will update the 10-year old design and material. The contemporary PPC is lighter, better fitting and more suitable for a diverse volunteer workforce; offers superior fire protection and greater washability; and reduces heat stress.

Last week saw the start of a service-wide rollout of the new fire ground shirts, jackets and pants. The fire ground shirt is a new initiative for the ACT Rural Fire Service that will provide greater versatility when conducting fire ground operations. ACTRFS members can remove their PPC jacket, which reduces their exposure to heat stress associated with wearing the full PPC.

The government, through the midyear budget, is making a \$2.3 million investment in firefighters from ACT Fire & Rescue to roll out the next generation of structural firefighting protective clothing. This is in addition to the \$270,000 delivery of new structural firefighting helmets previously announced in the 2018-19 budget. The new

PPC and helmets will ensure that ACT Fire & Rescue firefighters will be well protected from injury while carrying out their important and sometimes dangerous work.

MS CHEYNE: Minister, what other technology is the ACT government rolling out to keep our city safe?

MR GENTLEMAN: I thank Ms Cheyne for her interest in safety across Canberra. In December we launched the ACT's first fire-bombing air base. The air base can be used to immediately fill large air tankers with mixed fire retardant or gel, depending on firefighting requirements. The NSW government has contracted four large air tankers, and the commissioning of this air base is another significant initiative in place to ensure that the ACT and NSW are bushfire ready. It also shows how we work across governments to respond in emergencies. These are just some of new initiatives within the emergency services areas that are helping to keep our city safe.

The \$975,000 commitment in this year's budget to upgrade the public safety CCTV network has commenced, with cameras being upgraded to the latest digital high definition model. I can also advise that a new CCTV camera has been installed along the pedestrian pathway in Haig Park. This camera is the latest model, with four lenses that provide 360-degree high definition coverage that will allow the camera to see in total darkness between the trees. I am informed that, since 2018, ACT Policing has used recorded footage on 298 occasions to record crime. The government is also utilising solar-powered CCTV cameras.

Children and young people—care and protection

MRS DUNNE: My question is to the Minister for Children, Youth and Families. Minister, in a recent answer to a question regarding why you had not declared a therapeutic protection place in the ACT you stated that confining a child in such a place does not align with best practice. You also assured the Assembly that support is provided in the most evidence-based way it possibly can be. Is repeatedly confining a sub-teen girl in the youth detention centre for extended periods of time a better example of best practice than providing a place of therapeutic protection?

MS STEPHEN-SMITH: I thank Mrs Dunne for the question. I want to assure members of the Assembly that when children and young people are in Bimberi they are not confined in segregation other than as an absolute last resort to respond to a behavioural issue. The therapeutic protection place that is envisaged in the act—I was looking at the provisions only yesterday—is a place of confinement. A child or young person would go to a therapeutic protection place under a therapeutic protection order. Under the act the director-general can seek a therapeutic protection order if they believe that they have tried every other less restrictive practice to support a child or young person who has difficult and complex behaviours.

Given the way the act is written, my reading of it is that it would be a response from the court to a request from the director-general for a therapeutic protection order. The view of the director-general and the view of the directorate is that a therapeutic protection order in the way it is currently written would not comply with our

understanding of best practice responses and trauma-informed therapeutic responses to children and young people who have experienced complex trauma as a result of adverse childhood experiences.

MRS DUNNE: Noting that the minister did not answer that question, minister, is allowing a young child to bounce between detention and being put in places where she assaults her carers really the most evidence-based support that this government can provide to this child at this point in time?

MS STEPHEN-SMITH: As I said in response to the question previously, and I thank Mrs Dunne for the supplementary, this work is complex and difficult. I have acknowledged in previous answers that a child's progress to recover from complex trauma will often be a case of two steps forward and one step back as the effectiveness of different therapeutic interventions and supports changes over time.

I want to commend all those who work in therapeutic care teams to provide support to very difficult and complex children with very difficult behaviours, 24 hours a day seven days a week. I can assure the Assembly and I can assure the Canberra community that these young people are receiving wraparound support from child and youth protection services, where they are in care, from Act Together, from therapeutic teams, and from Premier Youthworks where that is relevant.

But yes, some young people commit assaults. And yes, some young people, as a result, will end up in Bimberi Youth Justice Centre. When they are in Bimberi Youth Justice Centre, they are not confined in segregation other than as a last resort response to behaviours within the centre. They have access to education. They have a school there, in fact, as members opposite would be aware. They have access to other young people. Indeed, as I mentioned in my response to the question last week, the newspaper article noted that the young person in question had specifically said that that was one of the things that they appreciated.

MRS KIKKERT: Minister, what is stopping the ACT government from providing a purpose-built trauma-informed residential care home like the one you visited in Scotland in December, even if only as a temporary measure?

MS STEPHEN-SMITH: Mrs Kikkert, could you repeat the question, please?

MRS KIKKERT: I am happy to. What is stopping the ACT government from providing a purpose-built trauma-informed residential care home like the one you visited in Scotland in December, even if only as a temporary measure?

MS STEPHEN-SMITH: The home I visited in Scotland was a residential care home. It provided trauma-informed therapeutic responses to young people in out of home care, in the same way that our residential care homes here in the ACT provide therapeutic trauma-informed responses to children and young people who are in out of home care. It was a different design. It was an interesting model. Our model tends not to have six young people living together. We have moved away from having that number of young people living together. It was an interesting model. It is something that we might want to consider. But our practice is different. That is why we go on

these trips, to learn from and to see what other people are doing. But I can absolutely assure the chamber that Premier Youthworks and ACT Together, in partnership with the Australian Childhood Foundation, are providing a therapeutic trauma-informed response to young people in residential care.

Government—assistance for veterans and seniors

MS CHEYNE: My question is to the Minister for Seniors and Veterans. Can the minister update the Assembly on the recent grants rounds for seniors and veterans?

MR RAMSAY: I thank Ms Cheyne for the question. I am delighted to update the Assembly on the recent grants rounds. I was pleased recently to launch this year's veterans and seniors grants as two separate and distinct rounds. That means they have had double the funding this year from the previous year. That is a demonstration of the government's commitment to supporting those who are building the social inclusion and community participation of Canberra's older residents and of those who have served in the ADF and their families.

We received a large number of applications across those two grants programs. This included traditional ex-service organisations such as the RSL and the Vietnam veterans federation, cultural organisations, legal aid and advocacy organisations, and a number of arts organisations. I am happy to announce that \$74,500 was provided in seniors grants and just under \$62,500 in veterans grants across 20 recipients.

There is more good news with this government. We have even more money that we are able to provide for community organisations now in grants of up to \$2,000. They will be available for the rest of the financial year. I encourage all organisations who provide services to seniors or to veterans and their families to take a look at the CSD website to see if they are eligible for funding. We have already been speaking to many organisations who may well be able to benefit from those grants and we encourage all relevant organisations to apply.

MS CHEYNE: Minister, can you advise the Assembly of what kinds of programs were funded in the seniors grants round?

MR RAMSAY: I thank Ms Cheyne for the supplementary question. We have been able to provide funding to a wide variety of organisations providing programs to our seniors. We have provided \$10,000 to ADACAS for their elder abuse and safeguard project, which helps counter elder abuse through individual advocacy and targeted community education in places such as residential aged care facilities.

Legal Aid has been provided with \$6,000 to undertake consultation with the Aboriginal and Torres Strait Islander community to determine what resources can best support them to deal with elder abuse. We have provided \$2,000 to the ACT Chinese Women Cultural Association to educate seniors on how to prevent dementia. There is \$10,000 for sanctuary Pacific Islands heritage for their "weaving stories from the Pacific Islands" program.

Canberra Seniors Centre has received over \$7,500 for the Latin lines program, which promotes coordination, balance, flexibility and socialisation through movement and dance. Seniors will also be able to get tips on cooking and nutrition, as well as try new cooking methods and adaptive kitchen aids through the \$5,800 we have provided to Nutrition Australia for their “simple eats for seniors—new ways for old faves” program.

Woden Seniors and COTA received around \$2,000 and \$6,000 respectively for programs to help bring seniors together to develop not only their gardening skills but also their sense of community. Madam Speaker, these are just a few of the recipients of this round. I congratulate each and every organisation and thank them for their dedication to a stronger Canberra.

MR PETTERSSON: Minister, can you advise the Assembly of some of the organisations who receive funding in the veterans grants round?

MR RAMSAY: I thank Mr Pettersson for the supplementary question. The veterans grants round this year was the first time that the government has run a dedicated round catering for groups that support veterans. I was pleased to see such a diverse group of applicants granted funding.

The Cuppacumbalong Foundation received \$10,000 for their veterans family blacksmithing course which brings current serving members and their children together to learn a new skill and to reconnect, forging new relationships, if you will. The Vietnam veterans and the veterans federation received \$8,500 to establish family days to help bring in veterans and their families to show what services are available. RSL Woden Sub-branch received just over \$4,000 to update their technical equipment for the Eddison Day Club.

Some of the grants specifically provide opportunities for veterans to upskill both in work skills and in promoting positive mental health, with over \$8,500 given to the ex-defence integration team for their five-day intensive course helping veterans to transition to a new career, and \$10,000 to Lifeline Canberra for their road to mental readiness course which aims to equip people for conversations around mental health and suicide. Soldier On has received \$4,000 to fund their veterans rowing program with the Canberra Rowing Club to help veterans remain fit and active and act as an introduction to rowing.

These are just some of the applicants who received funding in this round. Again, can I remind everyone present that both rounds still have funds available for grants up to \$2,000. I encourage everyone who has an idea that could help seniors or veterans in our community to put those ideas forward for consideration.

Aboriginals and Torres Strait Islanders—out of home care

MR MILLIGAN: My question is to the minister for youth and children. The last Productivity Commission report states that the ACT has the highest rate of Indigenous children in out of home care with the figure doubling since 2008-09 and that we have

the highest rate of child protection reports for Indigenous children. Minister, can you explain why Aboriginal and Torres Strait Islander children in Canberra are four times more likely to end up the subject of a child protection report, and what is the government doing to address this issue?

MS STEPHEN-SMITH: I thank Mr Milligan for the question. Of course the over-representation of Aboriginal and Torres Strait Islander children in child protection reporting and engagement with the child protection system and out of home care is a national challenge. I recognise that the ACT figures, like the national figures, are unacceptable. That is why I announced in June 2017 a review into the circumstances of each Aboriginal and Torres Strait Islander child and young person involved in the child protection system, including those in out of home care.

The Our Booris, Our Way review has a focus on systemic improvements needed to reduce the number of Aboriginal and Torres Strait Islander children and young people entering care, to improve their experience and outcomes while in care and, where appropriate, to exit children from care. Members will be aware that an interim report was released on 31 August and a final report is due in late 2019.

In keeping with the iterative nature of the review, the directorate has received interim recommendations which include themes in the areas of cultural proficiency of child and youth protection staff, implementation of the Aboriginal and Torres Strait Islander child placement principles within policy and practice, and access to family group conferencing for all Aboriginal and Torres Strait Islander families within the statutory system.

As I mentioned in response to an earlier question we have implemented a family group conferencing program for Aboriginal and Torres Strait Islander families, and I understand that that is having very good success in enabling Aboriginal and Torres Strait Islander families to understand their own challenges and to find their own solutions to keeping children safe at home, where they can, or in their broader kinship networks. We have committed funding in the budget to extend that. We have also committed funding in the budget review for some additional early responses to the Our Booris, Our Way review.

MR MILLIGAN: Minister, why have you allowed the rates of Indigenous children in out of home care to double under your watch?

MS STEPHEN-SMITH: I am not convinced that the premise of the question is right. I do not think that in the past two years the rates of Aboriginal and Torres Strait Islander children in out of home care have doubled in the ACT. However, taking the premise of your question in good faith, I have already said some things about what we are doing to ensure that Aboriginal and Torres Strait Islander children can stay with their birth families, where it is safe to do so, or with their extended families. I would note that the ACT has the second highest rate in the country of Aboriginal and Torres Strait Islander children living with kin, rather than in foster care.

In addition to our family group conferencing investment of \$1.43 million in the 2018-19 budget and our investment in the budget review in the initial implementation

of Our Booris, Our Way, we are also supporting Gugan Gulwan Youth Aboriginal Corporation, in partnership with OzChild, to undertake a 12-month trial of functional family therapy for Aboriginal and Torres Strait Islander families at risk of ongoing involvement in the child protection system. The aim of the trial is to reduce the number of Aboriginal and Torres Strait Islander children and young people entering or remaining in out of home care through interventions that strengthen families and communities.

I would also note that some of the policies implemented under A step up for our kids that I spoke about earlier—Uniting Children and Families, as well as Melaleuca Place, a therapeutic response to children and young people, and the Red Cross birth family advocacy service—are having very good outcomes in engaging with Aboriginal and Torres Strait Islander children and young people, and families as well. So there is a suite of measures. There is no one-size-fits-all. There is no silver bullet. We are working very hard to address this issue.

MRS KIKKERT: Why should Canberrans believe, after 18 years of Labor government, that you have the solutions to improve the lives of Indigenous children in the ACT?

MS STEPHEN-SMITH: This government believes that Aboriginal and Torres Strait Islander people have the solutions to the challenges in their community. That is why Our Booris, Our Way is led by a wholly Aboriginal steering committee, and it will be Aboriginal and Torres Strait Islander people, Aboriginal and Torres Strait Islander leaders and Aboriginal and Torres Strait Islander organisations that lead the way in providing the answers to this very challenging—nationally challenging—issue of overrepresentation of Aboriginal and Torres Strait Islander children in our out of home care system, something that is entirely unacceptable, something that we are working very hard to address.

Madam Speaker, as I said earlier, the number of children and young people in out of home care is not going to go down overnight. We already have a number of Aboriginal and Torres Strait Islander children in out of home care in stable placements, sixty per cent of them living with extended family and kin. We are not about to disrupt those placements. Those children and young people will probably remain in out of home care until they turn 18.

We are going to do some more work on finding where we can return young people to their families, but the numbers themselves are not going to go down overnight. What we need to do is intervene early, provide early support to families to ensure that we see fewer Aboriginal and Torres Strait Islander families coming into contact with the child protection system in the first place—something that I note is not necessarily the responsibility of the child protection system—and then, when they do come into contact, work with families to understand how to keep their children safe at home.

Aboriginals and Torres Strait Islanders—out of home care

MR WALL: Madam Speaker, my question is to the Minister for Children, Youth and Families. Minister, the ACT Children and Young People Commissioner has stated

that there is still a lot of work to be done to make a difference in the statistics on Aboriginal children in care and that what is being done does not seem to be affecting the rates. The government is now halfway through a five-year strategy to improve the system, and interim recommendations from *Our Booris, Our Way* were received months ago. Minister, why are Indigenous children in Canberra 13.9 times more likely to be removed from their homes and put into care than non-Indigenous children in the ACT?

MS STEPHEN-SMITH: I thank Mr Wall for the question. I will go directly to the question that he asked. Aboriginal and Torres Strait Islander people and families often experience intergenerational trauma as a result of colonisation. This leads to increased rates of family and domestic violence, increased rates of mental illness and less likelihood of seeking help for mental health challenges, and greater rates of drug and alcohol abuse. Those three issues are the primary drivers of children and young people entering out of home care and child protection systems across the community.

We as a community need to understand the impact of intergenerational trauma, to understand the impact of past policies and practices and to understand that Aboriginal and Torres Strait Islander-led solutions are what is really going to effect, at the end of the day, a significant reduction in the number of Aboriginal and Torres Strait Islander children and young people coming into contact with the child protection system in the first place—stronger families, stronger parents, better access to services across the board, and services that are Indigenous led.

Mr Wall asked a question to which there are a lot of very complicated answers. But we are seeking, through *Our Booris, Our Way*, a wholly Aboriginal-led review, to better understand the drivers of Aboriginal and Torres Strait Islander children and young people coming into contact with the child protection system and to address those drivers.

MR WALL: Minister, why should the local Indigenous community have faith in your ability to make effective change when key stakeholders within Indigenous communities have voiced their concern at the direction the government is heading?

MS STEPHEN-SMITH: Again I thank Mr Wall for his supplementary. The Community Services Directorate and I, and directorates and ministers across government, work very closely with Aboriginal and Torres Strait Islander community leaders and particularly the leaders of the main Aboriginal community controlled organisations, Winnunga Nimmityjah and Gugan Gulwan Youth Aboriginal Corporation.

Of course they stand up for the community. Of course they fight for the people that they serve every day, as I would expect them to. Of course they hold us to account, as does the Aboriginal and Torres Strait Islander Elected Body. Of course they want us to do more, and more quickly. And that is why we have established the review but it is also why, in establishing the *Our Booris, Our Way* review, we very clearly sought interim reports and recommendations and responded to those. Work has already commenced to progress improvements in some of the areas that *Our Booris, Our Way* has identified.

Immediate initiatives include the development of a designated Aboriginal and Torres Strait Islander practice leader position within child and youth protection services, which will have a key role in supporting embedding the SNAICC Aboriginal and Torres Strait Islander protection principles; continued support for staff to undertake the child and youth protection services cultural development program which is designed to provide staff with a better understanding of Aboriginal and Torres Strait Islander cultures and have a strong focus on collaboration and establishment of positive working relationships both with families and with Aboriginal and Torres Strait Islander organisations; engagement of SNAICC to undertake training for staff on the implementation of the Aboriginal and Torres Strait Islander child placement principles and the development of a practice guide for staff on the implementation of the practice principles.

MR MILLIGAN: Minister, why are the outcomes for Indigenous children and families getting worse under your government here in the ACT?

MS STEPHEN-SMITH: Again, I am not sure I would accept the premise of Mr Milligan's question. We are the only jurisdiction in the closing the gap report that is on track to deliver three of the targets—still not good enough but the only one that is on track to deliver three targets. They relate to children and young people. We are working very hard with the Aboriginal and Torres Strait Islander community to trial and to implement new measures.

While I am on my feet and have the opportunity, I would also note that cultural change is really important in this space. We are not going to deliver the changes we need to work with Aboriginal and Torres Strait and Islander people and communities without better understanding their experiences. So last year the Community Services Directorate held three showings of the *After the apology* film, a film that features four Aboriginal grandmothers and their experiences with the child protection system.

Five hundred CSD staff, if I remember correctly, attended the film and held conversations among themselves—

Opposition members interjecting—

MS STEPHEN-SMITH: Yes, that is very funny—about the impact of the film on them, reflecting on their practice, reflecting on how the decisions they make affect the lives of Aboriginal and Torres Strait Islander children, families and grandmothers. It was a really powerful experience.

It is only through this kind of engagement in cultural reform across the workforce that we will deliver real change in the way that we work with Aboriginal and Torres Strait Islander families rather than doing to or for them. Enabling us to work in a restorative way with Aboriginal and Torres Strait Islander families will make a significant difference in this space, but it will not happen overnight.

Aboriginals and Torres Strait Islanders—out of home care

MISS C BURCH: My question is to the Minister for Children, Youth and Families. Minister, Aboriginal and Torres Strait Islander children in our community are

13.9 times more likely to be removed from homes than other children. Minister, why is your government continuing to fail Indigenous children in the ACT?

MS STEPHEN-SMITH: I thank Miss Burch for her question. I am not sure that I can add much to my previous answers. As I have said previously, the numbers we see today are unacceptable. That is why we are investing in change. That is why we have established a wholly Aboriginal-led review that is looking at the circumstances of every Aboriginal and Torres Strait Islander child or young person in the child protection and out of home care system.

We are looking at systemic change and we are reviewing the cases of every Aboriginal and Torres Strait Islander child in the system. We are working with Aboriginal community controlled organisations to deliver new programs and new services, like functional family therapy and family group conferencing. We are learning the lessons from other jurisdictions. We had the leading players from VACCA, the Victorian Aboriginal Child Care Agency, a community controlled organisation, working with us, to better understand how they work.

One of the key recommendations that I received in December—and I have certainly discussed this with the chair of the Our Booris, Our Way committee—is the fact that we do not have an Aboriginal community controlled child welfare organisation in the ACT. We cannot hand over responsibility and enable Aboriginal and Torres Strait Islander people to deliver services when that organisation does not exist. We are very keen to work with the Aboriginal and Torres Strait Islander community, to work with existing community controlled organisations, to develop more capability by Aboriginal-led organisations and Aboriginal community controlled organisations, and for them to work with us to address this significant national challenge. (*Time expired.*)

MISS C BURCH: Minister, as observed by the Our Booris, Our Way chair, the existing programs and systems are just not working for Aboriginal families. What are you doing right now to fix this?

MS STEPHEN-SMITH: I am afraid that at this point I am going to have to refer Miss Burch to my previous answers.

MR MILLIGAN: Minister, what is your response to the observation from the ACT Children and Young People Commissioner that what is being done does not seem to be affecting the rates of children in care?

MS STEPHEN-SMITH: I have probably the same answer to Mr Milligan: I refer him to my fairly comprehensive previous answers. But I also note that, as I said previously, the absolute numbers of Aboriginal and Torres Strait Islander children and young people in out of home care are unlikely to fall dramatically in the short term because 60 per cent of Aboriginal and Torres Strait Islander children and young people in care are in kinship care placements. Where they are in stable placements they are likely to stay there, so they are likely to stay in the out of home care system. They are safe and they are well—I hope they are well; I do not speak for every single one of them. They are safe in their kinship care placements, and we do everything we

can to support our kinship carers to provide safe, loving, nurturing homes for children in care.

ACT Youth Week—youth empowerment

MR PETTERSSON: My question is to the Minister for Children, Youth and Families. Minister, ACT Youth Week will be held from 12 to 21 April. How is the government empowering and supporting young people to make this year's Youth Week a success?

MS STEPHEN-SMITH: I thank Mr Pettersson for his question and his interest in Youth Week. Each year the government supports events and activities during Youth Week through the Youth Week grants program. Last week, I was pleased to announce the successful recipients of this year's grants. The grants were awarded to support activities that promote inclusion and celebrate the diversity of young Canberrans.

Among the successful applicants are the Sunset Festival, which will see a number of youth engagement services from across the ACT collaborating to provide a fun afternoon in celebration of Youth Week. The event will have live music, DJs, food, skating and street art demonstrations, sports activities and prizes. The event will be an opportunity for youth services to provide important information directly to young people in a safe and comfortable setting and will provide young people from across the ACT with an opportunity to engage in a number of fun activities that they may not otherwise have access to.

The AIDS Action Council's encampment program organises camps for young LGBTIQ-identifying people and facilitates activities that allow the participants to explore and discuss relationships, histories and health in a fun and non-judgemental setting. Encampment is entirely youth led, being organised and facilitated by a group of LGBTIQ and questioning volunteer mentors aged between 18 and 25 years.

Members who are fans of the humans of New York photography project may be very interested to hear that this Youth Week will feature our very own humans of Tuggeranong photography exhibition, which will include photography of young people taken during a workshop organised by YWCA Canberra Clubhouse.

These are just some of the brilliant youth-led initiatives that will be realised for this year's Youth Week and that the government is proud to support through the Youth InteractACT Youth Week grants program.

MR PETTERSSON: Minister, how does the government help the community celebrate the individual achievements of young Canberrans?

MS STEPHEN-SMITH: I thank Mr Pettersson for his supplementary question. The government is currently seeking nominations for this year's Young Canberra Citizen of the Year awards, which will launch Youth Week.

As members would be aware, these awards recognise the achievements of young Canberrans between the ages of 12 and 25 across six categories: the Young Canberra

Citizen of the Year award, which celebrates a young person who is an exceptional role model, a champion of youth issues or an active community leader; the personal achievement award, which recognises a young person who has demonstrated exceptional commitment to overcome obstacles and adversity in pursuit of their goals; the individual community service award, which recognises the direct contributions made to the community by a stand-out young person; the environment and sustainability award, which recognises the role of a young person or a group of young people in contributing to Canberra's ongoing mission to be a cleaner, greener, more sustainable city; the arts and multimedia award, which recognises the contribution by young people to the arts; and the group achievement award, which recognises a group or organisation that has come together to champion the values of young people.

Each of these awards represents an opportunity for the government to highlight the unique ways in which young people contribute to our community and the incredible things they are capable of achieving. The awards provide a platform for the promotion of positive stories to inspire all young Canberrans and create role models for our young people to look up to. Everyone in this place will be familiar with some of the past winners of these awards, such as Jasiri Australia, Mustafa Ehsan, Jordan Kerr and of course the outgoing Young Canberra Citizen of the Year, the amazing Dhani Gilbert.

Nominations for the awards are open now and will close on 18 March. I hope anyone here and anyone who is listening who knows an inspiring individual or group of young people will consider nominating them for an award.

MS ORR: Minister, how does the government ensure that it is hearing the voices of young people on policy that affects them?

MS STEPHEN-SMITH: I thank Ms Orr for the supplementary. Members may remember that late last year in this very chamber the government's ACT Youth Advisory Council, in partnership with the Youth InterACT team, held a milestone engagement with Canberra's young people in the form of an ACT Youth Assembly.

The ACT Youth Assembly was a deliberative democracy process that brought together young people from across the ACT to consider and consult on four key topics: civic participation, youth mental health, youth homelessness, and equality and equity for Aboriginal and Torres Strait Islander young people.

One hundred and sixteen young people from diverse backgrounds, ages and life experiences explored creative solutions to each of the issues through group work and discussions. Through this process, the Youth Assembly developed and endorsed 29 recommendations, which were presented to me and to the Children and Young People Commissioner in the final session of the day.

The ACT Youth Advisory Council has recently released its report on the outcomes of the ACT Youth Assembly. The report is an invaluable insight into the views and experiences of young Canberrans. I look forward to working with my colleagues in developing the government's response to the report's recommendations. The

government also continues to engage with young people through the ACT Youth Advisory Council and across relevant consultations.

Madam Speaker, given the tenor of the previous questions, I also want to note that the ACT government engages closely with children and young people in the out of home care system, facilitated by CREATE. We have had a number of meetings with CREATE's young consultants. Late last year we held a forum with the young consultants to talk about their experiences in the out of home care system. They presented at the end of the day their views and their recommendations to me, to the executive director of children, youth and families and to other members of the broader community that make up the child protection system.

This is a government that listens to young people. We hear that young people care about the future of their environment, about clean energy and about being supported to express their identity. We hear that young people want to feel safe. We will keep listening.

Mr Barr: Madam Speaker, further questions can be placed on the notice paper.

Paper

Madam Speaker presented the following paper:

Inspector of Correctional Services Act, pursuant to subsection 30(2)—Report of a review of a correctional service by the ACT Inspector of Correctional Services—The care and management of remandees at the Alexander Maconochie Centre 2018, dated 11 February 2019.

Personal explanation

MRS KIKKERT (Ginninderra) (3.19): I seek leave to make a personal explanation.

MADAM SPEAKER: Leave is granted to Ms Kikkert to make a personal explanation.

MRS KIKKERT: The Minister for Children, Youth and Families, Rachel Stephen-Smith, refuted and mocked the substance of my question regarding the New South Wales government's—

Ms Stephen-Smith: Oh, good lord!

MRS KIKKERT: As she is doing right now—out of home care policy. The minister would be well placed to see that the amendments to the New South Wales children and young person's—

Ms Stephen-Smith: Point of order, Madam Speaker.

MADAM SPEAKER: Yes, just resume your seat. Mrs Kikkert, this is a personal explanation, not a debate.

MRS KIKKERT: This is a personal explanation. It is the amendment of the act by the New South Wales government that I had mentioned in my question that the minister denied it ever happened.

Members interjecting—

MADAM SPEAKER: Members, members!

Ms Stephen-Smith: It is not a personal explanation.

MRS KIKKERT: It is a personal explanation.

Ms Stephen-Smith: Use the adjournment debate to make your point.

MRS KIKKERT: It is a personal explanation.

MADAM SPEAKER: You were given leave by the Speaker, but I am going to sit you down now, thank you, Mrs Kikkert.

Mr Coe: Point of order, Madam Speaker. I note that you just said that you would sit her down.

MADAM SPEAKER: Yes?

Mr Coe: She was granted leave. She said at the very beginning that she was mocked by the minister in response to her question and—

MADAM SPEAKER: There is no point of—

Mr Coe: Excuse me, if I may continue?

MADAM SPEAKER: You had best be very quick, because—

Mr Coe: Because if Mrs Kikkert felt mocked, and it was evident to everybody else that that was the intent of the minister, then I think she has every right to make a personal explanation.

MADAM SPEAKER: Thank you. She was given leave. I am not saying that I did not give you leave, Mrs Kikkert, or that I am making a value judgement on your statement, but if every member were to stand because they felt mocked, particularly in question time or in formal debate, we would have a very distracted day.

Mr Coe: If members want to stand up to make personal explanations, we are happy to grant leave.

MS STEPHEN-SMITH (Kurrajong—Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Disability, Minister for Children, Youth and Families, Minister for Employment and Workplace Safety, Minister for Government Services

and Procurement, Minister for Urban Renewal) (3.22): I seek leave to make a personal explanation.

MADAM SPEAKER: I grant leave to Ms Stephen-Smith to make a personal explanation.

MS STEPHEN-SMITH: Madam Speaker, I understand that Mrs Kikkert felt mocked by one of my responses in question time today. I would like to assure her that that was not my intention.

Drugs of Dependence (Personal Cannabis Use) Amendment Bill 2018

Debate resumed.

MS LE COUTEUR (Murrumbidgee) (3.22): As an ageing hippie, I am rising to give some personal reflections on this bill. Mr Rattenbury has already given an overview of the Greens' position and the situation in Australia. To start off, people often assume that some drugs are illegal because they are dangerous, but the reasons that drugs are illegal are not particularly related to their relative risk or harm. In a 2010 study outlined in the *Lancet*, experts ranked 20 legal and illegal drugs on 16 measures of harm, both to the people concerned and the wider society.

The measures included health damage, economic costs and crime. Overall, I hope it will surprise no-one to find that alcohol was the most harmful drug, followed by heroin. Tobacco came in as No 6, and cannabis, I am afraid, was a poor No 8. I do admit that they did not consider caffeine, which I suspect is the most widely used drug in this building. I personally am aware of some of the downsides of excessive caffeine use.

In 1913, Australia signed up to what was the then new 1909 International Opium Convention. In 1923, the convention was expanded to include the prohibition of opium, morphine, heroin, cocaine and cannabis. This was all before there was any widespread use of these substances in Australia or, in fact, in general in the world.

In the 1960s the baby boomers came of age. Of course, in Australia we also had the US soldiers who were posted to Vietnam who came to Australia for their R&R leave. As a community, especially the baby boomers, we started growing and smoking dope. By 1970, all the Australian states had made drug supply an offence, which it had not been before; the offence had been only for possession and use. These laws made drug supply an illegal, but potentially very profitable, business. Thus, this created many of the social problems of drug use.

Of course, in the ACT we removed the criminal penalties for personal use of cannabis in the 1990s. My view, and the view of the Greens, is that that prohibition has failed and that the health issues from drug use, legal or illegal, should be dealt with first as health issues, not as criminal offences.

Mr Pettersson wrote in the *Canberra Times* on Saturday:

The first time I used cannabis I was 19 years old and excited to try something new. I had one pot brownie and fell asleep in the back of a movie theatre. The only attention I drew that day was from fellow cinema patrons.

My experience with cannabis did not result in the attention of law enforcement. For many, this is not the case.

I think I was possibly a little older. I might have made 20 when I first smoked dope and then grew my own. Through most of my 20s, as I have many times said, I lived in a community in Nimbin. Our experience with law enforcement was not at all like Mr Pettersson's. I can still remember the first police raid. The police came hidden in cattle trucks. They really shocked me by coming up to my place on a track that we had only cleared the day before. Very little cannabis was actually found. While many of us were arrested, in the end it was found that the search warrant was, in fact, illegal and nobody was convicted.

But this was not the end of police persecution. It continued over the years. Then in 1981 the helicopter raids began in northern New South Wales, in particular in the sky above me. Thousands of people in alternative communities from the Tweed to Bellingen were harassed by teams of police with helicopters and trail bikes. Not much cannabis was found overall, but it did seem to us that the war on drugs was really a war on us, a war on hippies, a war on the poor, a war on young people, a war on anyone who was different, and a payback for the anti-logging protests that led to many of the national parks in Northern New South Wales. That is my personal experience and it is very far from unique.

So from personal experience, one of the reasons I support legalising cannabis is that while it is illegal, cannabis offences can be and are used to target people who may not have any involvement with either cannabis or other illegal activity, or by making the possession of cannabis illegal it can turn otherwise law abiding citizens into potential criminals with all the negative impacts this has on the people concerned and society as a whole.

It also, of course, creates a lucrative black market which has been linked with much more problematical criminal activities. If you were cynical about this, you would wonder whether this was one of the reasons for it being illegal. However, on a more cheerful note, looking at Mr Pettersson's bill with the eyes of a Canberra gardener, I think that really we should be allowing artificial light and hydroponics.

Canberra is a very harsh environment for gardening. It is dry, with poor soils and major temperature extremes, in particular, frosts. To make it even more challenging, many of us live in apartments where there is not a garden with soil and you may need artificial light to grow anything at all. My point is simply that these people should have the same rights to grow cannabis as people who live in houses.

I am also concerned about the 50 gram limit. Mr Hanson dealt with this at some length earlier today. I share his concerns. I have read the legislation. I cannot quite

work this out. While a cannabis plant can be any size, it is no longer a “plant” if it weighs more than 50 grams. I cannot quite work out when a plant stops being a plant and starts being a product under the legislation. And is the 50 grams wet or dry? Is it the whole plant? Is it with the roots, the leaves or only the heads?

I would also like to point out that some cannabis plants can grow to be quite large. However defined, a large plant would be more than 50 grams. So I think that there is going to have to be a bit more thought about this as part of Mr Pettersson’s bill. I and the Greens support this bill. I understand that my colleague Mr Rattenbury has amendments that he will move on behalf of the Greens. As he pointed out, the Greens have moved in the Assembly, but not yet successfully, for legislation in relation to cannabis for medical use.

I am really pleased that at last it seems very likely the Assembly will take the step towards treating people equally, dealing with any health issues compassionately, not making criminals out of people for no good reason, and stopping black market profiteering from the sale of a drug that does not cause the issues that many legal drugs cause.

MR STEEL (Murrumbidgee—Minister for City Services, Minister for Community Services and Facilities, Minister for Multicultural Affairs and Minister for Roads) (3.30): I rise today to speak in support of the bill brought forward by Mr Pettersson regarding the legalisation of cannabis use.

The ACT is the most progressive and forward-thinking jurisdiction in Australia, and so is our approach in relation to drugs. We support a harm minimisation approach, not just because it is the most progressive thing to do but because it is evidence based and supports the best outcomes for some of the most vulnerable people in our community. The Australian Institute of Health and Welfare reports that 35 per cent of Australians will try cannabis within their lifetime, according to the 2016 national drug household survey.

This legislation has a simple but powerful premise: to minimise the unnecessary harm of entry into the justice system for cannabis possession. A person possessing small quantities of cannabis should not have their life ruined because of a criminal charge.

Drug dependence is a health and a social issue. The evidence on the health effects of cannabis is mixed. However, it is generally accepted that there are risks for brain development, memory and other mental functions, and excessive cannabis use is correlated with psychosis, particularly for people with existing mental health issues. I accept that these are risks, but they do not mean that the drug should be illegal. The very fact that cannabis presents a health risk is exactly why it should be regarded as an issue for the health system rather than the justice system. Charging people with a criminal offence for possessing small quantities of cannabis will not help them overcome their health issues, and may in fact be a detriment to their mental health.

As Australia’s most progressive jurisdiction, we must stop confusing health with criminal culpability. That approach has not worked. Professor Nicole Lee of the National Drug Research Institute and University of New South Wales Professor

Alison Ritter have argued that some of the greatest harms of illicit drugs come from the fact that they are illegal. We must focus on the minimisation of unnecessary harm for Canberrans by removing the stigma of criminal penalties and removing the barriers to people seeking health care to access services and seek help to address their health issues.

Whilst cannabis has been decriminalised in the ACT since 1992, that does not mean that possession of small quantities will not result in criminal charges. Many people in our community would be surprised to know that so-called decriminalisation of our laws may still lead to criminal charges for small amounts of cannabis. Under the simple cannabis offence notice, SCON, scheme, a person possessing up to 50 grams of dried cannabis, or one or two cannabis plants, excluding all hydroponically or artificially cultivated cannabis plants, can be issued with a penalty order fine where it is deemed by police to be personal use only. If the fine is paid within 60 days, no criminal record will be recorded. However, failure to pay the penalty order may result in criminal proceedings before the court, and police have discretion to issue a SCON or charge an offender with a criminal offence. So decriminalisation may lead to a criminal charge. In 2016-17, 304 people were arrested for the consumption of cannabis in the ACT, with only 82 SCONs issued, according to research conducted by the Australian Criminal Intelligence Commission.

Whether it is a fine or a charge, our current framework is out of step with the community's views on how cannabis should be treated today. While the decriminalisation approach may have led Australia in the early 1990s, times have changed. Cannabis should be legalised and not just decriminalised.

Public sentiment is not the only reason for doing this. Policing of cannabis alone costs the Australian taxpayers a significant amount of money every year. The Australian Institute of Criminology claims that cannabis law enforcement costs the Australian community well in excess of \$300 million per year, and policing cannabis accounts for three-quarters of the total cost of Australia's illegal drug enforcement.

Policing the possession of small amounts of cannabis is a waste of police resources and taxpayer money. As well as public health experts and criminologists, senior police officers and judges, there are many advocates for the legalisation of cannabis within Australia. Former AFP Commissioner Mick Palmer argues that the current nature of law enforcement discriminates against people who are the most vulnerable. He believes that law enforcement is wrongly focused on the use or possession of substances like cannabis, targeting vulnerable groups such as Indigenous people, the homeless or those suffering from mental health issues. Mr Palmer, along with retired New South Wales Supreme Court judge Hal Sperling and 14 other experts from the Australia21 think tank, have supported a different approach to drugs in Australia, including legalisation, following the lead of other jurisdictions around the world in their approach to cannabis.

I want to address another issue that has been raised in regard to this bill, its interaction with commonwealth law. Experts such as the National President of the Australian Lawyers Alliance, Greg Barns, have pointed out that there is no constitutional barrier to the Legislative Assembly for the Australian Capital Territory taking action in this

area. The bill does not contravene the federal drug laws and the ACT is well within its jurisdiction to enact this bill.

This bill has been drafted carefully to ensure that it is not inconsistent with commonwealth law. The commonwealth has not claimed to cover the field. Traditionally, the states and territories and the commonwealth have all made laws regarding drugs, particularly cannabis. The Assembly is perfectly entitled to legislate in this area. In fact, if differences did arise between territory and commonwealth laws, the commonwealth has provided a mechanism to resolve these differences under the commonwealth Criminal Code, which recognises and respects the states' and territories' self-determination in relation to drug offences.

The commonwealth Criminal Code provides for drug offences under part 9.1. However, under section 313.1 of the Criminal Code there is a defence to offences under part 9.1 for conduct justified or excused by or under a law of a state or territory. In addition, under section 313.2, there is a defence for reasonable belief that the conduct is justified or excused by or under a law; that is, the person was under a mistaken but reasonable belief that the conduct was justified or excused by or under a law of the commonwealth or a state or territory.

So the Assembly is entitled to make Mr Pettersson's bill law, which, through legalisation, would excuse the use of small amounts of cannabis and adopt a harm minimisation approach. If someone is charged under the Criminal Code for possession of small amounts of cannabis, there are defences which respect territory laws in the area.

I commend Mr Pettersson for crafting a bill that gets reform started in this country. It is a bill that, through its minimalism, has been deliberately careful in its drafting so as to not trip over the federal law. I encourage members—

Members interjecting—

MADAM SPEAKER: Members, can I please have quiet.

MR STEEL: I encourage members looking to make amendments in the detail stage to be very careful in making sure that in their enthusiasm to make amendments they also do not trip over the wire.

This is a bill that does not seek to deal with the supply or sale of cannabis, because it cannot. But it should be supported on the premise alone that possession of small amounts of cannabis is not a matter for the justice system.

This bill has started a national conversation about the federal law and the law of other states and territories on the legalisation of cannabis. It is not the first time that the ACT has led the nation in implementing progressive reform and it will not be the first time that other jurisdictions follow the ACT's lead in change. Labor supports this bill to reduce harm to the most vulnerable in our community. If we had a Liberal Party with even a skerrick of liberalism left in it, all members of this place might be now rising to speak in support of this bill.

Madam Assistant Speaker, in summary, this bill seeks to reduce the unnecessary harms that Canberrans may encounter when using cannabis in small quantities. While the evidence does show that cannabis can affect mental health, the possession of cannabis must be viewed as a health issue, not a criminal one. By doing so, we can reduce the effort and resourcing needed to police this substance in small quantities.

The ACT Assembly is charged with making laws for the territory. We can make this important reform, which is consistent with the operation of the commonwealth law. I commend the bill to the Assembly.

MS CHEYNE (Ginninderra) (3.40): I rise today to support this bill because I believe that our current approach to individuals possessing, cultivating or using a small amount of cannabis is wrong. We need to change that approach, and this bill does that. I thank Mr Pettersson for bringing it forward.

Let me make it clear that I do not condone drug use. I do not. And I do not condone the use of cannabis. I am not sure that many members in this place do condone it. But we can, and we should, be realistic that cannabis use occurs.

Nearly 30,000 Canberrans have used cannabis in the past 12 months. I believe it is possible that we can take the position of not encouraging cannabis use while also not criminalising the possession, cultivation and use of small amounts of cannabis. Moreover, there are benefits in taking this position and approach. This is the point of the bill.

Yes, there are risks with taking any drug. I acknowledge that there can be short and long-term health impacts for some individuals. These are very serious, and I take these very seriously. But the thing is that by reducing the stigma and removing the notion of criminal prosecution we can have more, and more open, discussions about cannabis use, the risks associated with it, and the support that people can receive.

There has been a lot of conversation and debate in this place about serious and organised crime. Allowing cultivation at home can, I hope, reduce reliance on the serious and organised crime industry and instead, of policing focusing on individuals who have minor cannabis possession, policing can be redirecting their resources, including to something like serious and organised crime.

I support this bill because our current approach has been ruining people's lives. We have heard that from Mr Pettersson and from other colleagues speaking in support of this bill in this chamber today. People with small amounts of cannabis who do not pay fines have been criminally convicted. This is something that stays with them their whole lives. It affects their employment and it affects their travel. I believe that this level of response to people's actions—these consequences—is disproportionate.

Madam Assistant Speaker, the approach we have currently is not working. I do believe that it is creating more harm than it is reducing. It needs to change, and this bill does that.

Debate (on motion by **Mr Rattenbury**, by leave) adjourned to the next sitting.

Health, Ageing and Community Services—Standing Committee Reference

MR HANSON (Murrumbidgee) (3.44): Pursuant to standing order 174, I move:

That the Drugs of Dependence (Personal Cannabis Use) Amendment Bill 2018 be referred to the Standing Committee on Health, Ageing and Community Services for inquiry and report by 6 June 2019.

I moved for this bill to be referred to a committee for inquiry when it was tabled last year because I feared that this was not good legislation and that there were a whole raft of issues that needed to be addressed. At that stage the Labor Party and the Greens did not support the referral. I have just been advised that the Greens will now support such a referral, which is a good thing. I am not sure why they have had a change of heart. Perhaps it is because they have now had a closer look at this legislation and they might have seen what a dog's breakfast it is. In particular, in light of the fact that we have now been told that the government will be bringing forward amendments but that they are still drafting them, they are probably trying to work out this whole mess and unpick it all.

Perhaps it is because Mr Pettersson is refusing to release the submissions that he received on his bill, which I think would have helped to inform the debate. Perhaps it is because Mr Rattenbury got caught out advertising on his Facebook page that this was all about joining the party. We hear from Ms Cheyne that it is not about encouraging cannabis use, but we then have what I think are these totally inappropriate campaigns on Facebook pages saying, "Let's join the party."

Regardless of the reason, without repeating too much of what I said in the in-principle debate, there are real problems with this bill, in its form and in the way it has been drafted. Even if you support it, it is a mess. There is a raft of amendments that need to be looked at in detail and that are still in the process of being drafted. There are legal complexities. More importantly, there are genuine health issues that this Assembly must be across before it makes a decision about something that could potentially be so damaging to young people's lives.

I am glad that this will now have the support of the majority of the Assembly, and I commend this motion to the Assembly.

MR PETTERSSON (Yerrabi) (3.47): I was hoping I would not have to rise today but unfortunately I do. The reason that I am so upset by this is that everyone who is watching this debate knows that this is a stalling tactic from the conservative Canberra Liberals. They know that they are beaten in this chamber. They know that they do not have the numbers in this place.

Members interjecting—

MADAM ASSISTANT SPEAKER (Ms Orr): Members! Mr Pettersson, please continue.

MR PETTERSSON: The conservative Canberra Liberals know that they do not have the numbers in this place to stop this legislation going through, so what they are doing—and it is something they do every time something contentious comes up—is using every procedural trick in the book to stall debate.

In this case they are trying to refer it to a committee. Many times, that is a noble goal. However, people in this place should see through this. This is a conservative party that have said that they are opposed to any changes to our cannabis laws. They have said that they are happy with the status quo. First and foremost, we should note that they are not telling the truth, because they do not like the status quo. However, they know they cannot actually express their true views on drug law reform.

What I would say to any member in this place who is watching or listening to this debate, and I particularly include our friends the Greens, is that you are letting them stall this debate. If they are successful in this, if they can refer this to a committee, this place can no longer consider legislation until it comes back from a committee. That would mean that this place could not pass cannabis legalisation until the committee process is done.

Madam Assistant Speaker, they are laughing and smiling because that is what they want. They do not want this legislation to be passed. They do not even want to change it. They want it to die and fail. To anyone who would aid them in achieving that goal, I have to say: please reconsider.

MR RATTENBURY (Kurrajong) (3.49): I had not intended to speak on this as it was a simple referral but having been ascribed a range of motives and given Mr Pettersson's plea, I will put some facts on the table. The reason we have agreed to the bill going to a committee is that there are now a significant number of amendments to the bill. Our experience of this place is that when you have a large number of amendments, it can be valuable to have a committee process because things get worked out by the committee. It is as simple as that. Members of this place know that we have a longstanding view that the more legislation that goes to committees, the better. There are real opportunities to get matters sorted out by a committee.

However, I am concerned that some of these referrals are being put out for extended periods of time. I intend, after this discussion, to draft a letter to the Speaker to ask that the Speaker have, at a meeting with committee chairs, a discussion about how we seek to be able to look at pieces of legislation in committees in a more timely manner. It is problematic to have a piece of legislation being looked at by a committee and taking months and months.

It is quite important that we start to think about whether, as an Assembly, we want committees to be able to look at pieces of legislation more frequently. We will have to pull up our socks a little bit and find a more timely way in which committees can examine pieces of legislation.

In terms of whether this becomes a stalling tactic, I do know that this legislation is not fit to be debated. From all the intelligence I have and from discussions I have had with members of this place, it was not going to be debated in either May or June. If this committee reports by the end of the June sittings, we will still be able to proceed in July, as was, from my understanding, most people's expectation of what was going to happen, anyway. So let us not worry about people giving us their free interpretations of what my motives are. I have put them on the table myself, and let us go to the committee process.

Mr Hanson is so ungracious that he could not just accept making a referral to a committee. He still had to take a pot shot, and that is his style. But that is not a good reason not to have a committee—particularly, as in this case, a tripartisan committee—sit down and have a look at these issues.

MR STEEL (Murrumbidgee—Minister for City Services, Minister for Community Services and Facilities, Minister for Multicultural Affairs and Minister for Roads) (3.51): I am pretty disappointed with the position that it seems that this Assembly is about to take, in referring this bill to a committee. A lot of people, as Mr Petterson suggested, who are watching today's proceedings would be incredibly disappointed. Last year this Assembly made changes to the standing orders—

Members interjecting—

MADAM ASSISTANT SPEAKER: Members on both sides, please keep it down so that we can hear Mr Steel.

MR STEEL: Last year this Assembly made changes to the standing orders which would see amendments to legislation go through the scrutiny committee, as they should, for greater scrutiny. That process is already going to happen for the amendments. It is quite easy for members in this place to get together—we do not need to set up a select committee to do so—to discuss amendments that are proposed to legislation once they have gone through the scrutiny process.

I do not accept what Mr Rattenbury has had to say today about the necessity for this committee referral. The timing of the debate is not the matter that is of concern at the moment. We expect that this will take some time. But this is a stalling tactic that will enable the Canberra Liberals to continue their advocacy against this bill rather than allowing this place, this Assembly, with all 25 members here, including me, to have the debate. That is the correct place for a debate on this bill to take place, and we should continue to make sure that this is the primary place for the debate in relation to this very important law reform.

I do not support this proposal to send it to a committee today. I think people watching would be scratching their heads about the Greens' position on this—just because you did not move this piece of legislation as a Greens party, and it was presented by a Labor member. So I think they will be scratching their heads.

Members interjecting—

MADAM ASSISTANT SPEAKER: Members, can I please have quiet.

MR STEEL: It should be dealt with here in the Assembly. We can have a mature discussion outside this place in relation to the amendments and any issues that may arise in relation to the issues surrounding this bill. It will already be going through a scrutiny process, as it should, with the amendments.

MR HANSON (Murrumbidgee) (3.54), in reply: There you have it, Madam Assistant Speaker. We get to the truth of the matter, don't we? This is a squabble about who could get there first, to be the most progressive. We saw that Mr Pettersson, in his rush to be the biggest leftie, the most progressive, tripped over his own legislation. He has made a complete dog's breakfast of it. And now Mr Rattenbury, who is a bit narky, to be honest, that Mr Pettersson got there first, is saying, "Welcome to the party, Mr Pettersson."

What he has done in his bloody—I apologise, that was unparliamentary; I am having too much fun. He has identified this and he has nobbled Mr Pettersson's desire to get this rammed through so that he can claim that he was the first to get there. Mr Steel, thank you. All I can say is thank you for exposing the squabble that is going on, the squabble that has resulted in a very flawed piece of legislation.

Mr Pettersson said that the reason that we are moving this amendment is because we want to stall it. Madam Assistant Speaker, it is already stalled. Your side adjourned it before we even got to the in-principle debate. We could not even have a debate in principle. We could not even have a vote in principle; you lot had to adjourn it because you were not prepared today to have a vote in principle.

Your side stalled it, and the reason is that the government still has not got amendments together to fix up your mess. And they have already indicated, as Mr Rattenbury indicated, that they are not going to be done in May; they are probably not going to be done in June. We are not going to be looking at this bill until July, anyway.

The time line that has been proposed and agreed to with the Greens is that the referral to the standing committee on health will be concluded and reported back to this Assembly by 6 June. Based on the timings advised by the government, through Mr Rattenbury, there is no stalling, other than the fact that this government had to adjourn it because it is trying to come up with a bunch of amendments that are being put in to try to fix up Mr Pettersson's mess.

I was probably a bit mean to Mr Rattenbury before. I am sure his motives are pure. It is nothing about a squabble with Mr Pettersson regarding who got to the party first. I am sure it is not anything to do with that, Mr Rattenbury. But I do welcome your backflip. It is nice to have you on board, so welcome to the party.

Question resolved in the affirmative.

Schools—safety

MR WALL (Brindabella) (3.57), by leave: I move:

That this Assembly:

(1) notes:

- (a) every student and teacher deserves to be safe in ACT schools;
- (b) the lack of data kept or asked by the Minister for Education and Early Childhood Development to be kept by the Education Directorate on incidences, injury and implementation of current policies on addressing violence in ACT schools;
- (c) it is now three years and three months since Professor Shaddock delivered the *Schools for All Children & Young People, Report of the Expert Panel on Students with Complex Needs and Challenging Behaviour* (Shaddock Report) on managing students with complex needs and challenging behaviours; and
- (d) that despite the Shaddock Report's many recommendations and the implementation committee set up to deliver those changes and despite the additional millions of dollars directed to training of staff and appropriate facilities in schools, reports of anti-social behaviour of students and incidences of violence in ACT schools is on the rise; and

(2) calls on the ACT government to:

- (a) acknowledge the rise of incidences of violence in our schools and the failure of leadership and capability of the Minister for Education and Early Childhood Development to adequately address these issues;
- (b) direct the Chief Minister to establish an independent inquiry to undertake a thorough audit of ACT schools to, inter alia, objectively assess current and historic rates of injury, current behaviour management practices, the training that underpins those policies, the reporting processes, and the completion rates for dealing with complaints by parents and teachers, comparisons with management practices in other school systems, and provide recommendations for change; and
- (c) report back to the Assembly on the terms of reference, timeline for establishment of the inquiry and delivery of the report by the last sitting day in March 2019.

We go from the jovial debate we have just had to what can only be considered a very serious matter affecting the lives of not just parents across the ACT but their children. In early November 2018 a letter with 35 signatures of parents known as “Concerned parents of a Tuggeranong Primary school” was sent to the Education Directorate liaison unit. They spoke of the escalation of incidents at the school over the year, the bullying and the violent outbursts that their children had been subjected to and their frustration that little had been done at the time of the incidents to prevent escalation to injury or since then to prevent its reoccurrence. The directorate replied thanking them for the letter; assuring them that the school was taking the matter seriously. One of the authors of the original letter again wrote on 19 November advising of two more incidents at the school and again on 26 November outlining two subsequent incidents.

The story came to the attention of the *Canberra Times* and in early February this year an article indicated that the situation at this school was not recent and that the incidents referred to were not isolated. References were made to a student injured in March 2018, which was advised to the directorate, and another student who was hospitalised as a result of being thrown against a brick wall. It is probably appropriate that I remind members that these incidents are occurring in primary schools within the ACT—children aged between five and 12 years old.

In the Assembly last week the Canberra Liberals asked a number of questions about what the minister knew about the incidents at this primary school, what she had done about these concerning reports and what is being done to support parents, children and the school community. The minister gave multiple assurances that the school in question was being supported, that new strategies were in place and that parents who raised concerns had been contacted.

According to parents at the centre of the issue, the minister's responses did not accord with their recollection or their experience and they are still waiting for answers and for evidence that anything is changing. As the *Canberra Times* perhaps more accurately records:

The incidents were alarmingly frequent and widespread ... but the school and the education directorate appeared to turn a blind eye to their severity despite complaints stretching back to 2017. Responses were often not followed through as promised or not disclosed and some parents had not been told about incidents at all, including those involving head injuries ...

In case the minister believes we are unreasonably targeting this school, the sad reality is that in the past weeks the opposition, particularly Ms Lee, has been contacted by parents from at least two north side schools outlining their concerns over issues that read very similarly.

One of those parents wrote to the minister in 2017 outlining that teachers at her child's school were frequently crying in frustration in front of their class, students were crying because of violence in the classroom that was not being addressed and that teachers were not being supported by the directorate. Multiple parents from that north side school wrote to the minister in the middle of last year, but little changed other than an exodus of teachers at the end of the year; teachers who were no longer able to operate in such a toxic, violent and unsupported environment.

At another school an assault was filmed and the footage later circulated. The parent said she had no confidence in the way the school was dealing with the incident. The incident brought forward the predictable and meaningless responses. It was accompanied by shallow assurances that strategies and systems were in place at that school.

A parent from yet another school, this time in the inner south, reports that their son was bullied for several years. The school would investigate but never reveal what happened due to confidentiality. It was only when some parents witnessed the bullying of a girl after school that the school finally took any action.

Consistently the minister and her directorate have assured us that the schools affected by these apparently uncontrollable antisocial issues have strategies in place that are working. But this is not the evidence coming to light; there is too much evidence that demonstrates that they are not. While ever we have a minister refusing to acknowledge that there is a deeply concerning problem within ACT schools, things will not improve. She cannot hope to improve or fix anything that she steadfastly refuses to admit need fixing.

We are not to know what goes on directly in these schools. We barely get an opportunity to visit the model schools let alone any that may be experiencing problems. It is little wonder that the minister wants to restrict access. But parents from those troubled schools are coming to us in droves, just like the nurses who contact the shadow health minister's office for the same reasons: uncontrolled bullying in the workplace and tin ears from the ministers responsible and the directorate staff.

The question must be asked: if current strategies are working and teachers are well supported and everyone is in control of the situation, as the minister keeps reassuring people, then why are children still getting hurt? Why are teachers still getting hurt?

Ms Lee, the shadow minister for education, spoke last week with a teacher who was injured at a school by a student in December. The student remained at the school and continued to inflict injury on others. The teacher was sent home and no-one from the directorate or the school leadership team contacted the teacher to enquire about their welfare. A very supportive environment indeed!

The opposition has also been contacted by teachers who have been injured in the workplace since the new so-called nation-leading polices were introduced and they advise that despite following due process in conscientiously reporting these incidents they have received no support from the minister or her directorate. In one case the teacher was instead criticised for not managing the violent student better.

The minister hides behind policies and procedures. She points to apparently nation-leading changes that have been introduced into ACT schools, but they did not help that teacher last December two months after this supposed nation-leading policy was introduced. The minister continues to skirt around the fact that action has only been taken because WorkSafe demanded it. Four months later there is little evidence to indicate anything has changed or is changing. Teachers are logging incident reports into the Riskman but nothing progresses. Other teachers tell us they have stopped reporting incidents because it is simply a waste of time.

Parents are saying strategies like safe and supportive schools and positive behaviour management plans are meaningless verbiage that does not inspire the slightest degree of confidence that school authorities intend to address the problems. A concerning number of parents are contacting the opposition to tell of their experiences and the ordeals their children are experiencing across classrooms in the ACT. Due to the fear of retribution I will not identify the parents, their children or the schools involved. Suffice it to say that these stories are true, they are deeply concerning and deserve to be addressed with urgency.

A parent has recently written to us saying:

Here are a few examples of the physical violence that I am aware of at XX Primary school.

- A child strangled by a peer in front of a teacher
- A child thrown to the ground, kicked and jumped on by a group of peers
- Children grabbed by the neck and pulled to the ground
- Children knowingly put in the same class as the child bullying them, and when the Principal is questioned by the parent, the response is that the child needs to learn to be more resilient.
- Children in year 2 engaging in oral sex in the classroom
- Children speaking openly about sex and rape in the playground

This school has had the positive behaviours for learning, or PBL, program since 2016 but this parent, who is familiar with the PBL framework, says that violence and challenging behaviours are still occurring at this school and that PBL is not being implemented correctly or consistently. As she said:

I want things to improve at the school. Nine-year-old kids should not be seeing psychologists because they fear all hope is lost.

Another parent said her six-year-old son told her, “The principal does not think I matter.” Why do we have such inconsistency? Why is there such a lack of confidence in schools among so many parents, and why do so many students in primary schools think they do not matter?

Let me highlight the results of a school satisfaction survey for a school in question. Students at this school were asked, “Do you feel like being at your school?” In 2013, 84 per cent said they did. In 2014 it had gone up slightly to 86 per cent and in 2015 it went up to 88 per cent. Something happened at that school after that, and this is why we need an inquiry to find out. In 2016 the result dropped to 68 per cent and it stayed there in 2017.

Does the directorate ever look at such results and ponder what has changed? One thing is for certain: the minister’s ignorance on what is happening in some schools remains constant. Perhaps it is a coincidence that the year that satisfaction dropped significantly was the year this minister took over responsibility for the education portfolio. Or is there something more sinister at play?

The Labor-Greens approach to anything is to suggest that money is being invested, policies are being published and work is being done to improve things. But let me point out that it is now three years and three months since the Shaddock report into schools for all was published. The events that triggered the inquiry were nearly four years ago. Ten million dollars, which is a substantial amount of money, and time creating spreadsheets and Gantt charts and progress reports from an implementation committee, and today we still have schools with teachers who feel unsupported and angry parents asking why their children cannot be safe at school. Do they have to be like a parent at the Tuggeranong school who removed her child from the school and has relocated them interstate where they are thriving and feeling safe and valued?

Another who kept her child out of school said:

I had to choose between my son's education and his safety. Ultimately, I chose his safety.

There is something endemically wrong in the current structure, approach and attitude of the minister and the directorate in dealing with this issue of antisocial behaviour. It is not about equity in schools; the schools affected range across the territory and are in various socioeconomic catchments. They are in the north, they are in the south, and they are in the middle. It raises the question of quality leadership at individual schools, at the network level and at the ministerial level. This is why we are calling for an independent inquiry.

You just cannot put a vampire in charge of the blood bank. There is no point in the minister and those in the directorate who have overseen these atrocities assessing themselves, especially in the context of the breakdown of trust we have seen from teachers, parents and students, the breakdown of the community's faith in this minister whose responsibility it is to look out for them, and the breakdown in confidence in the minister who has failed them so devastatingly.

Such an inquiry will provide a fresh window on the problem, an unbiased study into the various factors at work. Such an inquiry will hopefully go some way to restoring faith in these ACT schools of a growing disillusioned parent community. It will lead to fewer children requiring psychological support and fewer children falling behind in their studies through illness or fear.

We cannot have a school system where a six-year-old child believes they do not matter. We cannot have a school system where parents choose between their child's safety and their education. We cannot have a school system where teachers are openly crying out in front of their class because they have received no support from the minister or their support leaders above them.

We can and must do better, and an open inquiry would go a long way as a first step. Our future generation, our hard-working teachers, our parent community deserve that at the least. I commend the motion to the Assembly.

MS BERRY (Ginninderra—Deputy Chief Minister, Minister for Education and Early Childhood Development, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (4.12): I thank the opposition for bringing this important issue to the Assembly today. And first of all, to correct the record, I have never said that any of these issues do not exist and I have never refused to take action on any of these issues. I think it is important that I put that on the record. I have never said otherwise in this place.

The government will be opposing this motion because this particular motion is largely incorrect. It is internally inconsistent and it is based on some very poor assumptions. I want to explain the philosophy of this government on school education. It should be

very clear to members of this place. I have repeated it many times and I have said many times in my ministerial statements and on the release of the future of education strategy:

Even in wealthy communities like the ACT, children start life in vastly different places with different backgrounds and circumstances affecting their chance at a good life.

We see this in schools every day.

Some children come to school ready to learn. They're happy and well—eager to take hold of the world.

Some children, however, are not as fortunate. These children take on greater challenges and face greater barriers than the rest.

Education has an incredible power to level all of this out. Education allows all children to reach their potential.

The ACT government believes every child deserves a great education and the life chances which flow from it.

Our education system must support all children to overcome and achieve. Our education system must mould and mature resilient adults. It must establish success for the future and broader horizons.

And it will do this by providing equity. By responding to the personal needs of each individual. Because educational equity is key to delivering a fairer, more equal society free from disadvantage arising from economic, social, cultural or other causes.

These strong principles are deeply held. They require determination from the government on behalf of the community because our vision is far from easy to achieve. Our vision requires dedication to each child personally.

Alongside equity, the future of education strategy relies on the principles of student agency, access and inclusion. These important principles are in some ways an expression of equity being rooted in them as a fundamental idea. The government is putting these ideas into practice.

Our public schools are open to all children and young people. All are welcome. And with that comes the challenges of some families and children that have things going on that make life a little harder and a little messier. Our public schools are also increasingly aware of the need to appropriately put children in charge of their lives because this is the best thing for their learning and learning outcomes, including socially and emotionally.

Every student and teacher deserves to be safe in ACT schools. This one point in the motion that we are debating is correct. The government and I, as education minister, have made our commitment to safe and supportive schools very clear. There is no place for bullying or violence in our schools. Equally, because all are welcome in

government schools, there will always be the need for deliberate efforts to make school communities safe, supportive and inclusive.

The ACT is not alone in facing this challenge. Nationally there is clear data that points to bullying and violence being a problem in schools in all sectors right across the country. It is also clear from national data that the problem has existed for a long time, sadly.

The Safe and Supportive School Communities Working Group on their “Bullying. No Way!” website has provided some pretty confronting statistics. A little over one quarter, 27 per cent, of year 4 to year 9 Australian students reported being bullied every few weeks or more often in a national study in 2009. Peers are present as onlookers in 85 per cent of bullying interactions and play a central role in the bullying process.

Last year, in March 2018, the PricewaterhouseCoopers report which was commissioned by the Alannah & Madeline Foundation’s National Centre against Bullying echoed that earlier data from 2009. Almost 25 per cent of school students in Australia, or an estimated 910,000 children, experience bullying at some stage during their time in school.

In June 2018 the Royal Children’s Hospital (Melbourne) national child health poll found a similar prevalence of verbal, social, physical and online bullying in schools. And as poll director, paediatrician Dr Anthea Rhodes, said:

Bullying is not just a schoolyard problem, it is a whole community problem—it is serious and common and it can have harmful effects on the physical, social and emotional wellbeing of children and young people.

It is clear that bullying and violence in schools are a problem and, despite the ACT government’s firm commitment to safe and supportive school communities, it is a problem that will always require attention. There is no simple, ultimate answer because the government will always welcome any child or young person into our schools. We will not exclude students from government schools because they present challenges, as would seem to be the position of those opposite, as you can tell from their line of questioning last week.

While there is some national data, as I have indicated through responses to questions on notice and other discussions in this place, school-specific data about ACT government schools is not as readily available as we would like. The reason for this is no more than that schools have until recently been working with a legacy IT system.

The Education Directorate’s legacy administration system, called MAZE, consisted of a database for each school, with a limited number of fields in each school’s database that synced nightly to a central data repository. This central repository was primarily used for system backup and manual data extraction for annual and national reporting. Accessing the centrally held data required an expert technician. Alongside this, most schools also held most student behaviour data on paper-based records. Suspension

data was held on MAZE, and student injury or injury data was reported through another database for insurance and compliance purposes.

Clearly, for a lot of reasons it is important that the government have a modern IT system for managing school and student data. In the 2016 budget the government allocated \$10 million for an upgrade to its schools administration system. Rollout of the new system, called Sentral, is occurring in a staged manner. It began in 2017 with a pilot across a group of schools, with all schools adopting Sentral in 2018 for attendance data. Other modules that record, for example, incidents and behaviour reporting have gradually been introduced.

As with MAZE, each school has its own instance of Sentral. There is currently no automated synchronisation of data into a central data repository. In order to view data at a system level, data must be manually extracted from each school instance. However, by the end of implementation, expected towards the end of this year, Sentral, unlike MAZE, will allow the directorate full visibility of all data about all government schools. The goal at the end of this project is that all government schools record all information in Sentral, including information related to teaching and learning, attendance, wellbeing, behaviour and incidents.

Users with appropriate access can then use business intelligence tools to look at data, identify trends and access reporting across all schools. The system will also allow improved communication with parents through automated notifications, and automated notifications will also be directed to the education support office when particular information is entered into it.

Given all of this, assertions in the motion about a lack of data or inaction on keeping data cannot be substantiated. There is a \$10 million investment which has been directed by the government. Equally, if there is not data available it is unclear how this Assembly can conclude, as proposed in the motion, that there has been a rise in instances of violence or reports of antisocial behaviour in ACT schools.

The government and I, as minister, and ministers before me, have acted on this problem. There is no basis to suggest that the government and I have not acted. In fact, as noted in this motion, the government has directed many millions of dollars in staff training, facilities, services and support to creating positive school communities: school communities that are safe, supportive and inclusive; school communities that acknowledge the different things going on in the lives of students and how this can affect their behaviour. But there is also no miracle cure. If the opposition has one I would be happy to hear it.

So it is of little surprise that, as with all instances, reports of bullying and violence in schools still arise. That will always, sadly, be the case. What matters is how these issues are dealt with. What is required is deliberate, mature action founded on expert guidance and advice and evidence-based best practice. What is required is what the government is doing.

I spoke last week about the positive behaviours for learning approach. PBL is an evidence-based, whole-school approach to creating positive, safe school communities

where students can get on with the job of learning. It achieves this through the whole school community, including students, families and staff, working together. Among other things, it involves clear values and expectations about behaviour, explicit teaching of expectations and appropriate behaviours, whole-school recognition of positive behaviours, involvement of parents and the wider community, clear and consistent procedures and modifying the physical environment to reinforce the values and expectations of the school. It is widely used and successful and because of this the positive behaviours for learning approach is being rolled out in all government schools in the ACT, including Theodore Primary School.

As I said last week, this journey of change with the positive behaviours for learning program does take some time. It is not a quick fix. There are no silver bullets. It takes time to change culture in a school.

Theodore began the journey of implementing PBL at the beginning of last year. And, as I understand it, there are layers of competency that occur over years so that the approach is robust and enduring. As I said, Theodore began this in 2018, and it started with staff induction and training; training of coaches, who support their colleagues in applying the approach; lesson planning; and by developing behavioural values or expectations aligned with the school's existing values. At Theodore the behavioural values or expectations are "safe, respectful learners".

At the beginning of 2019, as had been planned from the outset, the school then began rolling PBL out among students and families, initially with a focus on appropriate playground behaviour. Students are incrementally participating in lessons drawn from the approach as teachers explicitly teach appropriate personal behaviours in the context of behavioural values and expectations. These lessons are about empowering children and young people to learn to manage themselves. They learn through modelling or role play to shape their personal behaviours and redirect themselves to appropriate responses. Alongside this, students are equipped with strategies to engage with adults or other students when they need help.

Teachers are then able to apply lessons from the classroom to conflict in the playground, taking advantage of real-life circumstances as teachable moments. While the goal is that students learn to self-manage their interactions, as in all human behaviour change takes time and is never perfect. When the behavioural values and expectations are not upheld, clear, consistent consequences are applied according to the severity of what has occurred. At a base level this might involve restorative practice.

Theodore Primary School is being supported through the implementation of PBL. The community and this Assembly have regularly been updated on its implementation. The government is tackling bullying and violence but what is essential is that leaders and influential people in our community, such as those in this place, and journalists, respect the incredibly hard work required of teachers, school leaders and support staff as well in responding to bullying and violence in schools.

I am disappointed that, yet again, instead of the opposition's making a positive contribution, our schools are being used as a political weapon to make a personal attack against me. Perhaps instead of seeking stories to stir up controversy—

Opposition members interjecting—

MS BERRY: Madam Deputy Speaker, I listened to the opposition in silence. I expect that I would get the same as I deliver my speech to this motion.

I hope that, instead of coming in here with motions like this, the opposition would use the opportunity of their position to encourage and support our schools and be models for good behaviour. The government will be opposing this motion.

MR PARTON (Brindabella) (4.26): This motion is not about people in suits in air-conditioned offices. It is not about public service speak. As much as the motion mentions data and the collection of it, at its core it is not about data. The motion is not about those of us who stand here in this Assembly and act like schoolchildren from time to time. As much as the minister would like to believe that it is about educational equity and inclusion, at its core that is not what it is about. It is not about curriculums; it is not about NAPLAN league tables; it is not about the Australian Education Union.

At its absolute core, this motion is about cold, hard fear. It is about the fear that has led one Tuggeranong boy to never use the toilet at his school for the fear that he will be severely assaulted if he does. He just hangs on. He does not go. It is about the fear that led one north-side child to put steak knives in their school bag to defend themselves if that was required. It is about the fear that crushes you when you are eight years old. It sits on top of your chest, squeezes the air out of your lungs, renders you speechless, and forces you to shut down and just point blank refuse to go to school. That is what the motion is about.

At such a pivotal time in the lives of so many young Canberrans, it can have, and is having, a profoundly negative effect on the development of too many of our children in so many key areas. I just do not believe that anyone should underplay this. We are not talking about a bit of push and shove; we are talking about traumatic events that have the potential to shape lives in the most negative way.

This year I have hosted a number of forums with parents of ACT students who are at their wits' end. I have spoken to them in my office here; I have hosted round tables at my home. All they want is a guarantee on the safety of their children, and they cannot get it. They cannot get it.

I have spoken to a mother who, very reluctantly—Mr Wall referred to her—kept her child at home for a number of days because she did not know what else to do. I know that Mr Wall made mention of this earlier, but I have to repeat it. This mother said, “I had to choose between my son’s education and safety. I ultimately chose his safety.” When we had this conversation, I could see that it just tore her up inside. This was a last resort for her.

Whichever way you look at it, whichever way you look at it on this front, based on the information and the stories that have come to us, the directorate and the education minister are letting these children down and letting these parents down. There should be a reasonable expectation that your child will be safe at school. That expectation

does not exist for many. A number of them are in the chamber with us this afternoon. The directorate and the minister have failed. I am going to agree with the minister on this point: this cannot be a blame game exercise. It is incumbent upon all of us—all of us—to fix it. We have to do it. We have to do it for the sake of the children.

What we are doing at the moment in this space is not working. I note that the minister has made mention of some changes, but what we are doing at the moment is not working. If we talk to these people in the chamber, and a number who are watching online, they will tell you it is not working. It would be absurd to just keep on doing it or, worse still, get the directorate to examine itself. If members of this place had sat in the forums that I have sat in, and seen the tears welling up in the eyes of distraught mothers, I am sure that they would have no hesitation in voting for an open, independent inquiry.

I have to say, Madam Deputy Speaker, with all respect, that I cannot believe that this minister does not think that it is her job to meet with parents face to face on matters like this. I find that impossible to believe. But I have to say that it is a theme that runs right across this government. I recall Mr Gentleman standing in here, in response to a question without notice last year, basically saying that it was not his job as the minister to meet victims of club robberies face to face, that it was not for him to mix with those people. It is not for the Chief Minister to turn and face people in the chamber. I was astounded that the Chief Minister could not even find an ounce of humanity to turn around and have a look at this chamber, which was absolutely chock-a-block full of people whose lives have been destroyed by the policies of this government. He could not find the humanity to do that. The party of social justice has lost its humanity.

When Labor loses the election in 2020, let me tell you, Madam Deputy Speaker, that will be one of the main reasons that it happens: ministers in this government have built pedestals to stand upon and they do not believe that it is up to them to mix with the riffraff out in the suburbs and face people face to face, particularly if people disagree with what they are doing. I would urge people, through this motion, in this space, on this very important issue, to step down for a moment from those pedestals and support this motion.

MR RATTENBURY (Kurrajong) (4.33): Violence in our schools is never acceptable. No person should go to school or to work feeling they will be subjected to violence. Schools have a duty of care to create safe and supportive environments for all students and staff.

I agree with the first line in Ms Lee's motion:

... every student and teacher deserves to be safe in ACT schools ...

I do not think that is a controversial idea at all.

The question we must consider in this debate is: what is the best way to make our schools safe environments? Ms Lee's motion suggests that an independent inquiry is required to address this issue. That is not something that we support at this time. An

independent inquiry takes us back to square one. It suggests that this is an issue that we do not know anything about and that we are not in a position to address. I do not think that that is the case. There is a series of programs and undertakings underway which are seeking to address this issue. We should give them the amount of time they need, and resources for those efforts, before we can know whether they have been effective.

Ms Lee's motion mentions the Shaddock report, a report which provided 50 recommendations to improve supports for students with complex needs and challenging behaviours. I note that the issue of violence in our schools is broader than those issues covered in the schools for all program, which is what arose from the Shaddock report. It is important to be clear that it is not only students with special needs who are involved in violent incidents. Let us not forget that the Shaddock report was about students with special needs.

We do recognise that a number of the schools for all recommendations will have an impact on preventing and reducing violence in our schools because some students with special needs are involved in violence. The government has demonstrated a genuine and ongoing commitment to the schools for all program. An independent oversight group was established for the first year. A program board, chaired by the Director-General of the Education Directorate, has been monitoring progress since that time. The final evaluation report is due to be given to the education minister this year. In terms of having independent oversight, that report is going to come out and we as an Assembly will be able to read it and judge whether we think those 50 recommendations from schools for all have been adequately implemented.

Ms Lee makes the assertion that despite the significant time and resources that have been directed into the schools for all program we are still seeing violent incidents in our schools. I once again go back to my previous point: that the response to violence in schools is broader than the issues related to complex students. Additionally, it is premature to suggest that the schools for all program has not been effective.

The Education Directorate, the Catholic Education Office and the Association of Independent Schools of the ACT have all been working through the recommendations of the report. While this has been a long process, that is because the process of culture change can be a lengthy and difficult one. I understand that the government's focus has been on ensuring that the implemented changes result in an enduring change rather than simply ticking a box. I support this approach and I look forward to seeing the final evaluation report presented to the Assembly this year.

In addition to the significant reforms we have seen through schools for all, in September 2018 the ACT Education Directorate entered into an enforceable undertaking with the Work Safety Commissioner, outlining a series of actions to improve compliance with their occupational violence policies and procedures. This undertaking came with more than \$10 million worth of resourcing. Through a motion passed by the Assembly last year, the minister is required to report back to the Assembly on the completion of all strategies. There will also be progress reporting through the Education Directorate's annual report.

Of course, it is deeply concerning that such significant reforms were needed in the first place. Our teachers cannot work effectively with students if they do not feel safe in their work environment, and we cannot attract and retain the best teachers in our system if staff do not feel adequately supported and protected in our schools. Equally, our schools have a duty of care to protect the welfare of all students. That is a responsibility that must be treated with the utmost seriousness.

In this context, it is natural that we also consider recent media reports of violence and bullying that have occurred against students in specific ACT schools. Theodore Primary School has been the most notable example. These reports are concerning and should be responded to with real urgency.

Despite these concerns, I cannot support Ms Lee's calls that a further independent review into violence into ACT schools is warranted. I absolutely accept that there are areas that need improvement, but I believe that the changes that are being implemented through both schools for all and the enforceable undertaking are putting in place the necessary structural and cultural changes.

My understanding is that parents are keen to see change—of course they are—not another review that will take years to come into effect, years—

Mrs Jones interjecting—

MR RATTENBURY: Mrs Jones is interjecting for reasons that are unclear to me. I am not seeking to offend her. I am simply trying to make my point—

Mrs Jones interjecting—

MR RATTENBURY: I am seeking to make my point—

Mrs Jones interjecting—

MR RATTENBURY: Instead, Mrs Jones, in her angry and aggressive way, is shouting at me. I am trying to have a serious discussion about a really important issue to the community.

The point I am trying to make is that if we put in place another review it will take at least six to 12 months. Then there are all the recommendations. The point is that there have already been reviews and those things are being implemented now. They are being rolled out as we speak. That does not mean that they are an instant fix; we have to work as hard and as fast as we can. But I do not think another inquiry is the answer.

My concern is for the children who are coming home with injuries and who are scared to go to school. For those children, we need to see immediate practical action that will start to turn this around. I understand that a number of measures are already in place, including installing a dedicated senior staff member at Theodore primary to focus on student wellbeing. This is not an issue that we fix overnight, but this action is a good start. I also think that it is important for the school to engage in regular and genuine

conversations with parents. It was disappointing to hear that parents still feel as though they are not getting the information they need. Schools need to be working in partnership with parents when responding to these kinds of incidents.

While I would love to see the situation where there are no violent incidents in ACT schools, I recognise that schools are becoming increasingly complex environments and that at times these things will happen. That is not to excuse them, but simply to accept the reality that, when dealing with human beings, incidents can occur. The key questions from my perspective are: do we have systems in place to identify issues early and to intervene to prevent escalation; and do we have the right procedures in place to respond appropriately if an incident does occur? My view is that the government was presented with a comprehensive set of recommendations which will put these systems and procedures in place.

We have already had a significant independent review as well as the independent oversight of the Work Safety Commissioner. The progress reports that we have seen on the schools for all project show that the recommendations are being implemented. It is only fair to give the government time to also implement the actions under the enforceable undertaking, some of which had already been started when it was entered into.

In particular, I want to reflect on the three key strategies detailed in the enforceable undertaking. Firstly, the directorate will continue to implement its occupational violence policy and management plan, which was launched in June 2017. As Minister Berry noted in the motion we debated last October, staff in all 87 ACT government schools were scheduled to have completed occupational violence training by the end of term 4 of 2018. An additional component of this strategy is improving avenues for reporting on incidents, which at some level explains why we are seeing an increase in the number of incidents being reported. I am confident that with appropriate training and support, these numbers will start to stabilise, and ideally reduce over time.

The second key strategy is to share the ACT's experience and learnings with other Australian education systems. Although I will not go into great detail on this item today, I will just note that it is good to take the opportunity to share our experiences as well as learn from other jurisdictions where we can. I do not think it goes to Ms Lee's motion, but it is an important longer term strategy.

Finally, and importantly, there is a commitment to work with parents to build a shared understanding of violence in schools, its impact, and how to minimise and respond to it. This is an area I am concerned about, so I am pleased to see it specifically listed as a priority. It is clear from some of the examples we have heard about recently that communication with parents and carers has not been as good as it should have been. The minister has acknowledged this, and I know it is an area of focus.

The key challenge in this space is achieving a consistent and effective approach across all school communities. We know there are some schools that have excellent processes in place to communicate and engage with parents. However, it has certainly been put to me that the application of the relevant processes is not occurring consistently across all ACT schools. Clearly, some parents do not feel they are getting

the communication they want or, frankly, deserve. I completely understand the fear and anxiety that parents will be feeling, particularly if it does not seem as though changes are being made. Direct and regular engagement with parents is important, to ensure that their voices are listened to and to give them confidence that the safety of their children is a priority.

Madam Deputy Speaker, having reflected on these three key strategies, it seems clear to me that we have a path forward for addressing violence in ACT schools. What we need is not to undertake yet another review but, rather, to ensure we have met the recommendations of the reviews we have already done.

Having been education minister at a time not long after the schools for all report came out, I have read those recommendations in considerable detail. If we are successful in implementing those recommendations, they will make a significant difference to the issues around students with complex needs, which is certainly one source of violence in our schools.

I do believe that the minister and the directorate are committed to those processes, as is the non-government school sector. Given that commitment and the progress we have already seen, the Greens will not be supporting the call for an independent review into these issues.

Every environment comes with some level of risk, but there is an obligation on schools and the directorate to ensure as far as practicable that ACT schools are safe places for their students. We must provide sufficient support and resourcing for our teachers and students in order to reduce violence. This work will also have an impact on improving educational outcomes.

There is more work to do, but I have faith that there are processes currently in place that will make a real lasting and significant difference. We will not be supporting the motion today for a new independent review, but we certainly endorse the spirit of the motion, which is that we must work together—

Opposition members interjecting—

MR RATTENBURY: We must work together to get these outcomes. We cannot come here and play politics around this stuff. I have just articulated my reasons. With the interjections across the chamber, I do not know whether people have actually listened to my comments. I have just articulated really clearly that there is a number of things already in place and our view is that an independent review will not add value to that. What we need to add value to is the work that is already being done.

MS BERRY (Ginninderra—Deputy Chief Minister, Minister for Education and Early Childhood Development, Minister for Housing and Suburban Development, Minister for the Prevention of Domestic and Family Violence, Minister for Sport and Recreation and Minister for Women) (4.45), by leave: I thank members for giving me the chance to speak again on this issue. I acknowledge the people in the chamber; I recognise some of the faces, and I am sorry for the experiences that you have had.

I am very distressed to hear some of the stories that Mr Parton has told in the Assembly today. Some of them I had not been aware of, and I ask him to please direct these people to my office so that I can understand the issues and make sure that they are supported. Bringing them into the chamber and describing them here is not doing those families, or those children, any good. I will absolutely meet with the individuals in these circumstances; I am happy to. To suggest that I would not is unfair. Again it is grandstanding in this place over such a serious issue.

Bullying and violence in schools absolutely should not happen. It upsets me greatly every time I hear about an individual, whether they have been the victim or whether they have been the perpetrator. For the victim, for those families, with respect to the distress that they feel and the fear that they have for their children, I completely understand it. For the perpetrator of that violence, those parents, too, are tearing themselves up inside for what their children have done.

Ensuring that the supports in schools exist is absolutely what I am focused on. I am very sorry to hear that students are still experiencing bullying and violence in our schools. Unfortunately, it is something that our community needs to tackle. It is a big issue. We are experiencing violence, bullying and intimidating behaviour across our community. Yesterday I had an email from a parent who was being intimidated, bullied and threatened with violence on a sports field, with young children playing sport.

This is not an issue that is confined to schools. It should not be happening everywhere, and I take every one of those complaints very carefully. I consider them, I ask for a great amount of detail on them and I ask the directorate to respond.

The appropriate place for those to be elevated if the parents are unsatisfied with that response is to my office, and I ask them to please do that. I ask the opposition, if they hear from people who have not been in touch with my office or the directorate, to tell them to please get in touch so that we can find out what is going on and address it, rather than doing so after it is raised here in the chamber.

I am, as I said, absolutely committed to getting to the bottom of what happened at Theodore. If there are issues in other schools then I would like to understand what has happened in those places as well, and make sure that families of all children—perpetrators of violence, children who have been victims of violence, and families and teachers as well—are properly supported, and to ensure that that support happens in an ongoing and consistent way that changes the culture in our school communities so that they are safe and inclusive communities for everybody who attends: young people, schoolteachers, parents, carers, grandparents, and everyone. They absolutely should be safe places.

I thank members for giving me the chance to speak again on this motion. Many people in this place are parents and have had children, or have children still, attending school. It is very important that we work closely together to address this matter so that we have happy, safe and inclusive school communities in the ACT.

MRS KIKKERT (Ginninderra) (4.49): I thank Ms Lee and Mr Wall for bringing this very important motion before the Assembly today. I also wish to publicly thank the brave mums and dads who have helped make the necessity for this motion obvious to nearly everyone by speaking out and sharing their experiences. They love their kids and just want to see them obtain a solid education in a genuinely safe environment.

I rise today to speak in full support of this motion. In doing so I wish to share, with permission, the personal experiences of a family that lives in my electorate of Ginninderra. For years, the parents in this family have had complete confidence in Canberra's government-run schools. All of their children have attended these schools, and all of the older children have been successful at school.

Something significant, however, has changed in recent years, this family has told me. Almost from the moment that their youngest child started school, the violence started. The parents have gone so far as to describe what their son has experienced as "physical abuse". According to what they have shared, he has been punched, pinned, dragged, strangled and more, all by other children. They have kept a catalogue of his numerous injuries, too numerous to share in this space.

At the end of year 1 the parents requested a meeting with the school. The only explanation they feel they received was that their son was in a rough year group. There was no promise that things would improve, but their faith in the government school sector led them to re-enrol their son the following year. This became the breaking point. The violence continued and worsened, as did the negative impacts on their child. He became terrified of attending school. He experienced frequent abdominal pains identified as a consequence of enormous stress. He faltered in his studies so much that a tutor told his parents he was at least a year behind in his learning.

Eventually, the parents felt compelled to pull their son out of this government-run school for his own protection. They then spent a week discovering that, by design, it is virtually impossible in this territory to enrol a child in a nearby public school, all of which refused to help them and sent them back to their original school. According to what the parents told me, they next contacted the Education Directorate's liaison unit, which recommended home schooling.

When this family were finally able to meet with school leadership, the principal offered them not a promise that their son would be safe at school, but rather materials for home schooling. The parents said they were also warned against pursuing this issue any further since they did not want to become "that family" in this territory. As the mum said to me, she now has some understanding of what it feels like to be bullied.

Knowing how much their son had experienced, the parents requested all incident reports from the Education Directorate and got back a total of just two reports. This, they said, was the final straw for their family. In good faith they had assumed the ACT government was at least accurately tracking what was happening in its schools. Instead they found out that there was almost no data available relating to what had happened to their own child.

Predictably, any time the Canberra Liberals raise concerns with this government, those opposite immediately pretend that we are somehow criticising the good women and men who work hard to deliver excellence in their professions. It is important, therefore, that I repeat what the parents of this family shared with me about the teachers at their son's school. They said these teachers are fantastic, hardworking and skilled. This is not a failure in any way of teachers, teaching assistants or other front-line workers. They, like the kids themselves, are the real victims of this government's failure to keep our schools safe.

Every student and teacher deserves to be safe in ACT schools. I say that as a mother whose five children have all attended these schools. The sad reality, however, is that kids in more than one school are not safe, and the appalling lack of data kept by this government means that we currently have only a vague sense of this problem based upon the personal experiences of the families that are now coming forward. As parents choose to speak out, I have no doubt that others will find the courage to join them, and the extent of the problem will become clearer.

The real solution is to first acknowledge that the problem exists. Those opposite frequently talk about the impacts of trauma on children and young people, and the need to intervene early and provide the supports necessary to stop and reverse the impacts of this trauma. If they are serious, they will agree to establish an independent inquiry to assess the trauma-causing violence that is occurring in our schools. The family whose story I shared today no longer have any faith that this government will take this important step. I hope that this Assembly will today prove them wrong.

MR WALL (Brindabella) (4.56), in reply: We have heard some powerful stories this afternoon of experiences that kids and parents are having to deal with on a daily basis in a number of schools. The minister stated in her initial speech that she has never refused to take action, but for those who are living through this on a daily basis, nothing seems to be changing.

The minister painted a picture of a school system that sounds like an educational utopia, but this is not the lived reality of those parents or those children that are confronting serious violence, bullying and harassment in their classrooms on a frequent basis. We heard the minister in her prepared speech, very well rehearsed and versed in the statistics and the philosophy of how things should be changing and how they should be improving. That does not measure up to what is happening in the classrooms in our schools.

The philosophy that the minister highlights is to put children in charge of their learning, but this is not delivering us well-rounded individuals. We are talking about primary-school-age children—children as young as five. I am a parent, as many members here are. Our daughter started kindergarten this year. I can tell you for a fact that if I put her in charge of her own destiny on a daily basis I would struggle to get her to school with underpants on, most days. Our job as parents is, first and foremost, to make sure that we are preparing our children to be capable and competent adults by the time they finish school.

I think there is a huge disparity between the philosophy of letting children choose their own adventure and us being responsible parents, guardians, carers and individuals with a duty of care over children, particularly in a classroom.

I have read stories, as I mentioned in my initial speech, where the principal's response to a child who was the victim of incessant bullying was that it would build resilience. Isn't this how we have come to have such an endemic problem with things such as domestic violence? Children are being taught at a young age to toughen up and accept what is going on. That, I cannot accept.

The minister has spoken of a \$10 million investment into schools to improve safety. Let us not forget that this is the government that, once upon a time, was building a cage in a school to deal with a child. Millions have been spent since that incident as well, but the reality for children in classrooms and their parents is failing to deliver on the spin and the hyperbole that gets peddled in this place.

The minister suggested that it was the view of those in the opposition that children be removed from school in certain instances. Yes, I do believe that at times the perpetrators of serious violence or aggression should be removed from that environment. Where else in society can an individual act out in that kind of manner without any consequence?

For too long, schools have existed as a bubble, immune from the laws of the land. I think that there should be clear consequences to any perpetrator of this kind of abuse or violence in a school because it should not be up to the victim to just accept it. I do not think I want to live in a society, let alone represent a society, where we say to a victim, "Toughen up and learn to live with it."

We all know, and we have all seen in this place, even just in the debate we had before this one, the glacial pace at which changes often occur. Policymakers, government, are slow at reacting. That is a fact of life. But for the individuals that are caught up in this on a daily basis, it is a lifetime.

I have here a letter that one of the mothers in the gallery has written—four pages, outlining the ordeal her son has been through. It started when he was in year 1; he is now in year 4. It started when he was a six-year-old; he is now a nine-year-old. This has been going on for one-third of his life—one-third. As his mother says, a nine-year-old child should not have to continue seeing a psychologist because they feel all hope is lost.

We saw emotion from the minister today; it is hitting me as well. As a parent, you expect better than this. The minister showed deep concern at these stories, as many of us feel. Let that impact on her be shown in the actions that these parents and these kids see in the classroom tomorrow morning. This is not about more talk. It is not about spending more money, or having more headlines and glossy programs. The measure of success of what this minister can do will be felt by those parents here in the gallery. I look forward to seeing that situation change for them.

As a parent, when I drop my daughter off at school in the morning, as I did yesterday—today is a day off for kindergarten kids—I expect to pick her up in the afternoon as a happy little girl. I do not think that that is too much for any parent in this town to expect. We do not expect to drop them off into a culture or an environment that will see them bullied, harassed and intimidated or, worse, physically assaulted. It is high time that this matter was dealt with much more seriously and with an awareness of the consequences that those who have to live with this on a daily basis are experiencing, rather than by way of the political hyperbole that is often debated in this place.

Question put:

That the motion be agreed to.

The Assembly voted—

Ayes 9

Noes 12

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

Question resolved in the negative.

Domestic Animals (Dangerous Dogs) Amendment Bill 2018

Debate resumed from 28 November 2018, on motion by **Ms Lawder**:

That this bill be agreed to in principle.

MR STEEL (Murrumbidgee—Minister for City Services, Minister for Community Services and Facilities, Minister for Multicultural Affairs and Minister for Roads) (5.07): Thank you, Madam Deputy Speaker, for the opportunity to respond to the Domestic Animals (Dangerous Dogs) Amendment bill 2018 tabled by Ms Lawder on 28 November last year. It is a proven fact that educating the community to manage our dogs responsibly and regulating human behaviour is the most effective approach to reducing dog attacks, not targeting the dogs themselves. This has been proven in other jurisdictions around the world where dog attack numbers have reduced following the implementation of responsible pet ownership programs within communities.

In these jurisdictions education initiatives such as promoting responsible dog ownership and educating people, including children, on how to behave around dogs has resulted in dramatic reductions in the number of serious dog attacks occurring. In contrast, we have seen our jurisdictions that place the onus on to the wrong end of the leash—attempting to change the dog and not the owner—fail to properly address the

issue. This is because placing the responsibility on to dogs does not prevent attacks, as any dog can bite if not properly managed by the people around it.

Despite the clear examples from other jurisdictions around the world demonstrating the effectiveness of community education and responsible pet ownership in reducing dog attacks, the opposition continually suggest taking a different approach, an approach which would not only affect the capacity of domestic animal services, or DAS, to provide essential services to the community that we rely on every day but which would have no impact on reducing dog attacks in Canberra.

The opposition's bill proposes a requirement for dogs that have undergone a single training course to be registered at zero cost, which is contrary to best practice and expert advice on how to best manage dogs. The independent expert review into dog management in the ACT released last year suggested encouraging dog owners to register their pets, but nowhere did it suggest zero cost registration in any way, especially considering that the ACT currently uses a lifetime registration system with a one-off fee.

When addressing the issue of dangerous dogs it is very important to keep in mind the essential role that DAS and their rangers play in preventing and reducing dog attacks in Canberra. Undermining the efforts of our rangers in carrying out their duties and providing essential education and awareness services to the community will not achieve lasting results for the people of Canberra and will not reduce dog attacks.

The review was clear that registration fees are important to assist in funding services to the community and to dog owners. While I agree that training and socialisation of dogs is very important—and this is recognised in the review—legislative change to undermine the registration system is not the best way to achieve this. Incentivisation combined with education and working directly with our community is a far better way to encourage proper training and management of dogs.

The proposed requirement for dogs that have undergone a single training course to be registered at zero cost suggests that an owner should pay nothing for the services the ACT government provides for the life of the dog and instead that it be borne by the broader community. It also wrongly assumes that any dog that completes a single training course will be less likely to be involved in a dog attack. This is where the proposed amendment really gets it wrong, as educating the community and dog owners on an ongoing basis about responsible dog ownership is the key to reducing dog attacks in the long term, not undertaking a single course.

Anyone who has been unfortunate enough to witness the seriousness of a dog attack will know that obedience training is not a silver bullet solution. Almost every single attack that takes places in Canberra has the mistake or omission of a human behind it, be that a person letting a dog out without a leash or not properly socialising the dog throughout its life. Dog ownership is an ongoing responsibility not solved with a one-off course.

A US study into 109 fatal dog attacks revealed that a simplistic dog-orientated approach to preventing dog attacks, such as breed-specific legislation or obedience

training, do not play a role in dog attack prevention. Instead, the study recommended changes in human behaviour, responsible dog ownership, and increased reporting of incidents as the key factors to reducing dog attacks. This tells us that the current approach this government is taking is the right one.

As I have already mentioned, whilst incentivising owners to register their dogs is recommended, experts recommend that rewards and discounts work in conjunction with a regular and paid registration scheme. Under the current lifetime registration system the opposition's proposed amendment would require owners to seek reimbursements for their registration fees months after paying for registration.

Dogs are required to be registered by their owners at or after 12 weeks of age for good reasons, yet most training services, particularly those that focus strongly on behaviour, do not train dogs until they are aged six to 12 months. This shows how poorly aligned the proposed amendment is with real life circumstances and with the existing systems we have in place.

The suggestion that dog owners should contribute nothing towards the services DAS provides while being incorrectly misled into believing their dog will be safe by completing one training course is unfair to the community and will not lead to our streets, parks, local shops or homes being any safer. Of course dog training is a great way to help reduce nuisance behaviour and improve the bond between a dog and its owner, but it is in no way a one-off solution to dog attacks.

This proposed amendment goes against the community education and awareness campaign that the government will be ramping up this year because it sends a message to dog owners that dog training will prevent attacks from occurring and that registration is not important. In truth, all the evidence shows that the key elements that prevent attacks from occurring are keeping your dog on a leash and secure in its yard, microchipping, registering, socialising, and desexing the dog. Other responsible dog ownership actions, such as responsible procurement and training, are part of responsible pet ownership and are beneficial to reducing nuisance behaviour but do not on their own directly address the issue of dog attacks.

A little over a year ago the government introduced a comprehensive suite of amendments to the Domestic Animals Act which were passed unanimously by the Legislative Assembly. These amendments were based entirely on proven evidence from other jurisdictions, credible academic research, international best practice approaches, and the overarching strategic direction of the animal welfare strategy.

These changes have since been commended by the independent expert review and include significantly increased fines and penalties for non-compliance, including quadrupling the cost of a dangerous dog licence and refusal or cancellation of registration for irresponsible dog owners, which has never been done before in the ACT. This was a government initiative aimed at proactive prevention of irresponsible owners from owning or continuing to own a dog. This continues the focus on the behaviour of dog owners essential to dealing with dog attacks.

Other changes commended by the review are: greater restrictions on the breeding, sale, or ownership of non-desexed dogs, recognising that there is a strong link between non-desexed dogs and dog attacks; greater restrictions on owners of dangerous dogs; and greater enforcement powers for acting on nuisance, harassing and dangerous dogs, including a new offence provision for anyone who provokes a dog attack and the introduction of precautionary control orders.

Following the introduction of these amendments the independent expert review reflected positively on the operational, strategic and administrative processes of DAS, particularly their efforts to promote responsible pet ownership and raise awareness of the importance of reporting dog attacks. Despite the cost of a dangerous dog licence being increased dramatically to \$750 per annum in the changes a year ago, the opposition bill suggests doubling this again from ten times the cost of registration to 20 times. This goes against what was agreed a little over a year ago, which is already a significant cost burden.

This serious increase in cost for a dangerous dog licence has already resulted in a far greater number of dogs being euthanised since late 2017 due to their owners being unable to meet the financial burden of keeping a dangerous dog. There is no need for this to be increased, especially not to the proposed amount of up to \$1,500. That guarantees that only families and individuals with high incomes will be able to consider this option. This again comes down to the fact that the opposition bill ineffectively targets dogs instead of the behaviour of their owners.

Lower income families will be forced to relinquish their dogs for euthanasia due to the exorbitant fee instead of having the opportunity to acquire a licence and keep their pet safe in a contained yard under the strict conditions of a dangerous dog licence. This would not address the number of dog attacks in our city and clearly presents equity concerns. Potential safety risks and animal welfare concerns also come to mind, such as in the instance of a family that is unable to comfortably afford the cost of a dangerous dog licence making the commitment anyway to keep the dog they love and as a result is unable to afford the additional costs associated with a dangerous dog licence, such as secure fencing, signage and appropriately sized cages. This is where money should be directed rather than into government revenue.

For these reasons I cannot support the proposed amendment to increase the cost of the dangerous dog licence to such an extent at this time. It would not bring us closer to the goal of reducing dog attacks, particularly as it contributes nothing towards prevention. I also note that changes to fees can be made through amending the fees disallowable instrument if needed in the future rather than through the primary legislation of the Domestic Animals Act.

The ability of DAS rangers to do their jobs and apply their knowledge to the cases at hand is extremely important to ensure that the best possible outcome is achieved every day for the people of Canberra. The opposition's bill proposes to remove the ability of DAS to apply a relinquishment fee where staff deem it appropriate. I note that removing barriers to relinquishing dogs was recommended by the independent review. I also note that this is already occurring at DAS, with fee waivers regularly granted in

reasonable circumstances. Any further changes to the relinquishment process can be easily designed and implemented through internal processes or simply changing the existing fees instrument without the need to amend the primary legislation.

It is important to note that already fewer than half of dogs surrendered to DAS actually involve a relinquishment fee being charged as the fee is waived in cases of hardship. For other organisations that rescue dogs, such as the RSPCA, relinquishment fees are still issued and can be paid through smaller instalments over time as opposed to being waived entirely, as is also the case at DAS. This is because DAS is very supportive of encouraging owners to relinquish unwanted pets in a safe and responsible way.

There are, however, some circumstances where the relinquishment fee is appropriate, and this contributes to supporting the essential services provided by DAS, in particular caring for and preparing relinquished dogs for rehoming or handling relinquished dangerous dogs.

Potential barriers to the relinquishment of dogs, such as requiring appointments, are also easily removed through internal processes as opposed to legislative processes. These are simple changes that should not be included within a primary piece of legislation. It is also worth noting that the ACT has one of the lowest fees for the relinquishment of dogs in the entire region.

I am pleased that DAS is continually adapting to assist in managing the increased reporting of dog attacks and harassments that have followed from increased awareness throughout the community. In 2019 we will be seeing more rangers on the ground more often, and complaints of dog attacks, harassments, nuisance behaviour, and noise complaints being dealt with more swiftly and efficiently.

DAS rangers will be better equipped to push forward the vital education and awareness campaigns that are targeted and proactive to raise awareness of responsible pet ownership, how to be safe around dogs both in the home and in public. I am very confident we will see the benefits of these improvements very soon with all the work that has been undertaken in the domestic animal space in recent years, including the animal welfare and management strategy 2017-22, the government amendments to the Domestic Animals Act undertaken in 2017, and the government's response to the independent review into dog management.

We now have reached a point where we can build on our progress and push for further change from the ground up rather than continually making legislative changes that act as a barrier to achieving best-practice outcomes. Case studies from other jurisdictions in Australia and internationally have shown that the issue of dog attacks is complex and multidimensional and cannot be solved unless significant focus is placed on those responsible—people. The opposition bill instead places the focus onto dogs, with each proposed amendment offering no impact on the incidence of dog attacks in Canberra.

The proposed amendments in the opposition's bill would create administrative, financial, operational and strategic roadblocks to achieving the ultimate goal of reducing dog attacks and becoming a national and international leader in domestic

animal management. I commend the government response, which is not to support the opposition's bill to the Assembly.

MS LE COUTEUR (Murrumbidgee) (5.22): The Greens will not be supporting Ms Lawder's Domestic Animals (Dangerous Dogs) Amendment Bill today. My team and I have met with a lot of people—stakeholders and constituents—to discuss this issue. They have included the RSPCA, the Animals Defenders Office, victims of dog and cat attacks and domestic animal services volunteers. Among Ms Lawder's proposed changes to the Domestic Animals Act are two new subsections to section 6 of the act, both relating to registration of pets. Ms Lawder is proposing that registration fees be waived for dog owners who successfully complete approved dog training.

I have no doubt that this is a laudable idea. We are not against the idea. The issue is the practicality of it. The dog trainers that we have spoken to simply would refuse to train an unregistered dog. As Minister Steel pointed out, registration normally happens considerably before the time of dog training. So there is a real problem here. I sympathise very much with Ms Lawder on this, because it is the sort of problem that could easily be addressed by the government. But with the tools available to Ms Lawder or to me as backbenchers, there is no easy way to kickstart something like this, nor do I think the legislation is going to do it, unfortunately.

I understand that DAS already has the capacity to waive registration fees for dog owners who are struggling financially. On this note, I would encourage DAS to communicate this capacity much more widely. I fear that it is similar to the situation relating to age deferrals for rates. The policy is okay, but the government simply fails to inform, or sometimes actively prevents, people who would benefit from it knowing about it.

The DAS website states that surrender fees may be waived where the owner would otherwise suffer hardship. But this information regarding rego fees is just not on their website. This should be fixed. Registration is a simple and effective mechanism that allows authorities to maintain contact with dog owners, help unite lost dogs with their owners and establish whether or not they are desexed. There needs to be improved enforcement for dog owners who fail to register their dogs.

Ms Lawder's next amendment is to section 24 of the Domestic Animals Act. This amendment will see a doubling in licence fees for dangerous dogs. I am really concerned that what this would do in practice is result in decreased registration compliance by owners of dangerous dogs and also potentially dangerous dogs. If a dog is actually dangerous, it is important that owners are encouraged to keep them under control. This is clearly preferable to euthanising a dog.

One of the more obvious ways to decrease attacks by dangerous dogs is to have more preventative measures in place so as to stop as many dogs as possible becoming dangerous in the first place. There should be comprehensive training for pet owners and breeders and comprehensive education for children. Special efforts must be

undertaken to teach children at an early age the skills they need when interacting with dogs. We must also develop effective ways to warn children of the presence of a potentially dangerous dog.

If all dog owners had a better understanding of how to properly train, care for and appropriately interact with their dogs, it is likely that attacks by dangerous dogs, or potentially dangerous dogs, would decrease. The early socialisation and training of puppies can make a big difference. The dog's environment and treatment are major contributing factors to overall temperament.

The overarching issue here is the need for dog owners to be more responsible rather than the need for more punitive legislation. Dog owners should be the focus here rather than the dogs themselves. We know that the way dogs behave is, to quite a large extent, the product of their environment and training. Indeed, perhaps it would be more effective to have an irresponsible dog owner register as well as having a dangerous dog register.

We need to do something with chronically irresponsible dog owners. They need to be instructed how to be a responsible dog owner. That is the issue rather than punishing the owner and destroying the dog after an incident occurs. You could say that it is often not the dog's fault. They were not properly looked after. How to do that is the question. We need to have a stronger system of measures to encourage responsible dog ownership.

For example, we could aim for early identification of individual dogs that may pose a risk and intervene to protect the community. But that intervention does not necessarily have to be euthanasia. Across Australia, legislation dealing with dogs tends to focus on dealing with the consequence of dog behaviour rather than to focus on the prevention of attacks.

I turn to what constitutes the category of dangerous dogs. Some jurisdictions, such as our own, have only one category. Most jurisdictions, however, have a range of classifications. South Australia, for example, has three categories. Queensland and Victoria each have two. These categories include dangerous, menacing and nuisance dogs.

Multnomah County in Oregon USA has had a "potentially dangerous" dog classification in existence since 1989. This classification program has successfully decreased incidents where dogs have a history of biting. The classification of "potentially dangerous" allows for a review after three years. If there have been no further incidents, and if the dog in question passes approved behavioural tests, it, and in effect its owner, is eligible for review. Perhaps we should implement a similar tiered system in the ACT as opposed to our current binary system.

Exhibiting aggression without biting or while under the control of a competent owner is a very different behavioural issue to a life-threatening attack. Just as with anti-social behaviour in humans, potential and actual dangerous behaviour of dogs exists on a continuum. If we were to have more than one category for dogs with

behavioural problems, each classification level could include progressively more stringent restrictions placed on identified dogs and their owners. Such a system would encourage responsible dog ownership and ensure that no dog was seized or destroyed without due cause.

I have no significant issue with Ms Lawder's proposed amendments to section 69(6), which would mean that there would no longer be a fee to surrender your dog. However, as I noted earlier, DAS does in fact have the discretion to waive surrender fees. It actually says this on their website. As I have noted before, though, I am sure it would be useful for the government to make this more clearly and widely known, together with the policy behind who is eligible. In summary, the ACT Greens will not be supporting Ms Lawder's proposed amendments to the Domestic Animals Act.

MS LAWDER (Brindabella) (5.30), in reply: I am pleased to speak to this bill today as part of the continuing attempts by the Canberra Liberals to address the current crisis Canberra is experiencing in dog management. It is a public health and welfare issue and it is a dog welfare issue, and I am appalled at the continued lack of action by this government.

The Greens and Labor are continuing to take steps to make Canberra safer for our citizens and our beloved pets. I, too, have consulted widely with stakeholders. The majority of people that I have spoken to, especially those who have sought me out on this issue, are those who have personally been attacked by a dog and/or those whose beloved family pet has been mauled, often in front of them, injured, permanently maimed or even killed.

The government's own reports seem to be languishing with no action being taken. Last year we heard of the Maxwell review, which the government received in April of 2018 and released over five months later. Of the 33 recommendations, it does not appear as though any have been implemented. It is now February 2019. What has the government done since the Maxwell report to make Canberra safer for its citizens?

This bill addresses some of the items identified in the Maxwell review, which include recommendation 11, point 3, that fees be reduced for training. The government's response to this recommendation was that it was noted. To the Maxwell report's recommendation 28, to remove barriers to the relinquishment of dogs, e.g. costs, the government's response was that it agreed, and implied that it had already acted. I will come back to that again a bit later.

The amendment bill that I put to the Assembly late last year has three parts. It encourages responsible dog owners to be well trained, not just the dog. When you go to dog training, it is generally more about training the owner or the handler than training the dog. That is what I have found in my experience of many dogs over the years. Our proposal that no dog registration fee will be payable if the owner successfully completes approved dog training would encourage, in our view, people to attend approved dog training courses, learn more about responsible dog ownership and learn more about socialisation and interacting with other dogs.

The second part was to encourage people to deal appropriately and humanely with their unwanted dogs. The current fee payable to relinquish a dog, \$60.70 as far as I am aware, would be abolished. We can discourage people from keeping unwanted dogs that they may now leave in their backyard untrained, unwanted and unattended. For some people, that fee could be a barrier. I take the point that in some cases the fee may be waived, but if you look up the information about DAS you will see that there is a fee payable, and that can be enough of a deterrent to stop some owners from going further.

We also were looking to discourage people from choosing to keep dangerous dogs by doubling the fee for a dangerous dog licence. Why is it that we are determined to deal with this issue? It is because there has been a 25 per cent increase in the number of dog attacks, a 30 per cent increase over the past year and a 30 per cent increase year on year for the past five years. It is a massive increase in numbers of Canberrans being injured.

I have asked a series of questions about dogs and the way they are handled. It has been sometimes difficult to get the requisite information. But it does appear, from the information I have received, that the government does not appear to care about injuries to Canberrans. We do. We heard earlier this morning, when Mr Hanson talked about outlaw motorcycle gangs, that we are elected to serve the people. A core responsibility of a government is to keep its citizens safe. That is not happening here.

We have a long history of working in this particular area. What I am concerned about is that the government is likely to introduce annual dog registration. Of course, that is just a great big new tax. It is a tax on responsible dog owners rather than focusing on irresponsible dog owners. It will be a windfall in the taxes collected by the government, potentially over \$3 million, depending on the way they approach it and based on an average dog age of 12 years.

The fines under the dog act have been trending down over a decade. The money earned from infringements has been trending down. Income from court fines: apparently there has been none in the past four years. Numbers of dogs surrendered are down over a decade. So while it is absolutely vital, as I think the vast majority of Canberrans would agree, to focus on animal welfare issues, we also must focus on making sure that Canberra is a safe city for our residents and our pets.

What has the government actually done in the past year or so? Whatever they have done or not done, it is not working. I refer to articles in the *Canberra Times*. In July in the *Canberra Times* there was: "Almost 220 dog attacks in horror five months for the ACT". In September last year there was: "The ACT destroying a lot more dangerous dogs than it used to", which the minister alluded to. It says, "20 dogs euthanised ... up from three in 2017." There were 66 attacks on a person, 124 on animals, and 28 on both humans and animals.

Since I brought this amendment bill to the Assembly late last year, there have been continuing dog attacks. Of course there have been. In November I saw a social media post in which a Canberra woman said she frantically tried to save her cavoodle as it

was being mauled by a stray dog in Ngunnawal recently. She said, “I was the most traumatised I had ever been in my life.”

Another example was reported on 6 December in the *Canberra Times*:

Domestic Animal Services has confirmed it is investigating a serious dog attack in Kambah that left a small dog cowering in its own backyard with severe puncture wounds.

On 21 December 2018 there was a post:

My three-and-a-half-year-old granddaughter was riding her little balance bike along the footpath in front of the Burns Club, Kambah, bordering the oval, around 11 am this morning. She was only metres in front of her mother when three roaming dogs ran at her. The biggest one bit her on the bottom.

Et cetera. On 31 December:

This morning my wife and two children went for a walk. My wife was bitten by one of two Maltese Terriers, caramel and white, along a particular street in Crace. Someone came out and grabbed both dogs.

There are many examples. Social media is full of them. But since the Maxwell report in April last year, what has happened?

We can make these amendments work. In the past when we used to pay an annual registration fee you would pay your fee, then go to classes. The following year, when you went to pay your registration fee, you could get a discount on your registration when you produced the certificate from the dog training class. This could work if annual registration is brought in again. Otherwise there could be other ways of ensuring a rebate to people who complete the registration. This is not an insurmountable problem; it is a problem that could have been addressed with some amendments from the government, instead of them sticking their heads in the sand and ignoring this health and welfare and animal welfare issue that we have in Canberra.

I have asked for information about fines for dogs, about waiving fees et cetera to get information to base our proposed legislation on. In many cases the response I get is not at all helpful. For example, I asked a question about waiving fees, question on notice 1686. The answer was, “I am advised that the historical information requested”—over the past five years—“is not in an easily retrievable form and may not be available.”

In the answer to question 1580 about dog attacks and how many dogs had been seized or held by DAS, how many had been previously held or seized in relation to dangerous dog licence, the answer to my question 3 was, “I have been advised by my directorate that the information is not in an easily retrievable form”—et cetera.

Question 1683 was about the number of dog attacks, how many of those attacks on humans and domestic animals were previously known to DAS, how many dogs had

been designated as dangerous dogs and put down, how many were registered as dangerous dogs, et cetera. The answer—what a surprise—was, “I am advised that the historical information received is not in an easily accessible format.”

Question 1611 asked how many court actions or fines for offences were handed down, et cetera. The answer, surprisingly, was “I have been advised by my directorate that the information sought is not in an easily retrievable form.” Question 1583—I could just keep going. It makes it very difficult to develop appropriate legislation when the minister is, deliberately or otherwise, withholding information that apparently is readily available to him and to the Greens to enable them to object to and not support my legislation, but is not available when I ask a question on notice. I find that deeply disappointing.

In conclusion, as I have said in this place many times, I respect the hard work and professionalism of the staff at Domestic Animal Services. It is not a job that I would want to do; it is not a job that most people would want to do. It is a difficult job and they do it well under the circumstances, but they must be better supported. The approach of punishing everyone with a blanket tax and blanket fees and charges is not the best approach to rewarding responsible dog owners and punishing, or not rewarding, irresponsible dog owners.

We love our dogs, our cats, our chickens, our ferrets and all of those other domestic animals. We want to enjoy our pets without fear of injury as we walk our own dog around our own block up the road from our house. We have to be responsible and respectful of others and their pets. Ensuring dog training is one way to encourage people to understand that just because your dog is friendly that does not mean that someone wants it running up to them or their dog.

We have a long history of action on dog management reform. We will continue this while this government remains reluctant to do anything at all about improving the safety of Canberrans and their pets. We should be able to walk around the lake with our pets. We should be able to walk around the block. We should be able to go to work and expect that our pets will be safe in our backyard without some other roaming dog breaking into the yard.

The government has in the past had to deal with the tragic results of its negligence in the dog management area. I thank my colleagues on this side of the chamber for their support of better management of dangerous dogs in Canberra, for their support of the approach of rewarding responsible dog owners and penalising irresponsible dog owners. I am very disappointed that once again this government is abrogating their responsibility to make Canberra safe for all Canberrans, by opposing this amendment bill.

Question put:

That this bill be agreed to in principle.

The Assembly voted—

Ayes 8

Noes 11

Miss C Burch
Mr Coe
Mrs Dunne
Mr Hanson
Ms Lawder
Mr Milligan

Mr Parton
Mr Wall

Ms Berry
Ms J Burch
Ms Cheyne
Ms Cody
Mr Gentleman
Ms Le Couteur

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

Question resolved in the negative.

Gungahlin community facilities

MS ORR (Yerrabi) (5.50): I move:

That this Assembly:

(1) notes that:

- (a) the Gungahlin region is one of the fastest growing regions in Australia;
- (b) Gungahlin's population includes people from all age groups as well as many culturally and linguistically diverse backgrounds and interests;
- (c) the Gungahlin community is an active community;
- (d) community groups within the Gungahlin region regularly hold festivals, arts activities and cultural events, among many other activities;
- (e) the Gungahlin community has made calls to increase the number of community facilities in the region to support existing community activities and enable their growth; and
- (f) the development of the Gungahlin East Precinct provides an opportunity to establish additional community facilities in a central location; and

(2) calls on the ACT Government to:

- (a) explore the feasibility of establishing a dedicated community centre in the Gungahlin Town Centre, taking into consideration:
 - (i) the diverse needs of the Gungahlin community;
 - (ii) the benefits of a central and easily accessible location;
 - (iii) the option for including arts facilities as part of the centre; and
 - (iv) programs or activities that could be facilitated within a community centre to enliven the Gungahlin Town Centre; and
- (b) engage with the Gungahlin community as part of the feasibility study process to better understand their social infrastructure needs.

I am bringing this motion to the Assembly today as I believe that the ACT government needs to continue to lead the way in promoting the growth, livability and community within my electorate of Yerrabi. For years now the Gungahlin region has

thrived as the ACT government has made a number of important investments in the Gungahlin region, including stage 1 of the light rail network, the nurse-led walk-in centre, new and improved sporting facilities and expanded schools.

At this stage in Gungahlin's development it is key to further consider how the region, as it stands today, will move forward. For instance, the Gungahlin town centre planning refresh has identified some key opportunities which have strong potential for growth. These include investigating options for a new community facility for Gungahlin, improving shade areas and providing more seating and lighting, providing opportunities for public art, investigating the potential for micro parks, improving pedestrian and cyclist connectivity from the town centre to the suburbs, introducing more trees and grass areas to provide cool climate areas, and enhancing landscaping to improve appearance and provide a comfortable climate. We are steadily moving forward with these, with only some of the opportunities left to investigate and act on.

I believe the best way to promote growth, livability and community in our suburbs is to continually identify areas where we can upgrade and enhance infrastructure to meet the needs of local residents and local organisations. That is why I am calling on the ACT government to commence works for a new, dedicated community centre for Gungahlin.

In moving this motion, I note that a community services facility for the Gungahlin town centre is on this government's agenda. The planning refresh acknowledged that community service centres play a significant role in the physical and mental health of their region. And we know that a space for childcare, disability support, social support, youth services and individual counselling, among many other services, can make all the difference in the overall wellbeing of a community.

We also know that community service centres create opportunities for people to engage in artistic practices or other socially orientated activities. These opportunities have the potential to provide entertainment for the region and encourage skills development in people who participate in them.

Here in the ACT we have the fastest growing economy in Australia, and I am proud that we are able to continue to uphold this incredible record by supporting our local communities through investment in social infrastructure. When everyone in a community, regardless of their income, ability, culturally diverse background or sexual and gender identity, has access to a quality support service, this creates opportunity for them to invest in themselves, their families and their wider community.

The Gungahlin town centre planning refresh notes that the Territory Plan provides for a range of land uses within the community facility zone, including childcare, indoor recreation, emergency services, healthcare, library, education and religious uses. The Territory Plan also provides for a range of other uses within community facility zoning to provide services for individuals, families and their community, including a community activity centre, community theatre and a cultural facility. In addition to those existing community facility zones, the refresh recommended that future investigation explore if community facility uses, contributing to the required six

hectares of land in the Gungahlin east precinct, can be located nearer to Flemington Road and closer to the light rail station.

This is key to understand and a large part of the reason why I am calling for the government to invest in a feasibility study for a community services facility. It is important that the government has a complete understanding of the location and service needs of such a centre before it moves to the design and delivery stages.

There are a number of questions about the types of services the centre would offer to a community as culturally, linguistically and ethnically diverse and rapidly growing as Gungahlin. The Gungahlin town centre is an ideal space for the development of a community centre, for a number of reasons. First and foremost, the basic infrastructure needs of Gungahlin have already been met and now is the best time to introduce more community-orientated services to create a strong sense of community and point of growth for Gungahlin's growing population.

We have had strong investment in the public transport system, library, schools and other similar essential services in Gungahlin, and it is now time to expand on these. In order to truly grasp how best to approach a centre, what is needed is a period of engagement with a range of community groups, stakeholders and local residents. With Gungahlin being one of the fastest growing regions in Australia, it is only sensible that its community services are on par with other areas in the ACT.

For example, in Belconnen thousands of people rely on the community services centre for affordable childcare, aged care services, counselling, disability support and youth services. However, the community also looks to the services centre and the Belconnen Arts Centre for a place to gather, socialise and create. Both centres are well known for hosting very successful local art exhibitions, workshops, local theatre productions, art classes, gardening groups and even seasonal events like the Christmas light tour of the ACT.

For the Belconnen community, the community services centre is a place where people can go for support, socialisation and personal development. In fact, it is because of the success of existing community centres like the centre in Belconnen that we know a similar option would benefit Gungahlin.

While the Belconnen community services centre and the Belconnen Arts Centre are fantastic places to look for broad, foundational ideas, it is of course not a one-size-fits-all model. The Belconnen community services centre has had decades to tailor itself to the specific needs of its own community, which will always have a different variation of the needs of the younger, diverse and faster growing population that we see in Gungahlin.

Clearly what is needed is a feasibility study which looks to the people of Gungahlin and directly draws its understanding of what an ideal Gungahlin community services centre would look like. We know that there is significant need for a diverse range of services that will only continue to grow into the future. The Gungahlin community is an active community, and so are its community groups. They regularly hold festivals, arts activities and cultural events, among many other activities. A community services

centre would play a crucial role in expanding and developing these activities and providing locals with the opportunity to get more involved within their community.

The Gungahlin community has previously called for an increase in the number of community facilities in the region to support the existing community activities and to enable their growth. For a new, dedicated community services centre to be established, there needs to be a more in-depth analysis of these areas so that the ACT government can provide the Gungahlin community with the most effective community centres possible. The only way to achieve this is to undertake a proper feasibility study to get the ball rolling on these much-needed services.

With all this in mind, I am pleased to be able to move this motion that calls on the ACT government to explore the feasibility of establishing a dedicated community centre in the Gungahlin town centre, taking into consideration the diverse needs of the Gungahlin community, the benefits of a central and easily accessible location, the option for including arts facilities as part of the centre, and programs or activities that could be facilitated within a community centre to enliven the Gungahlin town centre.

This will allow the community and government to work together to capture the full and complete picture of precisely what services the community centre should provide, how it will provide them and where it will provide them. The consultation process for a development such as this must reach out to the community stakeholders so that we are able to get on with the job of providing them with the high quality community services centre that they deserve.

I would also like to note that this motion calls on the ACT government to directly engage with the Gungahlin community as part of the feasibility study process to better understand their social infrastructure needs. I will be engaging with local residents and community groups to ensure that their needs are included in the process. I look forward to providing their feedback to the ACT government. I commend this motion to the Assembly.

MS LE COUTEUR (Murrumbidgee) (5.59): I support the premise of Ms Orr's motion. Once upon a time in the Seventh Assembly, as a member for Molonglo, Gungahlin was also part of my electorate, and it was very obvious at that stage that Gungahlin had many infrastructure needs. The other thing that was interesting in comparing Gungahlin with the rest of the electorate of Molonglo was that while Gungahlin lacked infrastructure the rest of the electorate, which was a lot older, had infrastructure that was old and in very poor condition. I think particularly of playgrounds that were put in Gungahlin that people in the rest of the electorate of Molonglo would have given their eye teeth for. That is the function of the time an area is developed.

That brings me to the issue of redevelopment, and, by leave, I move the following amendments together:

(1) Insert new paragraph (1A):

“(1A) further notes that:

- (a) Woden Town Centre is widely recognised in the community as a major community and commercial hub for the Woden Valley and wider region, but one that is in need of urban renewal;
 - (i) Woden has had a number of community and recreation facilities close over recent years, including Woden CIT, basketball stadium, ten-pin bowling alley, bowling greens, tennis courts and pitch n putt;
 - (ii) the Woden Senior Citizens Centre and Woden Community Service buildings are run down and in need of renewal; and
 - (iii) the pool and ice skating rink are also at risk of closure and an alternative site in the Woden Town Centre may be needed;
 - (b) the Government has recognised these concerns. On 18 October 2018, Minister Steel said that ‘Woden is the only town centre without a dedicated fit for purpose community centre’ and announced planning work for a future community centre;
 - (c) the Greens/ALP Parliamentary Agreement also includes a commitment to a feasibility study for a multi-purpose indoor sports centre in Woden and this work has commenced; and
 - (d) the 2018-19 Budget Review included funding for demolition of the former Woden CIT ‘for future community and development uses’, however it is not clear whether the site will be needed for the community centre or multi-purpose indoor sports centre; and”.
- (2) Add new paragraph 2 (c):
- “(c) co-ordinate the planning work for a future Woden community centre with work on a possible multi-purpose indoor sports centre and the future of the Woden CIT site, including by:
 - (i) providing the Assembly and the Woden community with timetables for planning work for all three facilities by the last sitting day in April 2019 that make it clear how the three processes will be coordinated;
 - (ii) expanding planning for the community centre to consider options for an integrated community centre/indoor sports centre, including an aquatic centre if that becomes necessary;
 - (iii) not selling any part of the Woden CIT site until work on the community centre and multi-purpose indoor sports centre have confirmed that the CIT site is not needed for either purpose.”.

My amendments talk about Woden and the situation there as far as community facilities are concerned. As I started off saying, the situation for the older parts of Canberra is a problem in terms of community facilities. While community facilities in some cases exist, they are often ageing and in poor condition or they no longer meet the needs of the community, which may have changed from the time it was originally developed.

Most of the points Ms Orr makes are equally true for Woden. I am not in any way downplaying Ms Orr’s concerns about Gungahlin. As a local member for Yerrabi I am sure she is well acquainted with the need for a community centre in her

electorate and I applaud her energy in promoting this. That is her job; my job is to look at the situation for everyone in Canberra but with emphasis on the need for community facilities in my electorate. Woden is in a similar situation to Gungahlin and most of Ms Orr's points are true in my electorate.

Ms Orr's paragraph (1)(e) could equally say that the Woden community has made calls to increase the number of facilities in the region to support existing community activities and enable their growth. Ms Orr's point in paragraph (1)(c) could also be made about the Woden Valley community; it is also an active community. And the point in paragraph (1)(b) about the make-up of the community is the same sort of thing. My point is that they are both communities that need more facilities.

It is well recognised that Woden town centre is in need of renewal. It is in a different stage of its life cycle from that of Gungahlin, and in some ways it is more difficult. Canberra has not yet worked out how to renew places well. We have new places worked out more. Canberra has been growing. We have had a succession of different nappy valleys and we have worked out to a greater or lesser extent how to do those. But what we have not done so well is how to renew and how to change. As a community grows older and its needs change and its population changes, how do we adjust to that?

That is the issue for the electorate of Murrumbidgee, whereas the electorate of Yerrabi clearly has more issues with the growing side. But both electorates have issues with community facilities. It is well recognised that Woden town centre is in need of renewal. I have heard many people in the Woden community say that, and I have heard members of all three parties in the Assembly acknowledge it. One of the biggest problems for the town centre has been the decline in community facilities. These fall into three rough groups: firstly, the types of facilities that might be in a traditional community centre.

Both Woden Valley and Weston Creek have a desperate shortage of easily accessible, low-cost community meeting facilities. Both Woden Valley and Weston Creek community councils are forced to rely on the charity of the local licensed clubs to supply suitable places for their meetings. Weston in particular have made quite a few efforts to go to other places because, quite frankly, they did not really want to meet in a licensed premises but there simply was not any viable alternative for them in Weston. Woden has not moved around the area so much simply because there is not anywhere they could go to.

The Woden Senior Citizens Centre is in urgent need of renewal. I was at a community meeting there recently, and members ought to see the parking. It is quite exciting parking there. They park all over their disabled entrance ramps because there is not anywhere else, and these are senior citizens. Woden Community Service is unfortunately split across four separate buildings in a desperate attempt to find enough space for its activities.

The second group is recreation facilities. The town centre used to have quite a few of these but over the years they have mostly closed. The basketball stadium is gone, the tenpin bowling is gone, the bowling greens and tennis court are gone and the pitch

and putt is gone. The community council is also concerned that the pool and ice-skating rink are at risk of closure. The owner of the current facility has said that if another ice sports facility is built he will be forced to close the rink and associated pool.

The third group is tertiary education, and this is very sad. Over the last 10 years the CIT has withdrawn from both the Woden and Weston campuses. The only south side CIT campus now is at Tuggeranong, and that has a very limited range of courses. If you look at a map of tertiary education locations in Canberra you will see a clear bias to the north side and the central area. All the major university campuses and three of the major CIT campuses are all north of Red Hill. Having tertiary education available locally provides many benefits for the local community in terms of encouraging younger people to move into the area, in terms of local economic activity and in terms of pedestrian traffic in and around the town centre.

That leads me to the CIT site. Yesterday in question time the Minister for Urban Renewal clarified that the existing buildings need to be demolished partially to remove asbestos. Fair enough. But what then happens to the site, which is zoned for community facilities and has always been a community facility? That is where my daughter went to school. What is going to happen to this site? We still have no idea. The question is: what is being done to turn around this decline?

The good news is that some of this work has already started. In October 2018 Minister Steel, the Minister for Community Services and Facilities and also one of the local members, said in a media release that Woden is the only town centre without a dedicated fit-for-purpose community centre. The media release also announced planning work towards a future community centre. The Greens-ALP parliamentary agreement included a commitment to feasibility studies for two multipurpose indoor sports centres—one in Woden and one in Gungahlin—and I understand this work has also commenced.

So, given this good news, you might ask: “What is the problem?” The issue is that the community is concerned that three separate processes are underway and they do not appear to be linked at all. Minister Steel and one part of the public service are working on the community centre. Good. Minister Berry and another part of the public service are working on indoor sports facilities. Okay. Minister Stephen-Smith and yet another part of the public service are working on the future CIT site.

It is quite likely this will not get the best outcome for either the community or the government. It leaves a whole set of possibilities for falling through the gaps. For example, does part of the CIT site need to be reserved for a future indoor sports facility—especially if the existing pool closes—because an aquatic centre needs a bigger site? Would it be cheaper and more efficient to build a combined community centre with a built-in sports centre? If the community centre is funded first, should the land next to it be reserved for an indoor sports facility, and how much land needs to be set aside? Conversely, looking more widely at community facilities, given the CIT site is quite close to the Canberra Hospital, which is clearly running out of space, would it be the best idea for the ACT as a whole to reserve this site for future health needs?

We have seen this go wrong before. In fact, I am sure Ms Orr has noticed this in the Gungahlin town centre. Anyone who uses the Gungahlin pool will know it is pretty squashed up in the inside. Everything had to be packed in tight. The entrance of the pool has been very carefully located facing into the loading dock of the college next door. Half of the parking for the pool is at the opposite end of the building from the entrance, tucked around the oval. Finally, the indoor sports hall is located at the other side of the college instead of being collocated with the pool, which you would have thought would have reduced construction and management costs. The reason for this, as we know, is lack of coordination between different government projects. The aquatic centre was built after the college and the oval and there just was not enough land left.

We do not want that situation in Woden, particularly given Woden already is very constrained because it is a redevelopments area, not a development area. It would be cheaper and more effective to plan for the redevelopment of Woden properly from the start, and that is what my amendment is focused on: coordinating the planning work for the future Woden community centre with work on a possible multipurpose indoor sports centre and the future of the Woden CIT site; providing a coordinated timetable for planning work for all three facilities; expanding planning for the community centre to consider options for an integrated community centre/indoor sports centre, including an aquatic centre if that becomes necessary; and not selling any part of the Woden CIT site until work on the community centre and multipurpose indoor sports centre have confirmed that the CIT site is not needed for that purpose or another community purpose.

In summary, I totally support Ms Orr's motion. My amendments seek to add to it. I would like to see community facilities well developed and well provided throughout Canberra, and I think that this is the reasonable thing for the Assembly to look at—the needs of all of our constituents.

MADAM SPEAKER: I wish to make a statement in relation to the amendments moved by Ms Le Couteur. Standing order 140 states that every amendment must be relevant to the question it proposes to amend. Ms Orr moved a motion which has as its subject a matter on today's daily program—Gungahlin community infrastructure. The motion contains the word "Gungahlin" 10 times and calls on the ACT government to undertake certain activities in relation to the community centre in the Gungahlin town centre.

Ms Le Couteur's amendments seek to deal with the matter of a future Woden community centre, and her amendments contain the word "Woden" 14 times but contain no mention of the word "Gungahlin". I also refer members to the companion to our standing orders, at 9.77, which states:

An amendment, whilst it may restrict the area of relevancy in a debate, may not expand it.

It is my view that the amendments broaden the scope of the motion and are not relevant to the original motion proposed Ms Orr. Accordingly, I rule the amendments out of order.

MR MILLIGAN (Yerrabi) (6.13): I thank Ms Orr for bringing forward this motion and for providing the opportunity for us to discuss the lack of community infrastructure in Gungahlin and in the electorate of Yerrabi. I move the amendment to Ms Orr's motion that has been circulated in my name:

Omit all text after "calls on the ACT Government to", substitute:

- "(a) commit to a dedicated community centre in the Gungahlin Town Centre, taking into consideration:
 - (i) the diverse needs of the Gungahlin community;
 - (ii) the benefits of a central and easily accessible location;
 - (iii) the option for including arts facilities as part of the centre; and
 - (iv) programs or activities that could be facilitated within a community centre to enliven the Gungahlin Town Centre; and
- (b) engage with the Gungahlin community as part of the process to better understand their social infrastructure needs; and
- (c) include funds towards the community centre in the 2019-20 Budget."

My amendment to Ms Orr's motion is put forward to provide residents of the second fastest growing region in Australia with some certainty. We want the government to commit to building this critical infrastructure rather than just undertaking another study. I think we can all agree that actions speak than words. Having seen Ms Orr's proposed amendment to my amendment, I am pleased that she is putting forward a date to assign funds towards the development of a community service. Still, I hope that the word "development" means to build and not just to do another study or report.

I must say, as a fellow member for Yerrabi, that I appreciate on one level what Ms Orr is trying to achieve here for residents of the Gungahlin region, although I do feel it that it is my duty to remind Ms Orr that she is, in fact, a member of the government. Therefore, any and all failings in terms of planning and infrastructure are also her government's responsibility. I imagine that, rather than submitting a motion, she could make submissions to her colleagues to fix the lack of community facilities for one of the fastest growing regions in Australia.

But it seems that it falls to Alistair Coe and me to help Ms Orr to shape the motion she is putting forward so that it is not just yet another government study, another review that ends up sitting on the shelf collecting dust. The residents of Yerrabi are very familiar with this approach, as are the majority of Canberrans. The feasibility study into the indoor sporting facilities for Gungahlin, Woden and Belconnen was promised by this government in 2016. Now, in 2019, we are yet to see the report, an outcome or a commitment from this government to actually build anything. This is despite the fact that we all know there is a severe deficit in sporting facilities across not only this region but Canberra more generally.

The ice rink feasibility study for Canberra was yet another 2016 election promise. The Chief Minister assured Canberrans that a new ice rink would be built in this term. Madam Speaker, the report was finally released in December last year and we are yet

to have a real commitment from this government about when, where or how this facility will actually be constructed.

Noting the ongoing issues with the community facilities and feasibility studies relating to Woden, in 2013 and 2016 feasibility studies promised a community hub. Six years on and we now have Minister Steel making promises yet again about a community hub for Woden. In fact, in the *Canberra Times* on 18 October last year Mr Steel stated:

Woden is the only Canberra town centre without a dedicated, fit-for-purpose community centre.

Whilst that contradicts Ms Orr's motion, I think that instead of Ms Orr being wrong, Mr Steel is just ill-informed. The idea of building a community facility in Gungahlin is, in fact, something that has been raised and pushed by the community for a long time. We do not need a scoping exercise to understand that there is a lack of meeting rooms and spaces, halls and venues for local community groups, let alone a range of other community assets.

A simple conversation with any local from the outer north would tell you that there are only a handful of venues for a population of almost 80,000, a population that will reach 100,000 by 2025. This is a fact reaffirmed by the Gungahlin town centre planning refresh, which was released in only November last year. This latest report is meant to fix some of this government's poor planning decisions that have left the Gungahlin town centre in such a mess. These problems include: building heights and character; upgrading public space; walking, cycling and road transport; and, of course, community facilities.

Madam Speaker, allow me to remind you of the recommendations regarding community facilities in this report. They include retaining the Territory Plan's existing requirement for six hectares of community facility zoned land. The recommendations include that community facility uses possibly include education establishment, religious associated uses, a community activity centre, a community theatre or a cultural facility. It was also recommended that there be a review of the location of community facility land within the Gungahlin east precinct to potentially support the opportunities presented by light rail.

Madam Speaker, it appears that the business case has already, in part, been written. In fact, the report also includes a map of where the site could be. Let us not forget that this latest report follows extensive navel gazing by this government, following the failure of their 2010 town centre planning report. I am not sure how many studies or reports need to tell us something we already know and something the government have already indicated they would deliver.

Every single resident in the outer north knows about the pain associated with this government's poor planning. They build houses first and then try to retrofit infrastructure. That is why we believe that, rather than more studies and reports, this government should commit funds and get on with the business of providing public

infrastructure and services to residents. We are pleased that Ms Orr will move an amendment to my amendment. I hope that this results in a positive outcome for the Gungahlin community.

MR STEEL (Murrumbidgee—Minister for City Services, Minister for Community Services and Facilities, Minister for Multicultural Affairs and Minister for Roads) (6.19): I thank Ms Orr for her motion today and her commitment to building a vibrant community in Gungahlin. This motion highlights the work of our government in providing the Gungahlin community with the right community facilities to cater to its diverse needs and the needs of future facilities as it continues to grow beyond its current community centre.

In early 2017 my colleague Mick Gentleman, the Minister for Planning and Land Management, requested the Environment, Planning and Sustainable Development Directorate to undertake a plan refresh of the overarching planning framework for the Gungahlin town centre. The refresh was undertaken in response to specific concerns raised by the community about the future and focus of development happening in the town centre.

The Gungahlin town centre planning refresh focused on three key themes: building height and character, livability, and amenity. The refresh was also tasked with ensuring that future growth and urban intensification in the Gungahlin town centre would be appropriately managed and directed, at the same time maximising the benefits that light rail will bring. Importantly, what emerged through the planning refresh and community engagement was the need to carefully consider the provision of community facilities within the town centre to support its growing residential population and that of the broader region in Gungahlin.

Gungahlin is a growing region. To understand the qualities that give the region its specific character, we must recognise that it has a diverse population. It has a wide variety of needs. It is a region that includes people from all age groups, from many culturally and linguistically diverse backgrounds and with many interests. Currently the suburb of Gungahlin has a population of around 6,300 people, and the wider region of Gungahlin has 76,000 people. These numbers are set to increase significantly over the next 10 years, with projections suggesting that around 10,000 people will seek to make the Gungahlin region their home.

Gungahlin is unique in its demographics and they are quite different from other regions in Canberra. In 2016 the median age was 31.5 years, compared with 34.7 years for the whole of the ACT; 24 per cent of the population was aged between zero and 14 years, compared to 19 per cent across the whole territory; 5.5 per cent of the population was aged 65 and over, compared with more than 12 per cent of the ACT population; 62.2 per cent of the population were born in Australia, compared to 68 for the ACT; and 56 per cent were couple families with children, compared with 47 per cent for the ACT.

As a region that has a large number of families and younger children, the inclusion of fit-for-purpose community facilities and services for this growing region is an important goal for the ACT government in the future. Community facilities can make

a significant contribution to the livability and prosperity of an area. When a community is socially connected and supported with good access to community and recreational opportunities, great places are created where people want to live and have a strong sense of belonging. This also provides mental and physical health and wellbeing benefits.

The ACT government knows that planning for community facilities and services enables essential social supports to help people and communities to thrive and grow. They can strengthen local and community identity and create spaces for people to meet, learn, connect and participate in social and recreational activities.

There has been considerable work done to ensure that Gungahlin residents have access to community facilities. This can be seen in the Gungahlin precinct map and code, where there is a mandatory requirement for a minimum of six hectares of community facility zoned land to be provided within Gungahlin town centre. There have been a number of specifically nominated locations within the town centre that have been identified for community facilities for individuals, families and the community over the short, medium and long term.

Community facilities that are already provided in Gungahlin include childcare centres, indoor recreation centres, emergency services, health, a library, education, local community halls and religious facilities. There is also a child and family centre, community health centre and walk-in clinic, and the current Gungahlin community centre run by Communities@Work.

Ms Orr's motion is focused on the future of the Gungahlin community in terms of their community facility needs. The current diverse facilities occupy about three hectares of community facility zoned land in Gungahlin. The other three hectares are on track to being met as Gungahlin continues to grow and change. The ACT government will closely monitor the situation so that the range of future community facilities align with varying needs and are in locations that are accessible. It is worth noting that any new community facilities will be subject to further detailed needs assessment, land release and funding as required. Under the Territory Plan, additional community facility uses may include a community activity centre, community theatre, cultural facility, retirement village and residential care facility.

While we continue to review the future planning needs for Gungahlin town centre, it is important to note the work that the ACT government has done to refresh its wider vision for the future of the whole of Canberra. The ACT planning strategy sets the broader vision for Canberra as a compact and efficient city. It builds on the key strategic directions set in the 2012 planning strategy of focusing urban intensification in town centres, around group centres and along major public transport routes.

The ACT planning strategy, which was released in December, identifies urban intensification areas across Canberra based on their proximity to transport and services such as light rail stops and town centres. It also identifies where further development and redevelopment are directed and is aligned with supporting infrastructure while providing the opportunity for renewal and investment in targeted locations.

In Gungahlin, urban intensification localities are identified specifically around the town centre, along the light rail corridor, on Flemington Road and around Casey group centre. The planning strategy also flags a fresh approach to planning by addressing the key issues at the regional level. This is done to recognise that the Gungahlin town centre, together with all of Canberra's town centres, have distinct characteristics and differences that make them unique. This must be reflected in future planning objectives.

In November 2018 the government released the Gungahlin town centre planning refresh snapshot, which was accompanied by a concept variation to the Gungahlin precinct map and code. While the concept variation had no status, it was released to inform the community how the snapshot's recommendations were going to be implemented. The snapshot recommended that, subject to future investigations, community facilities may be located closer to Flemington Road and closer to light rail and be more central to the town centre. This allows for flexibility in the location of community facilities and greater access to public transport and ensures that other planning controls such as building height controls can be complied with.

While the snapshot provides an opportunity for flexibility in the location of community facilities, it ensures that the overall amount of community facility land specified in the Territory Plan is maintained. Flexibility in the future provision, location and design of community centres and facilities may include the opportunity to create multipurpose and flexible community spaces. This will allow for community facilities to adapt over time to the changing needs of the surrounding community. There is also an important opportunity to think outside the square and collocate or cluster community facilities and services to create a wider community benefit than the sum of the individual parts. Of course, any future provision of community facilities will need to be based on needs assessment and sound evidence of what the community requires.

In the coming months, the Environment, Planning and Sustainable Development Directorate will formally release the draft variation to the Territory Plan's Gungahlin precinct map and code. This variation will give statutory effect to the refresh's planning recommendations. It will provide the community with a further opportunity to comment on the future of community facilities within the Gungahlin town centre. The scope of this motion does not include Woden. I respect that Ms Orr's motion is strictly about Gungahlin; however, I want to note that the government has started the planning work for a future community centre on the south side, in Woden. I hope that this work also helps to inform the approach of other community facilities in Canberra.

I have brought together agencies from across government to consider the options for a future community facility and centre in Woden, in consultation with the community, which has now begun. Ms Le Couteur mentioned that we need to join up different ministers and different agencies. Well, we have done that from the get-go with Woden. We have brought together a whole range of different directorates, including sport, EPSDD, TCCS and CSD, as well as other directorates like the Chief Minister's directorate, to come together and look at the future needs of the Woden community as

part of this project. Of course, as well, I work closely with my cabinet colleagues, including in cabinet itself, to address these issues.

Initial feedback from the community includes a need to look at how to improve the availability of space for events, the arts, meetings and other community activities. Just like Woden, when considering the future community in Gungahlin, we would need to consider the future needs of the Gungahlin region, which may be distinct from other areas of Canberra.

In Woden, for example, key priorities are accommodating the Woden Community Service, as well as other uses. The objective may be the same or different for Gungahlin, which is why further work called on by Ms Orr today rightly calls on government to consider the needs of the Gungahlin community, with engagement with the Gungahlin community to ensure that future community facilities are fit for purpose. I look forward to working with Ms Orr and considering the feasibility of a dedicated community centre to bring together the community and government to consider the diverse needs of the Gungahlin community, the programs and uses of the future community facility and potential locations for community facilities. *(Time expired.)*

At 6.30 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

MR COE (Yerrabi—Leader of the Opposition) (6.30): I am conscious of the time. What I am doing in this debate is registering my support for the motion moved by Ms Orr, and particularly for the call to action that Mr Milligan has put by way of his proposed amendment. Many people in Gungahlin are sick of seeing feasibility studies and sick of seeing things promised for the never-never. They want it done here and now. I acknowledge that Ms Orr also wants to get this done as quickly as possible. I understand that there will be broad support to make sure this happens.

The minister said that he looks forward to the feasibility study. I hope the intentions of the Assembly are very clear. We do not want to determine whether it is feasible or not. We are already making the call, as an Assembly, that it is required. All that we need to determine are the specifics of what we include in it. Let us be very clear about that as an Assembly, rather than having it in some blue-sky-type way in a feasibility study. Mr Milligan, thank you for making clear what the community expects in Gungahlin. We all look forward to this facility being built.

MS ORR (Yerrabi) (6.32): Thank you, members, for this debate. I will be moving an amendment to Mr Milligan's amendment to my motion. We can all agree that we would like to see this moved along. There was a little bit of an ambitious time line put forward by Mr Milligan and his colleagues. My amendment is more reflective of a reasonable and achievable time line for that.

I would also like to address a few of the comments that were made. I know that Mr Milligan cannot agree to a good news story for the government. I know they have to bash us around a little bit in making the statement. I think we saw that today, when

he said, “Get on with it; do it.” Certainly, my intention is that we do get on with it and that we do it. That is why I have brought forward this motion, just as we do get on with doing many things in the Gungahlin area, including opening the nurse-led walk-in centre, expanding schools and building light rail—all those things that I outlined in my speech. This is the next step.

This is not about a lack of facilities. This is not about not having any facilities or not doing the planning. This is recognising that the area of Gungahlin is growing. The population is growing quite rapidly. It is one of the fastest growing areas in Australia. This is about recognising that we need to look at the future, and we need to provide for that. We must include people, and the people of Gungahlin, in that discussion about what facilities we include in this centre.

I take Mr Milligan’s point—and Mr Coe made the same point—that you can talk to anyone in the area and they will give you their two cents worth. The problem is that if you talk to someone else, they will give you a different two cents worth. We need to bring all of those ideas together. That is where I think we are up to. It is about having a feasibility study which truly captures where the population is at now, what the opinions are, how we can incorporate that into a site and where to best locate it within the town centre, because I think we can all agree that that is the right area. We need to pretty much get on with it from there.

I appreciate that Mr Milligan is really keen to do that in two months time. That is probably a little bit unrealistic, so I would like to move the following amendment to Mr Milligan’s proposed amendment which inserts a slightly more realistic time frame:

Omit paragraph (2)(c), substitute:

“(c) include funds towards the development of a community centre in the 2019-20 financial year.”.

Ms Orr’s amendment to **Mr Milligan’s** proposed amendment agreed to.

Mr Milligan’s amendment, as amended, agreed to.

Original question, as amended, resolved in the affirmative.

Adjournment

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

That the Assembly do now adjourn.

Waitangi Day

Personal explanation

MRS KIKKERT (Ginninderra) (6.34): Australia and New Zealand enjoy a closeness that grew naturally out of our interconnected histories and our geographical proximity. It is perhaps fitting, therefore, that our respective national days also fall close together.

Waitangi Day is observed each year on 6 February and commemorates the ratification of what is considered New Zealand's founding document. Written in both Maori and English, the Treaty of Waitangi was signed by representatives of the British Crown and over 500 Maori chiefs in 1840. Waitangi Day has been a public holiday since 1974.

The observance of Waitangi Day is an annual event enjoyed by both Maori and Pakeha in the ACT. This year the celebration was held on Saturday, 2 February in Queanbeyan Park. I rise today to publicly thank the local Tumanako Maori Cultural Group for hosting this event, and Mr Isaac Cotter, chairman of ACT Maori Performing Arts Inc, for inviting me to participate. The weather was perfect for an outdoor event that had something for the entire family, including food, merchandise stalls and entertainment. I thoroughly enjoyed myself. It is important to me that local multicultural community and performance groups receive the attention they deserve. I was pleased to see so many local performers ready and willing to provide a full day of entertainment.

New Zealanders in Canberra play an important role in our culturally and linguistically diverse community. It is important to remember that New Zealand itself is also a wonderfully diverse place, with its Maori and British roots having been enriched over the years by migration from virtually all Pacific islands and from many other nations. Whether they are here permanently or temporarily, I am personally grateful for the contributions of the territory's New Zealand residents. I thank them again, especially for giving our local multicultural performers such a fantastic opportunity to shine.

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

To continue my explanation from earlier today, the Minister for Children, Youth and Families laughed out loud when I asked her a question that referred to the New South Wales government's commitment to a two-year maximum in out of home care. She then stated that New South Wales had no such commitment.

The minister would be well placed to see amendments to the Children and Young Persons (Care and Protection) Act and the Adoption Act that have been made public by the New South Wales government. They have indeed committed to having a permanent home for children in care within two years.

Street libraries

MS CHEYNE (Ginninderra) (6.38): Late last year a huge celebrity moved into Canberra. They are constantly accosted for selfies and, when locals get in sight of them, their name is screamed in excitement. It is not an Oscar-winning actor or a gold-medal Olympian. It is Evatt's very own Hulk, a li'l street library. I witnessed the hype firsthand a few weeks ago when I visited the Hulk and took my hulkie, the obligatory selfie with the fridge turned library. As a young family came down the path,

their two children started shouting, “It’s hulkie! Hulkie!” and could not wait to see what books were inside.

The Hulk is just one of more than 70 li'l street libraries that are popping up around Canberra. And I can guarantee that the excitement I saw at the Hulk is replicated across Belconnen and beyond. Li'l street libraries are a fantastic, community-driven initiative. All it takes is just one person to create a home for books in a spot that is accessible from the street. These homes are often boxes, lockers or old fridges placed on the front kerb, near local shops or on bike paths. Anyone can borrow or donate a book.

The Lil Street Libraries Facebook page lists all of the mini libraries in the Canberra region and helps share the stories of the people behind them, which I think has encouraged an even greater love of books and more and more people getting on board this great initiative.

There are stories like the creation of the Higgins street library, created in memory of baby girls, Gracie and Tilly. I stopped by earlier this month to donate a few books, and I was charmed by the love and care put into maintaining this little red library in the hedges. “Librarian” Bon Carter and her husband, Steve, who built the library, longed for the day they could bring their little girls home and read them stories. The Higgins street library is not only a touching tribute but a fabulous contribution to the suburb.

Li'l street libraries like this one are building communities and encouraging reading, and they reflect the character and the needs of the local communities that create them. For example, the parents of Spence’s Trenwith Close decided that, with 25 children in their street, they could save some cash by borrowing books from each other. They upcycled an old fridge from the Green Shed, pooled their books and added some chairs and play equipment. Now the Trenwith Close li'l street library is a magnet for families in the neighbourhood.

The Aranda bush library has a different approach again. Next to their fridge, adorned with a hand-painted Astro Boy, is a wheelie bin where you can donate recyclable bottles and cans, under our container deposit scheme, for the purpose of raising money for the Holden rally team charity aiding sick and disadvantaged kids.

Then there is the Bizzy Bee library in Florey, one started by neighbours and friends, Sharon and Rachael, which launched just last month. These two had the idea in early 2018 when setting up Neighbourhood Watch in Florey, when Rachael was suddenly diagnosed with brain cancer. But the idea has never left these friends, and over the past month a retro fridge has been acquired, painted in bright bumblebee colours and installed in Rachael’s front yard.

Yesterday I spoke about the Scullin community group and the street libraries popping up in Scullin as a result. Bor Peeters has, in a matter of weeks, set up two with a specific focus on children, with a plan for a street library trail. That is right: more street libraries in Scullin. He has taken the approach of using drink fridges specifically with clear doors so that kids can see inside and get excited, a trigger to use the library.

These are just some of the ways li'l street libraries are fostering a love for reading and bringing neighbours together in creative ways. The li'l street library team is looking to get a library in every Canberra suburb by the end of this year, and last night the Belconnen Community Council announced a partnership with the local Belconnen Men's Shed to help create some libraries for people who might want to host one but might not have the resources to be able to create or acquire one.

I am looking forward to visiting more in the near future. I cannot wait for Belconnen to be the first district in Canberra to have a street library in every suburb, and I think it is only a matter of weeks.

Question resolved in the affirmative.

The Assembly adjourned at 6.43 pm.